

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-9
Table of Allotments,)	RM-11141
FM Broadcast Stations.)	RM-11242
(Ione, Oregon; Walla Walla, Washington and)	
Athena, Hermiston, La Grange, and Arlington,)	
Oregon) ¹)	
)	

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 a counterproposal filed by Two Hearts Communications, LLC, (“Two Hearts”), licensee of FM Station KHSS, Channel 264C3, Walla Walla, Washington in response to the *Notice of Proposed Rule Making*,² which requires the issuance of this *Order to Show Cause* directed at Westend Radio, LLC, (“Westend Radio”), licensee of FM Station KQFM, Channel 263A, Hermiston, Oregon and KSRV, Inc., licensee of FM Station KWRL, Channel 260C1, La Grange, Oregon.

2. Two Hearts filed a timely counterproposal in response to the *Notice’s* proposed allotment of Channel 295A at Ione, as its first local service. The counterproposal requested the substitution of Channel 264C2 for Channel 264C3 at Walla Walla, Washington, reallocation of Channel 264C2 from Walla Walla to Athena, Oregon, as its first local service and modification of the FM Station KHSS license accordingly. To accommodate the proposed reallocation, Two Hearts requests the substitution of Channel 295C2 for vacant Channel 261C2 at Arlington, Oregon; substitution of Channel 261A for Channel 263A at Hermiston, Oregon and modification of the FM Station KQFM license accordingly,³ and substitution of Channel 225C1 for Channel 260C1 at La Grange, Oregon and modification of the FM Station KWRL license accordingly.⁴ Two Hearts also proposes the allotment of Channel 258A rather than Channel 295A at Ione to resolve the conflict with the *Notice’s* proposal.

¹ Walla Walla, Washington and Athena, Hermiston, La Grange, and Arlington, Oregon have been added to the caption. See *Public Notice*, Report No. 2708, released May 18, 2005.

² See *Ione, Oregon*, 20 FCC Rcd 1287 (MB 2005) (“*Notice*”).

³ The license of FM Station KQFM at Hermiston, Oregon can be modified to specify operation on Channel 261A in lieu of Channel 263A at the station’s current authorized transmitter site (BLH-19990520KB). The licensed coordinates for FM Station KQFM at Hermiston are 45-51-57 NL and 119-18-38 WL.

⁴ The license of FM Station KWRL at La Grange, Oregon can be modified to specify operation on Channel 225C1 in lieu of Channel 260C1 at the station’s current authorized transmitter site (BLH-19970805KE). The licensed coordinates for FM Station KWRL at La Grange are 45-12-59 NL and 118-0-0 WL.

3. Section 316(a) of the Communications Act of 1934, as amended,⁵ 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.⁶ We find that the Two Hearts counterproposal has sufficient public interest benefits to justify the issuance of a show cause order. Therefore, we are issuing this *Order to Show Cause* directed to Westend Radio and KSRV, Inc. requesting each licensee to show cause why its respective station's channel should not be modified as proposed herein.

4. Two Hearts states that it would reimburse Westend Radio and KSRV, Inc. for the reasonable costs incurred in connection with the proposed channel change, respectively, for FM Stations KQFM and KWRL consistent with the *Circleville* policy.⁷

5. Accordingly, IT IS ORDERED, That pursuant to the Act, Westend Radio, LLC, licensee of FM Station KQFM, Hermiston, Oregon, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 261A in lieu of Channel 263A.

6. Accordingly, IT IS ORDERED, That pursuant to the Act, KSRV, Inc., licensee of FM Station KWRL, La Grange, Oregon, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 225C1 in lieu of Channel 260C1.

7. 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.

8. 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:

Westend Radio, LLC
Licensee of FM Station KQFM
PO Box 145
Hermiston, Oregon 97838

KSRV, Inc.
Licensee of FM Station KWRL
2021 Court Avenue
Baker City, Oregon, 97814

J. Dominic Monahan, Esq.
Counsel, KSRV, Inc.
777 High Street, Suite 300
Eugene, Oregon, 97401

⁵ 47 U.S.C. § 316(a) (the "Act").

⁶ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁷ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).

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