

ORIGINAL

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 10-118
FM Table of Allotments,) RM-11603
FM Broadcast Stations.)
(Gearhart, Oregon)

To: Office of the Secretary
Attn: Chief, Audio Division

FILED/ACCEPTED
AUG - 5 2010
Federal Communications Commission
Office of the Secretary

COUNTERPROPOSAL

Cumulus Licensing LLC ("Cumulus"), licensee of Station KNRQ-FM, Tualatin, Oregon,¹ hereby submits this Counterproposal to the *Notice of Proposed Rule Making*, DA 10-1060 (rel. June 14, 2010) ("*NPRM*") in the above captioned proceeding. In a simultaneously filed application, Cumulus is proposing to change the class of channel and community of license of Station KNRQ-FM from Channel 250C2 at Tualatin, Oregon to Channel 250C1 at Aloha, Oregon, as that community's first local service. In order to accomplish these changes, channel substitutions are necessary for Station KCYS(FM), Seaside, Oregon, and for the vacant channel at Madras, Oregon. The KCYS channel substitution conflicts with the proposal to allot Channel 243A to Gearhart, Oregon. An alternate channel is offered for the interest expressed at Gearhart. In support hereof, Cumulus states as follows:

I. STATION KNRQ-FM, ALOHA, OREGON

1. In its concurrently filed hybrid application, Cumulus is proposing to change the class of channel and community of license of Station KNRQ-FM from Channel 250C2 at

¹ Cumulus holds a construction permit for Station KNRQ-FM to operate at Tualatin, Oregon. See BMPH-20080331ACU.

Tualatin, Oregon to Channel 250C1 at Aloha, Oregon, as its first local service. As demonstrated in the application, Channel 250C1 can be allotted to Aloha consistent with Section 73.207 of the Commission's Rules provided that channel changes are made at Seaside and Madras, Oregon (discussed below).² See Exhibit 1 to the Technical Statement. A 70 dBu signal can be provided to Aloha from the proposed allotment site. See Exhibit 2 to the Technical Statement. The population and area within the proposed 70 dBu contour is 1,910,163 persons in 7,856 square kilometers, and within the proposed 60 dBu contour is 2,184,813 persons in 16,376 square kilometers. This proposal will not create any white or gray area and will provide a net gain in 60 dBu service to 250,319 persons. There are 42 stations providing protected service to Aloha. See Technical Statement.

2. Cumulus desires to change the community of license of Station KNRQ-FM from Tualatin to Aloha, Oregon under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities.

² The channel study notes a short spacing to Station KACI-FM, The Dalles, Oregon, which is licensed to operate on Channel 249C2. KACI-FM, however, has a construction permit to operate on Channel 228C2 (BPH-20100205ACB) and the permit has a special operating condition in which the channel assignment is amended. See Exhibit 1. The issuance of the permit is now final. Thus KACI-FM is currently operating on Channel 249C2 pursuant to an implied STA.

3. These criteria are met here. First, the proposed use of Channel 250C1 at Aloha is mutually exclusive with the current use of Channel 250C2 at Tualatin.³ See Exhibit 1 to the Technical Statement. Second, Tualatin will not be deprived of its only local service because KNRQ-FM is not yet operating at Tualatin. The Commission has held that the removal of unbuilt facilities does not present the same loss of service concerns as the removal of an operating station that the public has become reliant upon. *See, e.g., Linden, Texas, et al.*, 16 FCC Rcd 10853, 10854 (2001); *Grand Isle and Empire, Louisiana*, 15 FCC Rcd 9162, 9163 (2000); *Chatom and Grove Hill, Alabama*, 12 FCC Rcd 7664, 7665 (1997). Finally, the provision of a first local service to Aloha (2000 U.S. Census population 41,741), and the loss of a potential first local service at Tualatin (2000 U.S. Census population 22,791) both fall under Priority 3. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). However, the Commission has held that under priority 3, the provision of service to the larger community is preferred. *See, e.g. Vernon Center and Eagle Lake, Minnesota*, 21 FCC Rcd 14714 (2006); *Ardmore, Alabama, et. al.*, 17 FCC Rcd 16332, 16334-35 (2002); *Three Oaks and Bridgman, Michigan*, 5 FCC Rcd 1004, 1004 (1990). In this case, Aloha has almost twice as many residents as Tualatin. Therefore, a first local service to Aloha is preferred over a first local service to the smaller community of Tualatin.

4. Both Tualatin and Aloha are located in the Portland Urbanized Area. Therefore, a Tuck showing is not required. *See Burkesville, Kentucky, et al.*, 21 FCC Rcd 11465 (2006); *Port Norris, Maryland, et al.*, 21 FCC Rcd 11449 (2006); *Boulder and Lafayette, Colorado*, 11 FCC Rcd 3632 (1996); *East Los Angeles, Long Beach and Frazier Park, California*, 10 FCC Rcd 2864 (1995); *see also Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) (“Tuck”). Nevertheless,

³ The proposed use of Channel 250C1 at Aloha is also mutually exclusive with KNRQ-FM’s current license for Channel 250C at Eugene, Oregon.

in the event the Commission is concerned about the independence of Aloha, a *Tuck* showing is provided. In making the determination to award an urbanized community a first local service preference, the Commission will consider (1) the extent to which the station will provide service to the entire Urbanized Area, (2) the relative populations and proximity of the suburban and central city, and, most importantly, (3) the independence of the suburban community. *Tuck*, 3 FCC Rcd at 5377-78. In this case, from the proposed allotment site, Station KNRQ-FM will place a 70 dBu contour over 100% of the Portland Urbanized Area. *See* Technical Statement. Currently, the KNRQ-FM permit for Tualatin covers approximately 90% of the Urbanized Area with its 70 dBu contour. Aloha's population (2000 U.S. Census 41,741) is 8% of that of Portland (2000 U.S. Census 529,121) and Aloha is located approximately 15 kilometers from Portland. These figures exceed those approved in previous cases.⁴ Nevertheless, the Commission has repeatedly stated that these factors are less important than evidence of independence. The following analysis of the eight *Tuck* factors demonstrates the independence of Aloha from Portland.

1. ***Extent to which residents of Aloha work in Aloha.*** According to 2000 Census figures, 12% of employed individuals in Aloha work in Aloha. *See* Exhibit 2. This percentage is consistent with prior case law.⁵ As shown below, there are 114 employers in Aloha who provide ample opportunities for Aloha residents to be employed in Aloha and not in Portland. *See*

⁴ *See Park City, Montana*, 19 FCC Rcd 2092, 2094 (2004) (Park City's population is less than 1% of that of Billings); *Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896, 16899 (1996) (Newcastle's population is less than 1% of that of Oklahoma City); *North Canton, Ohio*, DA 06-845 (North Canton is located 5.5 miles from Canton); *West Sacramento, California*, BP-20070119ACI (West Sacramento is located 3 miles from Sacramento).

⁵ *See, e.g., Ooltewah, Tennessee*, BPH-20070629BXS (approximately 8% of residents worked in the proposed community of Ooltewah, Tennessee); *Enon, Ohio*, BPH-20070119AGI (May 16, 2008) (approximately 8% of residents worked in the proposed community of Enon, Ohio); *Burkesville, Kentucky, et al.*, 21 FCC Rcd 11465 (2006) (approximately 4.3% of residents worked in the proposed community of Millersville, Tennessee); *Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876 (2001) (11.3% of working-age residents worked in community).

Exhibit 6. This information demonstrates that Aloha is not dependent on Portland for the employment of its residents. *See e.g. Lebanon and Speedway, Indiana*, 17 FCC Rcd 25064, 25065 (2002).

2. ***Media that cover Aloha's local needs and interests.*** The Commission stated in *Tuck* that independence could be established under this criteria by media other than newspapers. In 1988 when the *Tuck* case was decided, the internet was not commonly used as a source of news. However, today it is commonplace for residents of a community to rely on the Internet for their daily news. The residents of Aloha can access local news and community events from various websites such as (www.oregonlive.com/aloha/) which has a link entitled "Aloha News". *See* Exhibit 3.⁶ These pages contain links to various sites of interest to Aloha residents such as businesses, sporting events, news, community calendars, and a public blog. The website also contains a "My Aloha" page, which is "a place to comment, inform, celebrate and engage your neighbors." *See* Exhibit 3.

3. ***Community leaders and residents perceive Aloha as being separate from Portland.*** The independence of Aloha from Portland is demonstrated through a variety of sources. The community dates back to 1912 and there are several stories explaining how the name was chosen. *See* Exhibit 4. Over the years, the community has grown by offering affordable housing, various churches, schools and community organizations that provide the

⁶ This website is operated by Advanced Publications, which owns *The Oregonian* and *The Hillsboro Argus* newspapers. OregonLive features content from these affiliate newspapers and also offers a variety of self-produced webcasts and other information. Importantly, the OregonLive website is managed and operated separately from *The Oregonian* and *The Hillsboro Argus* newspapers. The Commission has held that a regional paper that covers the local needs and interests of the proposed community is evidence of independence. *See Lake City, Chattanooga, Harrogate, and Halls Crossroads, Tennessee*, 20 FCC Rcd 1896, ¶ 14 (2005); *Talladega and Munford, Alabama*, 20 FCC Rcd 13010, ¶ 6 (2005); *Seymour and Sellersburg, Indiana*, 19 FCC Rcd 15312, ¶ 7 (2004); *Crisfield, Maryland, et al.*, 18 FCC Rcd 19561, ¶ 13 (2003). In each of these cases, the Commission found that a suburban newspaper adequately covered a community's local needs and interests and adequately demonstrated that the community's residents were not dependent on the central city's media for its source of local news.

residents of Aloha with a place to gather and discuss community issues. Aloha has distinct boundaries that separate it from the neighboring communities, including Portland. *See* Exhibit 5. As detailed below, there are many businesses which identify with the community by using “Aloha” in their names. The materials provided in Exhibit 4 also refer to numerous websites in which local residents interact by social networking and discuss places to visit, obtain the best deals, quality of services and upcoming events. There is a definite sense of community revealed in these internet communications.

4. ***Whether Aloha has its own government and elected officials.*** As a census designated place (CDP), Aloha does not have its own government or elected officials. But Aloha does not rely on Portland for its government services. Aloha is located in Washington County, Oregon, whereas Portland is located in Multnomah County. As discussed below, the municipal services provided to the residents of Aloha are provided by Washington County or nearby governmental sources. Importantly, the absence of an elected local government is not fatal to Aloha’s independence under *Tuck*. The Commission has consistently granted applications for CDPs finding that they are independent communities.⁷

5. ***Zip code and phone directory.*** The U.S. postal service has assigned the 97006 and 97007 zip codes to Aloha. The Washington County Super Yellow Pages and the Greater Washington County Yellow Book are two phone directories that contain governmental and business listings for the Aloha. It is noteworthy that these directories do not contain listings for Portland. *See* Exhibit 6.

⁷ *See Harrison, Tennessee*, 22 FCC Rcd 11059 (2007); *Weaverville, Palo Cedro, and Alturas, California*, 21 FCC Rcd 5131 (2006); *Halls Crossroads, Tennessee* 20 FCC Rcd 18961, ¶ 17 (2005); *see also Ester, Alaska*, BMPH-20070530AGM (Sept. 21, 2007); *Gray, Louisiana*, BPH-20090129AMR (Aug. 3, 2009). In each of these cases, the Commission reached a favorable finding under *Tuck* for communities with no elected government.

6. ***Aloha has its own commercial establishments, community organizations and health care providers.*** As listed in Exhibit 7, Aloha is home to 114 commercial establishments, many of which have “Aloha” in their name. These include Aloha Surplus, Aloha DQ Grill & Chill, Aloha Auto Body & Paint, Aloha Dog & Cat Hospital, Aloha Station Sports Bar & Grill, Aloha Photography, Aloha Animal Medical Center, Aloha Garbage Co, Aloha Gift Gallery, Aloha Real Estate, Aloha Insurance Center and Aloha First Class Limousine Service. Aloha is also home to the Aloha Campus of Intel, which is a significant employer of Aloha residents. Aloha is also home to numerous churches and community organizations, including Aloha Christian Church, Aloha Church of God, Aloha United Methodist Church, Aloha Youth Soccer Club, Aloha-Sunset Rotary Club, Aloha Jr. Baseball League, Aloha Hoops League, Aloha Football & Cheerleading, and Aloha Youth Wrestling. There are a number of doctors and medical providers in Aloha including Aloha Dental Care, Aloha Pain Relief Center, Northwest Hearing Care, Thompson Family Dental, and Aloha Dermatology Clinic. *See Exhibit 7.*

7. ***Advertising market.*** There are several advertising opportunities for local businesses with online sites. The OregonLive website for example is often used by Aloha businesses which target the residents of Aloha and its immediate surrounding area rather than the Portland advertising market. Local businesses are increasingly using the internet to advertise their products and services as opposed to traditional newspaper sources. *See Exhibit 8.*

8. ***Aloha’s Municipal Services.*** The Washington County Sherriff’s Office provides police service in Aloha. The Tualatin Valley Fire & Rescue Department whose Command & Business Operations Center is located in Aloha provides fire protection to Aloha residents. Aloha relies on local businesses for waste services. Overall, Aloha receives the majority of its

municipal services from Washington County.⁸ Aloha has its own schools including Aloha High School and seven elementary schools-- Butternut Creek Elementary, Indian Hills Elementary, Reedville Elementary, Hazeldale Elementary, Tobias Elementary, Errol Hassell Elementary, and Kinnaman Elementary. *See* Exhibit 9. In a recent article by US News and World Report, Aloha was listed as one of the best places in the US for retired persons to live. *See* Exhibit 10.

II. STATION KCYS(FM), SEASIDE, OREGON

5. The allotment of Channel 250C1 at Aloha, Oregon, as described above, requires a change in channel for Station KCYS(FM), Seaside, Oregon. KCYS currently operates on Channel 251A. Channel 243A can be substituted for Channel 251A at KCYS's current transmitter site. Cumulus has no agreement with the licensee of KCYS(FM), Dave's Broadcasting Corporation ("DBC"). Accordingly, Cumulus requests that the Commission issue an Order to Show Cause to DBC as to why its channel should not be changed as proposed herein. Cumulus hereby states that it will reimburse Station KCYS for its reasonable expenses for changing channels in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967).

III. VACANT CHANNEL, MADRAS, OREGON

6. In order to allot Channel 250C1 at Aloha for use by Station KNRQ-FM as discussed above, a substitute for vacant Channel *251C1 at Madras, Oregon must be provided. Cumulus proposes to substitute Channel *243C1 for Channel *251C1. There are two pending applications for Channel *251C1 at Madras. Channel *243C1 can be allotted to Madras at the

⁸ As the Commission recognized in *Tuck*, the provision of municipal services on a regional basis would not detract from a community's independence. *Tuck*, 3 FCC Rcd at 5378 ("evidence that a community relies upon a larger jurisdiction to provide certain services may not be particularly probative of whether the community shares needs and interests with other communities within the larger metropolitan area"). The Commission has also consistently held that contracting for services or receiving municipal services from a county does not disqualify a community from a favorable finding of independence under this factor. *See Upper Sandusky and Caledonia, Ohio*, 19 FCC Rcd 3449 (2004); *Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876 (2001); *See Pleasanton, Bandera Hondo, and Schertz, Texas*, 15 FCC Rcd 3068 (2000) *Mullins and Briarcliffe Acres, South Carolina*, 14 FCC Rcd 10516 (1999).

sites specified in both of the applications and at the current allotment site listing for this channel consistent with Section 73.207 of the Commission's Rules.⁹ See Exhibit 4 of Technical Statement.

IV. 307(B) COMPARISON

7. The allotment of Channel 243A at Seaside conflicts with the proposal in the *NPRM* to allot Channel 243A to Gearhart, Oregon. See Exhibit 3 of Technical Statement. The provision of a first local service to Aloha (2000 U.S. Census population 41,741), and the provision of a first local service at Gearhart (2000 U.S. Census population 995) both fall under Priority 3. See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). However, the Commission has held that under priority 3, the provision of service to the larger community is preferred. See, e.g., *Vernon Center and Eagle Lake, Minnesota*, 21 FCC Rcd 14714 (2006); *Ardmore, Alabama, et. al.*, 17 FCC Rcd 16332, 16334-35 (2002); *Three Oaks and Bridgman, Michigan*, 5 FCC Rcd 1004, 1004 (1990). Therefore, a first local service to Aloha is preferred over a first local service to the smaller community of Gearhart.

V. ALTERNATE CHANNEL AT GEARHART, OREGON

8. In order to accommodate the interest of Black Hills Broadcasting, L.P., the petitioner in this proceeding, in providing a first local service to Gearhart, Oregon, Cumulus notes that there is an alternate channel, Channel 227A, available. Channel 227A can be allotted to Gearhart consistent with Section 73.207 of the Commission's Rules provided that a channel

⁹ The channel study notes a short spacing to Station KWLZ-FM, Warm Springs, Oregon, which is licensed to operate on Channel 243C. However, Station KWLZ-FM has a construction permit to operate on Channel 242C3 at West Linn, Oregon (BPH-20070119AAT). See Exhibit 11. That station is therefore operating on Channel 243C at Warm Springs pursuant to an implied STA. In addition, the channel study also notes a short spacing to a proposal to allot Channel 244C2 at Maupin, Oregon. This proposal, however, was dismissed in an *MO&O* issued in MB Docket No. 09-130 at the request of the petitioner. (DA-10-1148, rel. June 28, 2010). See Exhibit 12.

change is made for a vacant allotment at Manzanita, Oregon (discussed below). *See* Exhibit 6 of the Technical Statement.

VI. VACANT CHANNEL, MANZANITA, OREGON

9. In order to allot Channel 227A at Gearhart, Cumulus proposes to substitute Channel 248C3 for vacant Channel 228C3 at Manzanita. Channel 248C3 can be allotted to Manzanita consistent with Section 73.207 of the Commission's Rules.¹⁰ *See* Exhibit 7 of the Technical Statement.

For the foregoing reasons, Cumulus respectfully request that the Commission grant the instant Counterproposal along with the concurrently filed Form 301 application to modify the facilities of Station KNRQ-FM in order to provide a first local service to Aloha, Oregon, as proposed herein.

Respectfully submitted,

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Its Attorneys

August 5, 2010

¹⁰ The channel study notes a short spacing to Station KSHL(FM), Gleneden Beach, Oregon, which is licensed to operate on Channel 248C2. KSHL(FM), however, has a construction permit to operate on Channel 249C3 at Coburg, Oregon (BPH-20080331ACW) and it is thus operating on Channel 248C2 at Gleneden Beach pursuant to an implied STA. *See* Exhibit 13.

COMMENTS AND COUNTERPROPOSAL
MB DOCKET # 10-118
CUMULUS LICENSING LLC
KNRQ-FM RADIO STATION
ALOHA, OREGON
August 2010

TECHNICAL STATEMENT

These comments and attached exhibits were prepared on behalf of Cumulus Licensing LLC ("Cumulus"), licensee of KNRQ-FM, Channel 250C, Eugene, Oregon and permittee of KNRQ-FM, Channel 250C2, Tualatin, Oregon. In MB Docket #10-118, Black Hills Broadcasting, L.P. ("Black Hills") seeks the allotment of Channel 243A to Gearhart, Oregon as that community's first local station. Cumulus herein submits a counterproposal which seeks to upgrade KNRQ-FM to Channel 250C1 (from Channel 250C2 at Tualatin, Oregon) and change its community of license to Aloha, Oregon as that community's first local service. In order to accommodate the KNRQ-FM request, Cumulus also requests that Channel 243A be substituted for Channel 251A at Seaside, Oregon and that station KCYS be ordered to change channel (this portion of the counterproposal is mutually exclusive with the proposed allotment of Channel 243A at Gearhart, Oregon, as requested in the Notice). In addition, Channel *243C1 must be substituted for the vacant, yet applied for, Channel *251C1 at Madras, Oregon. With this counterproposal, Cumulus is simultaneously submitting an application, on FCC Form 301, seeking the upgrade of KNRQ-FM to Channel 250C1 at Aloha, Oregon.¹

Counterproposal

Cumulus requests the upgrade of Channel 250C2 at Tualatin, Oregon to Channel 250C1 and the re-allotment of the channel to Aloha, Oregon. As indicated on Exhibit #1, Channel

1) The requests contained in the Form 301 are incorporated herein by reference.

250C1 meets the Commission's minimum distance separation requirements from the proposed allocation site, North Latitude 45° 29' 20.0" and West Longitude 122° 41' 40.0. This represents a site restriction of 13.4 kilometers east of the community to avoid a shortage to station KOMO-FM, Channel 249C, Oakville, Washington and the vacant allotment of Channel 252C3 at Dallas, Oregon.² The spacing study notes a shortage to station KACI-FM, Channel 249C2, The Dalles, Oregon. KACI-FM holds a construction permit to move to Channel 228C2 at The Dalles, Oregon (BPH-20100205ACB). As such, the present licensed facility of KACI-FM is not considered further.³ The spacing study also indicates a shortage to station KCYS at Seaside, Oregon, which will move to Channel 243A as detailed below, as well as, a shortage to the vacant, but applied for Channel *251C1 at Madras, Oregon, which will change to Channel *243C1, also detailed below.

From the proposed allocation site at Aloha, Oregon, Channel 250C1 will provide a 70 dBu contour over 100% of the community of Aloha, Oregon, in compliance with §73.315(a) of the rules (Exhibit #2). Further, the proposed allocation site is not located off-shore or on airport property and is, therefore, suitable for tower construction.⁴ The allotment of Channel 250C1 will provide for a first local service for Aloha, Oregon, a Census Designated Place of 41, 741 persons. As KNRQ-FM is not operational in Tualatin, Oregon, no actual or potential service is being removed from this community.⁵

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- 2) Channel 250C1 at Aloha, Oregon is mutually exclusive with the present KNRQ-FM permit at Tualatin, Oregon and the present licensed site of KNRQ-FM at Eugene, Oregon.
 - 3) KACI-FM previously submitted a contingent application with KNRQ-FM, when KNRQ-FM was upgraded to Channel 250C2 at Tualatin, Oregon.
 - 4) An existing tower is located at the proposed allocation site. The tower has been registered with the Commission and assigned Antenna Structure Registration number 1033770.
 - 5) Tualatin, Oregon has a population of 22,791 persons according to the 2000 U.S. Census.

In order to accommodate the upgrade and community of license change for KNRQ-FM, Cumulus requests the substitution of Channel 243A for Channel 251A at Seaside, Oregon and also requests that the licensee of KCYS, Channel 251A, Seaside, Oregon be issued an Order to Show Cause as to why its license should not be modified to specify Channel 243A in lieu of Channel 251A. Cumulus will reimburse the licensee of KCYS for reasonable expenses incurred to implement the change of channels at Seaside. Channel 243A can be substituted for Channel 251A at Seaside, Oregon 4.6 kilometers south-southwest of the community at North Latitude 45° 57' 08.0" and West Longitude 123° 56' 14.0", which is the present KCYS transmitter site, as indicated on Exhibit #3.⁶ As the proposed reference site for Seaside, Oregon is the licensed KCYS site, coverage of the community of license will be maintained.⁷ As this is an existing tower site, further tower construction is not required.

In addition to the proposed change at Seaside, Oregon, Cumulus also requests the substitution of Channel *243C1 for the vacant, yet applied for, Channel *251C1 at Madras, Oregon. Channel *251C1 at Madras, Oregon was reserved for non-commercial operation, after initially being allotted as a non-reserved channel. The proposed use of Channel *243C1 as a replacement channel is being proposed at the present allocation site at Madras, Oregon. Therefore, it is presumed that the criteria for non-commercial reservation is not altered by this channel change. Therefore, no reservation study is included herein.

6) The availability of the channel assumes that Channel 243A is not allotted to Gearhart, Oregon as is requested by Black Hills.

7) A predicted 70 dBu contour is delivered over all of Seaside, Oregon by the licensed KCYS. Further, a theoretical 70 dBu, without consideration of terrain, is also provided over all of Seaside, Oregon.

Channel *43C1 can be allotted to Madras, Oregon at North Latitude 44° 50' 02.0" and West Longitude 120° 45' 55.0". This represents a site restriction of 36.4 kilometers northeast from the community of license to accommodate the use at the present Channel *251C1 allocation site. As this is a substitution of one Class C1 channel for another at the site location, a 70 dBu contour will be provided to Madras, Oregon. The availability of Channel *243C1 at Madras, Oregon is based on station KWLX-FM, Channel 243C, Warm Springs, Oregon's change to Channel 242C3 and with a change of community of license to West Linn, Oregon (BPH-20070119AAT). Therefore, as KWLX-FM is operating at its former licensed site under an implied STA, the licensed site no longer requires protection and is not considered an impediment to this instant request. Further, the database still shows the vacant allocation of Channel 244C2 at Maupin, Oregon, and its companion application (MB Docket #09-130). The petitioner for Maupin, Oregon submitted a request for the deletion of the channel after the initial Order was made. On June 28, 2010, the Commission deleted Channel 244C2 from Maupin, Oregon at the petitioner's request.⁸ Therefore, this channel is also not considered an impediment to the proposed channel change at Madras, Oregon.

As there are two pending non-commercial applicants for Channel *251C1, spacing studies were also conducted from each of these sites to verify that Channel *243C1 could be implemented at each location. At the site specified in the Educational Broadcast Service site (BNPED-20100226AIL), the application is proposing implementation at the Channel *251C1 allocation site. Therefore, as detailed above, Channel *243C1 can be utilized at this location.

8) The petitioner also requested the deletion of the pending application for Maupin, Oregon (BNPH-20081107AEN).

Tool Shed PDX (BNPED-20100226AJY), the other applicant for Madras, has proposed a site at North Latitude 44° 55' 40.0" and West Longitude 120° 43' 40.2". As indicated on Exhibit #5, Channel 243C1 can also be implemented at this location.⁹

As both the allocation site and pending application sites for Channel *251C1 are accommodated at Madras, Oregon, Cumulus requests that Channel *243C1 be substituted for Channel *251C1. As both applicants are mutually exclusive, Cumulus requests that following favorable action on its counterproposal, both applicants be required to submit amendments to their respective applications, or that the Commission ultimately issue a permit to the tentative selectee on Channel *243C1 rather than on Channel *251C1 at Madras, Oregon. As this is a substitution for a vacant allotment, no reimbursement issues apply.

Alternate Channel for Gearhart, Oregon

Cumulus does not wish to preclude a possible first local service for Gearhart, Oregon. To that end, Cumulus has identified an alternate channel for Gearhart, Oregon, which can be implemented at the proposed allocation/application site as requested by Black Hills. Channel 227A can be allotted to Gearhart, Oregon, at North Latitude 45° 57' 11.0" and West Longitude 123° 56' 14.0". This represents a site restriction of 8.2 kilometers south-southwest to accommodate the proposed Black Hills site. Black Hills has already demonstrated the required 70 dBu coverage to Gearhart, Oregon. As indicated on Exhibit #6, Channel 227A meets the spacing requirements to all licensed, applied for or proposed facilities, with the exception of the vacant allotment of Channel 228C3 at Manzanita, Oregon.

9) Not considering the licensed site of KWLZ-FM on Channel 243C or the former allotment of Channel 244C2 at Maupin, Oregon, as discussed previously.

Cumulus has identified an alternative channel for use in Manzanita, Oregon. Channel 248C3 can be allotted to Manzanita, Oregon at North Latitude 45° 41' 05.0" and West Longitude 123° 54' 38.0", which is the present allocation site for Channel 228C3. Since this is the present allocation site for the community, 70 dBu coverage of the community is not changed as a result of the channel substitution. As indicated on Exhibit #7, Channel 248C3 can be allotted to Manzanita, Oregon in compliance with the Commission's minimum distance separation requirements. It is noted that there is an apparent shortage to KCYS on Channel 251A at Seaside, Oregon, which is eliminated by the substitution of Channel 243A at Seaside, as noted above. There is also an apparent shortage to station KSHL, Channel 248C2, Gleneden Beach, Oregon. However, in BPH-20080331ACW, KSHL received a construction permit to change to Channel 249C3 and a change in community of license to Coburg, Oregon. Therefore, since KSHL is operating pursuant to an implied STA at Gleneden Beach, Oregon, the licensed site no longer requires protection and is not considered an impediment to this instant request.

Therefore, Cumulus requests the following changes to the Commission's Table of Assignments and Allocations:

Aloha, Oregon

Present	Proposed
None	250C1

Tualatin, Oregon

Present	Proposed
250C2	None

Seaside, Oregon

Present 251A, 272C3	Proposed 243A, 272C3
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Madras, Oregon

Present *251C1	Proposed *243C1
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Gearhart, Oregon

Present None	Proposed 227A
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Manzanita, Oregon

Present 228C3	Proposed 248C3
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The proposed changes requested herein will provide for the allotment of a first local service to Aloha, Oregon.¹⁰ From the proposed allocation site at Aloha, Oregon, Channel 251C1 will provide a 60 dBu service to 2,184,813 persons in 16,376.5 square kilometers.¹¹ This represents an increase of 250,319 persons in 7,816.2 square kilometers over the present Channel 250C2 facility at Tualatin, Oregon.¹² The adoption of the Cumulus counterproposal will also accommodate a first local service to Gearhart, Oregon, as initially requested by Black Hills.

10) Cumulus does express interest in the Aloha, Oregon channel for use of KNRQ-FM, and has submitted an application for a modified permit for KNRQ-FM.

11) Based on uniform terrain. 2000 U.S. Census figures.

12) Based on uniform terrain, 2000 U.S. Census data and maximum Class C2 facilities in Tualatin, Oregon. A maximum Class C2 facility at Tualatin, Oregon, at the present KNRQ-FM site, provides a 60 dBu contour to 1,934,494 persons in 8,560.3 square kilometers.

The foregoing was prepared on behalf of Cumulus Licensing LLC by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge.¹⁴

14) All data regarding FM facilities was extracted from the Commissions CDDBS database on the date indicated on the respective spacing studies. We assume no liability for errors or omissions in the database which may be adverse to the request contained herein. Submission of these comments by the petitioner/applicant is acceptance of these terms.

COMMENTS AND COUNTERPROPOSAL
MB DOCKET # 10-118
CUMULUS LICENSING LLC
KNRQ-FM RADIO STATION
ALOHA, OREGON
August 2010

EXHIBIT #1

Allocation Study for KNRQ-FM Aloha, Oregon
Using Allocation Site as Reference

REFERENCE	CLASS = C1 Int = C1	DISPLAY DATES
45 29 20.0 N.	Current Spacings to 3rd Adj.	DATA 08-04-10
122 41 40.0 W.	Channel 250 - 97.9 MHz	SEARCH 08-04-10

Call	Channel	Location	Azi	Dist	FCC	Margin
Lat.	Lng.	Ant	Power	HAAT		
AD251	ADD 250C1	Aloha	OR 0.0	0.0	245.0	-245.0
	45 29 20.0	122 41 40.0	100.000 kW	0 M		
Allocation site for Aloha, Oregon						
KNRQ-FM	CP -N 250C2	Tualatin	OR 313.0	5.5	224.0	-218.5
	45 31 21.0	122 44 45.0	NCX 3.700 kW	470 M		
Cumulus Licensing LLC BMPH-20080331ACU						
KNRQ-FM	LIC 250C	Eugene	OR 191.5	168.5	270.0	-101.5
	44 00 08.0	123 06 50.0	EN 100.000 kW	308 M		
Cumulus Licensing LLC BLH-19910528KF						
KACI-FM	LIC 249C2	The Dalles	OR 80.3	112.3	158.0	-45.7
	45 38 58.0	121 16 25.0	CX 50.000 kW	271 M		
Bicoastal Media Licenses Inc. BLH-20071009ABD						
> to Channel 228C2 per one step application BPH-20100205ACB.						
KCYS	LIC 251A	Seaside	OR 298.5	109.6	133.0	-23.4
	45 57 08.0	123 56 14.0	C 6.000 kW	100 M		
Dave's Broadcasting Corp. BLH-20000225AAK						
> to Channel 243A - Order to Show Cause requested.						
1358321	APP-D 251C1	Madras	OR 111.3	166.6	177.0	-10.4
	44 55 40.0	120 43 40.2	DCX 100.000 kW	149 M		
Tool Shed PDX BNPED-20100226AJY						
> to Channel 243C1 - alternate channel.						
1358487	APP 251C1	Madras	OR 115.0	168.2	177.0	-8.8
	44 50 02.0	120 45 55.0	CX 100.000 kW	300 M		
Educational Broadcast Serv. BNPED-20100226AIL						
> to Channel 243C1 - alternate channel.						
AL6416	VAC 251C1	Madras	OR 115.0	168.2	177.0	-8.8
	44 50 02.0	120 45 55.0	100.000 kW	299 M		
Madras Broadcasting RM9961						
> to Channel 243C1 - alternate channel.						
KOMO-FM	LIC-Z 249C	Oakville	WA 345.9	209.3	209.0	0.31
	47 18 46.0	123 22 15.0	ZCX 63.000 kW	728 M		
South Sound Broadcasting BLH-20080514AGI						
KOMO-FM	APP-D 249C	Oakville	WA 345.9	209.3	209.0	0.31
	47 18 46.0	123 22 15.0	DCX 69.000 kW	701 M		
South Sound Broadcasting BMPH-20100602AKM						

COMMENTS AND COUNTERPROPOSAL
MB DOCKET # 10-118
CUMULUS LICENSING LLC
KNRQ-FM RADIO STATION
ALOHA, OREGON
August 2010

EXHIBIT #1 (continued)

Call	Channel	Location	Ant	Azi	Dist	FCC	Margin
	Lat.	Lng.		Power	HAAT		
KOMO-FM	CP -Z 47 18 46.0	249C Oakville 123 22 15.0	WCX	WA 345.9 63.000 kw	209.3 209.0	209.0 728 M	0.31
		South Sound Broadcasting		BPH-20090626AAO			
1356434	APP 44 51 18.0	252C3 Dallas 123 07 15.0	CX	OR 205.5 3.200 kw	78.0 76.0	76.0 282 M	2.0
		Capital Community Television		BNPED-20100226AEJ			
1353945	APP 44 51 18.0	252C3 Dallas 123 07 15.0	CX	OR 205.5 2.780 kw	78.0 76.0	76.0 297 M	2.0
		Mano A Mano Family Center		BNPED-20100225ADD			
VA2391	VAC 44 55 06.0	252C3 Dallas 123 19 00.0	N	OR 217.8 25.000 kw	80.1 76.0	76.0 100 M	4.1
KPPK	LIC 46 10 59.0	252A Rainier 122 57 29.0	CX	OR 345.3 1.600 kw	79.8 75.0	75.0 195 M	4.8
		Bicoastal Media Licenses Inc.		BLH-20060802AFY			
1357368	APP 44 54 42.8	252C3 Dallas 123 20 44.2	CX	OR 218.7 25.000 kw	82.0 76.0	76.0 100 M	6.0
		Dallas Seventh-day Advent.		BNPED-20100223AAB			
1357190	APP 44 53 18.0	252C3 Dallas 123 21 05.0	CX	OR 217.9 25.000 kw	84.4 76.0	76.0 59 M	8.4
		Centro Cristiano Vida Abund.		BNPED-20100226ADS			
1357070	APP 44 53 18.0	252C3 Dallas 123 21 05.0	CX	OR 217.9 25.000 kw	84.4 76.0	76.0 67 M	8.4
		Calvary Chapel Of McMinnville		BNPED-20100222ACK			
1357754	APP 44 53 17.4	252C3 Dallas 123 21 09.3	CX	OR 217.9 25.000 kw	84.5 76.0	76.0 61 M	8.5
		Hispanic Family Christian		BNPED-20100226AHE			
1358445	APP 44 55 52.4	252C3 Dallas 123 33 33.0	CX	OR 227.8 0.650 kw	92.0 76.0	76.0 559 M	16.0
		Grace Public Radio		BNPED-20100224ACK			
KING-FM	LIC-D 47 30 14.0	251C Seattle 121 58 29.0	DC	WA 13.6 68.000 kw	230.7 209.0	209.0 707 M	21.7
		Classic Radio, Inc.		BLH-20080707AIW			

COMMENTS AND COUNTERPROPOSAL

MB DOCKET # 10-118

CUMULUS LICENSING LLC

KNRQ-FM RADIO STATION

ALOHA, OREGON

August 2010

EXHIBIT #4

Allocation Study for Madras, Oregon
Using Present Allocation Site as Reference

REFERENCE
44 50 02.0 N. CLASS = C1 DISPLAY DATES
120 45 55.0 W. Current Spacings to 3rd Adj. DATA 08-04-10
SEARCH 08-04-10
----- Channel 243 - 96.5 MHz -----

Call	Channel	Location	Ant	Azi	Dist	FCC	Margin
	Lat.	Lng.		Power	HAAT		
AD243	ADD 243C1	Madras	OR	0.0	0.0	245.0	-245.0
	44 50 02.0	120 45 55.0		100.000 kW	0 M		
	Alternate channel - Allocation site/Educational Broadcast Service site						
AD243	ADD 243C1	Madras	OR	15.8	10.8	245.0	-234.2
	44 55 40.0	120 43 40.2		100.000 kW	0 M		
	Alternate channel - Tool Shed PDX site						
KWLZ-FM	LIC 243C	Warm Springs	OR	271.2	36.9	270.0	-233.1
	44 50 24.0	121 13 56.0	CN	100.000 kW	332 M		
	Horizon Broadcasting Group BLH-19860127KG						
	> to Channel 242C3 West Linn, OR - One-step application BPH-20070119AAT						
1279916	RSV 244C2	Maupin	OR	325.6	45.8	158.0	-112.2
	45 10 24.0	121 05 43.0		50.000 kW	150 M		
	Maupin Broadcasting Company						
	> Channel deleted pursuant to MO&O MB Docket 09-130 - Released 06/28/10						
AL8304	VAC 244C2	Maupin	OR	325.6	45.8	158.0	-112.2
	45 10 24.0	121 05 43.0		50.000 kW	150 M		
	Maupin Broadcasting Company RM-11538						
	> Channel deleted pursuant to MO&O MB Docket 09-130 - Released 06/28/20						
1277255	APP 244C2	Maupin	OR	325.6	45.8	158.0	-112.2
	45 10 24.0	121 05 43.0	CX	50.000 kW	-62 M		
	Maupin Broadcasting Company BNPB-20081107AEN						
	> Channel deleted pursuant to MO&O MB Docket 09-130 - Released 06/28/10						
KWLX-FM	CP -Z 242C3	West Linn	OR	296.4	168.2	144.0	24.3
	45 29 20.0	122 41 40.0	ZCX	2.900 kW	297 M		
	Horizon Broadcasting Group BPH-20070119AAT						
AL8587	VAC 240A	Goldendale	WA	1.5	104.1	75.0	29.1
	45 46 12.0	120 43 48.0		6.000 kW	100 M		
	Klickitat Broadcasting RM11142						
KJAO	LIC-N 243C	Seattle	WA	343.1	311.1	270.0	41.1
	47 30 17.0	121 58 03.0	NC	52.000 kW	696 M		
	CBS Radio Holdings Inc. BLH-20060710ABP						

COMMENTS AND COUNTERPROPOSAL
MB DOCKET # 10-118
CUMULUS LICENSING LLC
KNRO-FM RADIO STATION
ALOHA, OREGON
August 2010

EXHIBIT #5

Clearance Study for Madras, Oregon
Using Proposed Tool Shed Site as Reference

REFERENCE	CLASS = C1	DISPLAY DATES
44 55 40.0 N.	Current Spacings to 3rd Adj.	DATA 08-04-10
120 43 40.2 W.		SEARCH 08-04-10
----- Channel 243 - 96.5 MHz -----		

Call	Channel	Location	Azi	Dist	FCC	Margin
Lat.	Lng.	Ant	Power	HAAT		
AD243	ADD 243C1	Madras	OR	0.0	0.0	245.0 -245.0
	44 55 40.0	120 43 40.2		0.000 kW	0 M	
	Alternate channel Tool Shed PDX site					
AD243	ADD 243C1	Madras	OR	195.8	10.8	245.0 -234.2
	44 50 02.0	120 45 55.0		0.000 kW	0 M	
	Alternate channel - Allocation/Educational Broadcast System site					
KWLZ-FM	LIC 243C	Warm Springs	OR	256.4	41.0	270.0 -229.0
	44 50 24.0	121 13 56.0	CN	100.000 kW	332 M	
	Horizon Broadcasting Group BLH-19860127KG					
	> to Channel 242C3 West Linn, OR - One-step application BPH-20070119AAT					
1279916	RSV 244C2	Maupin	OR	313.5	39.8	158.0 -118.2
	45 10 24.0	121 05 43.0		50.000 kW	150 M	
	Maupin Broadcasting Company					
	> Channel deleted pursuant to MO&O MB Docket 09-130 - Released 06/28/10					
AL8304	VAC 244C2	Maupin	OR	313.5	39.8	158.0 -118.2
	45 10 24.0	121 05 43.0		50.000 kW	150 M	
	Maupin Broadcasting Company RM-11538					
	> Channel deleted pursuant to MO&O MB Docket 09-130 - Released 06/28/10					
1277255	APP 244C2	Maupin	OR	313.5	39.8	158.0 -118.2
	45 10 24.0	121 05 43.0	CX	50.000 kW	-62 M	
	Maupin Broadcasting Company BNPH-20081107AEN					
	> Channel deleted pursuant to MO&O MB Docket 09-130 - Released 06/28/10					
AL8587	VAC 240A	Goldendale	WA	359.9	93.6	75.0 18.6
	45 46 12.0	120 43 48.0		6.000 kW	100 M	
	Klickitat Broadcasting RM-11142					
KWLZ-FM	CP -Z 242C3	West Linn	OR	292.7	166.6	144.0 22.6
	45 29 20.0	122 41 40.0	ZCX	2.900 kW	297 M	
	Horizon Broadcasting Group BPH-20070119AAT					
KJAO	LIC-N 243C	Seattle	WA	342.0	302.0	270.0 32.0
	47 30 17.0	121 58 03.0	NC	52.000 kW	696 M	
	CBS Radio Holdings Inc. BLH-20060710ABP					

