

Before the  
 Federal Communications Commission  
 Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 05-10
Table of Allotments,	)	RM-11140
FM Broadcast Stations.	)	RM-11241
(Monument, Oregon; Prairie City, Prineville, and	)	RM-11279
Sisters, Oregon and Weiser, Idaho; The Dallas,	)	
Tualatin, Eugene, Albany, Lebanon, Paisley, and	)	
Diamond Lake, Oregon and Goldendale,	)	
Washington) <sup>1</sup>	)	

**ORDER TO SHOW CAUSE**

**Adopted: March 29, 2006**

**Released: March 31, 2006**

**Comment Date: May 2, 2006**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: 1) a counterproposal filed by SSR Communications in response to the *Notice of Proposed Rule Making*,<sup>2</sup> which requires the issuance of this *Order to Show Cause* directed at Horizon Broadcasting Group, LLC, (“Horizon Broadcasting”), licensee of Station KWPK-FM, Channel 281C2, Sisters, Oregon; and 2) a Petition for Rulemaking filed jointly by Portland Broadcasting, L.L.C, licensee of Station KXPC-FM, Lebanon, Oregon, Columbia Gorge Broadcasters, Inc., licensee of Station KACI-FM, The Dalles, Oregon, M.S.W. Communications, LLC, licensee of Station KMSW(FM), The Dalles, Oregon, and Extra Mile Media, Inc., licensee of Station KHPE(FM), Albany, Oregon (collectively “Joint Petitioners”). The Joint Petitioners’ Petition requires issuance of an *Order to Show Cause* directed at Cumulus Licensing LLC, (“Cumulus Licensing”), licensee of Station KNRQ-FM, Channel 250C, Eugene, Oregon.<sup>3</sup>

2. SSR Communications filed a timely counterproposal in response to the *Notice’s* proposed allotment of Channel 266A at Monument, Oregon, as its first local service.<sup>4</sup> Specifically, the

<sup>1</sup> Prairie City, Prineville, and Sisters, Oregon and Weiser, Idaho have also been added to the caption. *See Public Notice*, Report No. 2708, released May 18, 2005. Additionally, The Dallas, Tualatin, Eugene, Albany, Lebanon, Paisley, and Diamond Lake, Oregon and Goldendale, Washington have been added to the caption. *See Public Notice*, Report No. 2727, released October 4, 2005.

<sup>2</sup> *See Monument, Oregon*, 20 FCC Rcd 1287 (MB 2005) (“*Notice*”).

<sup>3</sup> This petition will be treated as a counterproposal in this proceeding because it is mutually exclusive with SSR Communications’ counterproposal.

<sup>4</sup> SSR Communications hand-delivered its counterproposal to the Commission on March 21, 2005, the comment deadline in this proceeding. However, SSR Communications addressed its counterproposal to the Chief, Allocations Branch, Policy and Rules Division, Media Bureau, which resulted in the receipt of a bureau/office mail stamp. Thereafter, the counterproposal was re-stamped by the Office of the Secretary on April 1, 2005 because all filings pertaining to FM allotment proceedings must be submitted to the Office of the Secretary. Any such filing is treated as filed on the date it is received by the Office of the Secretary. *See* 47 C.F.R. § 1.7. Accordingly, SSR Communications’ counterproposal was untimely. We note that this filing was made before a recent change in the

counterproposal request the allotment of Channel 265C at Prairie City, Oregon, as its second local service; the allotment of Channel 267C1 at Prineville, Oregon, as its third local service; the substitution of Channel 247C1 for vacant Channel 280C1 at Weiser, Idaho; and the substitution of Channel 282C2 for Channel 281C2 at Sisters, Oregon and modification of the Station KWPK-FM license accordingly.<sup>5</sup> To resolve the existing conflict with the *Notice's* proposal, SSR Communications also requests the allotment of Channel 280C in lieu of Channel 266A at Monument, Oregon.

3. The Joint Petitioners filed a petition for rulemaking that conflicts with the proposed allotment of Channel 280C at Monument, Oregon. For this reason, as noted, we will treat this petition as a counterproposal in this proceeding. The Joint Petitioners request the substitution of Channel 250C2 for Channel 249C2 at The Dalles, Oregon, reallocation of Channel 250C2 from The Dalles to Tualatin, Oregon, as the community's first local service and modification of the Station KACI-FM license accordingly; substitution of Channel 300C for Channel 250C at Eugene, Oregon and modification of the Station KNRQ-FM license accordingly;<sup>6</sup> substitution of Channel 279C for Channel 300C at Albany and modification of the Station KHPE license accordingly; substitution of Channel 251A for vacant Channel 299A at Diamond Lake, Oregon; reallocation of Channel 279C from Lebanon, Oregon to Paisley, Oregon, as the community's first local service and a first reception service to 2,287 persons, and modification of the Station KXPC-FM license accordingly; substitution of Channel 272C2 for Channel 224C3 at The Dalles, Oregon and modification of the FM Station KSMW license accordingly; substitution of Channel 300C2 for Channel 272C2 at Goldendale, Washington and modification of the FM Station KYYT license accordingly.

4. Section 316(a) of the Communications Act of 1934, as amended,<sup>7</sup> permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.<sup>8</sup> We find that both proposals have sufficient public interest benefits to justify the issuance of a show cause order. Therefore, we are issuing this *Order to Show Cause* directed to Horizon Broadcasting and Cumulus Licensing, requesting each licensee to show cause why its respective station's channel should not be modified as proposed herein.

5. SSR Communications states that it would reimburse Horizon Broadcasting for the reasonable costs incurred in connection with the proposed channel change for FM Station KWPK consistent with the

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Audio Division's standard notice of proposed rulemaking language, which emphasizes this filing requirement for all submissions in FM allocation proceedings. Accordingly, we waive the filing deadline in this instance. We note, again, that failure to follow the specified requirements will result in the treatment of a filing as filed on the date it is received in the Office of the Secretary. This processing rule will be strictly followed. *See Filing Requirements in FM Allotment Rulemaking Proceedings*, DA 05-995, released April 1, 2005 (advising filers that all filings concerning FM allotment proceedings must be submitted to the Office of the Secretary).

<sup>5</sup> The license of Station KWPK-FM at Sisters, Oregon can be modified to specify operation on Channel 282C2 in lieu of Channel 281C2 at the station's current authorized transmitter site (BLH-20010516AAI). The licensed coordinates for Station KWPK-FM at Sisters are 44-4-40 NL and 121-19-49 WL.

<sup>6</sup> The license of Station KNRQ-FM at Eugene can be modified to specify operation on Channel 300C in lieu of Channel 250C at the station's current authorized transmitter site (BLH-19910528KF). The licensed coordinates for Station KNRQ-FM at Eugene are 44-0-8 NL and 123-6-50 WL.

<sup>7</sup> 47 U.S.C. § 316(a) (the "Act").

<sup>8</sup> *See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

*Circleville* policy.<sup>9</sup> Moreover, The Joint Petitioners states that they would reimburse Cumulus Licensing for the reasonable costs incurred in connection with the proposed channel change for Station KNRQ-FM consistent with the *Circleville* policy. We note that the Joint Petitioners originally requested the issuance of an *Order to Show Cause* to Haystack Broadcasting, Inc., licensee of FM Station KYIT, Goldendale, Washington. However, the Joint Petitioners submitted a ‘Supplement,’ containing a statement from the President of Haystack Broadcasting, Inc., stating that the licensee consents to the requested channel change.

6. Accordingly, IT IS ORDERED, That pursuant to the Act, Horizon Broadcasting Group, LLC, licensee of Station KWPK-FM, Sisters, Oregon, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 282C2 in lieu of Channel 281C2.

7. Accordingly, IT IS ORDERED, That pursuant to the Act, Cumulus Licensing LLC, licensee of Station KNRQ(FM), Eugene, Oregon, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 300C in lieu of Channel 250C.

8. Pursuant to Section 1.87 of the Communications Rules, the above affected licensees may, no later than May 2, 2006, file a written statement showing with particularity why their respective license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensees herein to furnish additional information. If the affected licensees raise any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the respective licensee(s) will be deemed to have consented to the respective modification(s) as proposed in this *Order to Show Cause* and a final Order will be issued if the modification(s) is found to be in the public interest.

9. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Henry A. Solomon, Esq  
Counsel, Horizon Broadcast Group, LLC  
Garvey Schubert Barer  
1000 Potomac Street, NW  
Washington, DC 20007

Mark N. Lipp, Esq.  
Counsel, Cumulus Licensing, LLC  
Vinson & Elkins LLP  
The Willard Office Building  
1455 Pennsylvania Avenue, NW  
Washington, DC 20004

7. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

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<sup>9</sup> See *Circleville, Ohio*, 8 FCC 2d 159 (1967).