

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

In the Matter of Applications of)	
)	
AVISTA CORPORATION)	FCC File Nos. 0004076538, 0004076539,
)	0004076544
To Modify Licenses for Automated Maritime)	
Telecommunications System Stations WQKP817,)	
WQKP819, and WQKP820)	

ORDER

Adopted: January 12, 2012

Released: January 13, 2012

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* We have before us the above-captioned applications filed by Avista Corporation (Avista) to modify its licenses for Automated Maritime Telecommunications System (AMTS) Stations WQKP817,¹ WQKP819,² and WQKP820³ by adding twenty-five transmitter locations in Idaho, Montana, and Washington, and a petition to deny filed by Spokane Television, Inc. (Spokane TV).⁴ Spokane TV, the licensee of Channel 13 Digital Television (DTV) Station KXLY-TV, Spokane,

¹ FCC File No. 0004076538 (filed Dec. 23, 2009) (WQKP817 Application). The WQKP817 Application proposes to add three transmitter locations in Montana.

² FCC File No. 0004076539 (filed Dec. 23, 2009, amended Feb. 16, 2010) (WQKP819 Application). The WQKP819 Application initially proposed to add two transmitter locations in Washington, but was amended to remove one of the locations. Paging Systems, Inc. (PSI) filed a petition to dismiss or deny the application, *see* Paging Systems, Inc., Petition to Dismiss or Deny (filed Jan. 29, 2010) (PSI Petition), but subsequently requested that the petition be dismissed because the amendment addressed its concerns. *See* Request by Paging Systems, Inc. to Dismiss Its Petition to Dismiss or Deny (filed Mar. 26, 2010). We grant PSI's request to withdraw the PSI Petition.

³ FCC File No. 0004076544 (filed Dec. 23, 2009) (WQKP820 Application). As filed, the WQKP820 Application proposes to add nine locations in Idaho, twelve locations in Washington, and one location in Oregon. Avista later stated that it no longer seeks authority to add the proposed Oregon site, and requests dismissal of the application with respect to that site. *See* Avista Corporation, Reply to Supplements to Petitions to Deny at 3 (filed Apr. 1, 2011) (Reply to Supplemental Petitions). We will dismiss the WQKP820 Application with respect to location 12.

Oregon Public Broadcasting (OPB) filed a petition to deny on the grounds that the proposed Oregon site could cause interference to reception of OPB stations KTVR-DT and KOPB-TV. *See* Oregon Public Broadcasting, Petition to Deny (filed Jan. 29, 2010) (OPB Petition). Because we are dismissing the WQKP820 Application with respect to that site, we dismiss the OPB Petition as moot. (In response to a staff request, OPB confirmed that, if the Oregon site is deleted from the WPKQ820 Application, OPB "no longer has an immediate interest in Avista's specific proposal." *See* E-mail of Aug. 15, 2011, from Lawrence M. Miller, Schwartz, Woods & Miller, Counsel for OPB, to Scot Stone. OPB adds, however, that it remains interested in the matter because of the possibility that it will constitute a precedent. *Id.* We note, in this regard, that OPB's arguments largely mirror those of Spokane TV, and we address those arguments on the merits *infra*.) We also dismiss as moot the opposition to the PSI Petition and OPB Petition filed by Warren Havens. *See* Initial Opposition [to] Petitions to Deny Avista FN 0004076539 by PSI and OR Pub. Broadcasting (filed Mar. 26, 2010).

⁴ *See* Spokane Television, Inc., Petition to Deny (filed Jan. 29, 2010) (Spokane TV Petition). Avista filed an opposition. *See* Avista Corporation, Opposition to Petitions to Deny (filed Feb. 16, 2010) (Opposition). Spokane TV filed a reply. *See* Spokane Television, Inc., Reply to Opposition to Petition to Deny (filed Feb. 26, 2010) (Spokane TV Reply). As discussed *infra*, the parties also filed supplemental pleadings pursuant to staff request.

Washington, argues that Avista's proposed operations will not afford the requisite interference protection to television reception. We conclude that, with the exception of the proposed Ritzville Office, Washington location, Avista has met its obligation to develop a satisfactory plan for controlling interference from its proposed operations to television reception, and that its applications otherwise comply with the Commission's rules. We accordingly will grant the applications except with respect to the Ritzville location, subject to conditions described below.

2. *Background.* The AMTS service was established to meet the communications needs of vessels on inland waterways,⁵ but the Commission's rules now permit AMTS stations to provide service to units on land, including private land mobile radio (PLMR) service.⁶ In establishing rules for AMTS, the Commission considered the potential for interference to television reception, particularly with respect to television Channels 10 and 13, because of the proximity of AMTS frequencies to those channels.⁷ AMTS stations are authorized on the condition that no harmful interference will be caused to reception of existing television stations.⁸ In addition, an applicant proposing to locate an AMTS station within 169 kilometers (105 miles) of a Channel 13 television station, or within 129 kilometers (80 miles) of a Channel 10 television station, must submit an engineering study demonstrating the means it will use to avoid interference to television reception within the television station's Grade B contour.⁹ If there are at least one hundred residences within both the proposed AMTS station's predicted interference contour and the television station's Grade B contour, the AMTS applicant must (1) show that its proposed site is the only suitable location, (2) develop a plan to control any interference its operations cause within the Grade B contour, and (3) agree to make any necessary adjustments to affected television receivers to eliminate such interference.¹⁰ In addition, any AMTS licensee that, despite these precautions, causes interference to television reception within the Grade B contour must cure the problem within ninety days of the time it is notified in writing by the Commission or discontinue operation of the station.¹¹

3. In 2002, the Commission adopted a geographic area licensing approach for AMTS stations.¹² While geographic licensees generally are authorized to place stations anywhere within their service areas, the Commission requires individual licensing of stations at locations for which the rules mandate submission of an engineering study demonstrating that interference to television reception will be avoided.¹³

⁵ See Amendment of Parts 2, 81 and 83 of the Commission's Rules to Allocate Spectrum for an Automated Inland Waterways Communications System (IWCS) along the Mississippi River and Connecting Waterways, *Report and Order*, GEN Docket No. 80-1, 84 FCC 2d 875 (1981) (*IWCS Report and Order*).

⁶ See MariTEL, Inc. and Mobex Network Services, LLC, *Report and Order*, WT Docket No. 04-257, 22 FCC Rcd 8971, 8974-78 ¶¶ 4-10 (2007), *on recon.*, *Memorandum Opinion and Order*, 25 FCC Rcd 533 (2010), *Order on Reconsideration*, 26 FCC Rcd 2491 (2011), *application for review dismissed*, *Second Memorandum Opinion and Order*, FCC 11-173 (rel. Nov. 29, 2011).

⁷ See *IWCS Report and Order*, 84 FCC 2d at 897 ¶ 80.

⁸ 47 C.F.R. § 80.215(h).

⁹ See 47 C.F.R. §§ 80.215(h)(2), 80.475(a)(1).

¹⁰ See 47 C.F.R. § 80.215(h)(3).

¹¹ 47 C.F.R. § 80.215(h)(4). The AMTS licensee also is expected to help resolve complaints of interference outside the Grade B contour. *Id.*

¹² See Amendment of the Commission's Rules Concerning Maritime Communications, *Second Memorandum Opinion and Order and Fifth Report and Order*, PR Docket No. 92-257, 17 FCC Rcd 6685, 6696 ¶ 24 (2002) (*Fifth Report and Order*), *erratum*, 19 FCC Rcd 9918 (2004).

¹³ See 47 C.F.R. § 80.385(b).

4. Avista, an electric and gas utility company, acquired by assignment the geographic licenses for AMTS Stations WQKP817, WQKP819, and WQKP820 in 2009 in order to deploy a PLMR system across its service territory.¹⁴ Later that year, it filed the captioned modification applications to add transmitter locations for which individual licensing is required because of their proximity to television stations. Avista submitted an “Analysis of the Potential for Interference to Television Reception Associated with AVISTA Utilities’ 217 MHz Band Private Land Mobile Radio System” (Avista Interference Analysis) and a “Plan for Mitigating Interference” (Interference Mitigation Plan) with the applications. Spokane TV filed a petition to deny asserting that the proposed operations would cause significant interference to television reception, and that Avista has not made the requisite showings.¹⁵ Pursuant to a request by Commission staff, Avista submitted a separate analysis of the interference potential of each proposed station (Avista Site-by-Site Study).¹⁶

5. *Discussion.* There is no standard method for predicting interference to DTV stations on Channel 13 from the type of operation proposed by Avista. Spokane TV challenges Avista’s compliance with the requirements in the AMTS rules, and has introduced engineering analyses to rebut the engineering studies submitted by Avista to demonstrate the adequacy of its plan to control interference to viewers of Station KXLY-TV. It takes issue with Avista’s methodology in the Avista Interference Analysis¹⁷ and the Avista Site-by-Site Study.¹⁸

¹⁴ See FCC File Nos. 0003771033, 0003796275, 0003796380 (each filed Apr. 8, 2009).

¹⁵ See Spokane TV Petition at 8, 10-14.

¹⁶ See Avista Corporation, DTV Receiver & Translator AMTS Interference Study (filed Feb. 15, 2011) (Avista Site-by-Site Study). In response, Spokane TV filed a supplement to its petition to deny. See Spokane Television, Inc., Supplement to Petition to Deny (filed Mar. 17, 2011) (Spokane TV Supplemental Petition). Avista filed a reply. Avista Corporation, Reply to Supplements to Petitions to Deny (filed Apr. 1, 2011). Finally, at the further invitation of the staff, Spokane TV filed a Further Supplement to Petition to Deny. See Spokane Television, Inc., Further Supplement to Petition to Deny (filed Aug. 22, 2011).

The Association for Maximum Service Television, Inc. (MSTV) and the National Association of Broadcasters (NAB) jointly filed reply comments suggesting that the technical issues presented by Avista’s applications should be resolved in a rulemaking proceeding. See Letter, dated Apr. 1, 2011, from Association for Maximum Service Television, Inc. and National Association of Broadcasters to FCC. Avista moved to strike the MSTV/NAB comments on April 8, 2011, and MSTV and NAB filed an opposition on April 18, 2011. The information and arguments in the MSTV/NAB reply comments are not of decisional significance in our resolution of this matter. The motion to strike is therefore moot. See Review of Commission Consideration of Applications under the Cable Landing License Act, *Report and Order*, IB Docket No. 00-106, 16 FCC Rcd 22167, 22177 ¶ 17 (2001). Our decision herein is without prejudice to the filing of a petition for rulemaking regarding AMTS-DTV interference issues.

¹⁷ Spokane TV objects in particular to Avista’s initial reliance on FCC/OST Technical Memorandum 82-5, “Guidance for Evaluating the Potential for Interference to TV from Stations of Inland Waterways Communications Systems” (July 1982), known as the Eckert Report, in calculating the predicted interference its proposed stations would cause to DTV reception. See Spokane TV Petition at 8. Spokane TV argues that the Eckert Report, designed to serve as a model to predict AMTS interference to analog National Television Systems Committee (NTSC) television stations, cannot reliably serve as the basis for predicting potential AMTS interference to DTV stations, given DTV’s different power level and modulation. See *id.*; Spokane TV Reply at 4. Avista defends its use of the Eckert Report, contending that there is no “evidence that the Eckert Report’s age somehow suggests that it is likely to understate the interference potential to DTV receivers, or that DTV receivers may be more susceptible to interference than older model analog receivers used in the Eckert Report.” See Opposition at 8.

¹⁸ Spokane TV argues that Avista’s showing is flawed due to Avista’s failure to procure independent laboratory testing to determine the susceptibility of consumer DTV receivers to interference from operations such as those proposed by Avista. See Spokane TV Supplemental Petition at 3-5. It argues as well that Avista’s calculations are not based on the correct DTV service contour, and also fail to consider a number of other factors that could affect (continued....)

6. Commission staff ultimately undertook its own technical analysis to predict whether Avista's proposed stations would be expected to cause interference to reception of Station KXLY-TV. The staff analysis used V-Soft Probe version 4,¹⁹ a widely-used commercial software program, which implements the Institute for Telecommunications Sciences irregular terrain propagation model, also known as the "Longley-Rice" model,²⁰ and provides integrated mapping and U.S. Census-based population counting. Potential viewers of Station KXLY-TV were assumed to have a properly-oriented receiving antenna having performance characteristics consistent with DTV planning factors.²¹ The proposed Avista operations were treated as NTSC television stations operating at 217.25 MHz. Interference from the proposed Avista operations to the proposed Station KXLY-TV operation was assumed to exist at locations where the desired-to-undesired (D/U) signal ratio was below -33 dB.²²

7. The AMTS rules refer to a television station's Grade B contour, which was used to define the service area of an analog television station. With the conversion to DTV, the Commission developed the noise limited service contour (NLSC) to approximate the same probability of service as the analog Grade B contour.²³ The AMTS rules are intended to protect both analog television and DTV from AMTS interference.²⁴ Consequently, we define Station WXLY-TV's service area by reference to its NLSC.

8. The staff analysis identified seven proposed Avista sites that are located significantly

(Continued from previous page)

the potential for interference to DTV reception. *Id.* at 7-9. In reply, Avista states that it did in fact undertake laboratory testing of DTV receivers, and that the testing confirms that its proposed operations will have a negligible impact, if any, on DTV reception. *See* Reply to Supplemental Petitions at 3-5. It also contends that Spokane TV's claims regarding other flaws in Avista's Site-by-Site Study are without merit. *Id.* at 5-9.

¹⁹ V-Soft Probe 4™, <http://www.v-soft.com/probe/index.htm>.

²⁰ *See* Technical Note 101, "Transmission Loss Predictions for Tropospheric Communication Circuits Volumes I and II" (Jan. 1967), accessible at <http://www.its.bldrdoc.gov/pub/ntia-rpt/tn101/>.

²¹ *See* OET Bulletin No. 69 (Feb. 26, 2004), Tables 3 and 6.

²² The standard D/U ratio for upper-adjacent channel NTSC interference into DTV is -48 dB. *See* 47 C.F.R. § 73.623(c)(2). The effective occupied bandwidth of the Avista operations, however, appears to be greater than that of a conventional NTSC visual carrier, so a more conservative D/U ratio, such as -33 dB, is more appropriate. *See* LoJack Corporation, *Declaratory Ruling and Order*, WT Docket No. 06-142, 26 FCC Rcd 12991, 12999 ¶ 18 (PSHSB 2011) (noting that the D/U threshold ratio for lower adjacent DTV signals into a DTV receiver has been measured to be about -33 dB) (citing Interference Rejection Thresholds of Consumer Digital Television Receivers Available in 2005 and 2006, OET Report FCC/OET 07-TR-1003, Technical Research Branch, Laboratory Division, Office of Engineering and Technology, Federal Communications Commission at A-2 (Mar. 30, 2007)). The Avista carrier is centered at 217.1875 MHz, a frequency sufficiently close to the standard (NTSC) value of 217.25 MHz such that no further adjustment of the D/U ratio is warranted.

²³ *See, e.g.,* Review of the Commission's Part 95 Personal Radio Services Rules, *Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration*, WT Docket No. 10-119, 25 FCC Rcd 7651, 7676 ¶ 65 (2010); Study of Digital Television Field Strength Standards and Testing Procedures, *Report To Congress: The Satellite Home Viewer Extension and Reauthorization Act of 2004*, ET Docket No. 05-182, 20 FCC Rcd 19504, 19507 ¶ 3 (2005). The NLSC is defined using the F(50,90) field strength contour, the area in which at least fifty percent of the locations can be expected to receive a signal that exceeds a specified field strength value at least ninety percent of the time. *See* Establishment of a Model for Predicting Digital Broadcast Television Field Strength Received at Individual Locations, *Notice of Proposed Rule Making and Further Notice of Proposed Rule Making*, ET Docket No. 10-152, 25 FCC Rcd 10474, 10485 ¶ 25 (2010).

²⁴ *See* Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Seventh Report and Order and Eighth Further Notice of Proposed Rule Making*, MB Docket No. 87-268, 22 FCC Rcd 15581, 15595 ¶ 33 (2007).

outside of Station KXLY-TV's NLSC, and thus can be eliminated as potential sources of interference.²⁵ Another twelve proposed sites are predicted to cause no interference to television reception within Station KXLY-TV's NLSC.²⁶ With respect to two other proposed sites, the area of predicted interference falls in or near national forest or state parkland that is very sparsely, if at all, inhabited.²⁷

9. The staff analysis identified four proposed sites that are predicted to cause interference (*i.e.*, the D/U ratio is below -33 dB) to populated areas within Station KXLY-TV's NLSC: Cabinet, Montana; Ritzville Office and Shawnee, Washington; and West Twin, Idaho. The Cabinet site is predicted to cause interference to 59 persons in 51 households in or near Heron, Montana. The Ritzville Office site is predicted to cause interference to 1,179 persons in 596 households in or near Ritzville, Washington. The Shawnee site is predicted to cause interference to 125 persons in 51 households in or near Albion, Washington. Finally, the West Twin site is predicted to cause interference to 46 persons in 21 households in or near Moscow, Idaho.

10. Avista plans to control interference to television reception by operating with less power than permitted by the AMTS rules and using only the minimum necessary power and antenna heights to minimize the interference potential, employing station antenna shielding and filtering, and using directional antennas.²⁸ At those sites identified by Avista as requiring filtering to ensure reception of Station KXLY-TV, Avista anticipates use of a single cavity notch (SCN) filter which would provide an additional 17.5 dB of protection.²⁹ We conclude that this plan to control interference, required by Section 80.215(h)(3)(ii) of the Commission's Rules, is sufficient with respect to the twenty-one proposed sites where no interference to populated areas within Station KXLY-TV's NLSC is predicted.

11. Based on the staff analysis, however, we conclude that the proposed Ritzville Office site poses an unacceptable potential for interference to television reception that would not be adequately addressed by Avista's plan to control interference. Specifically, the staff analysis indicates a considerable populated area where the predicted D/U ratio would be -52 dB or less. For these households, the interference would not be ameliorated by Avista's proposed filtering because the additional 17.5 dB of protection provided by a SCN filter would still leave the D/U ratio below -33 dB. Avista has not identified a technical solution that will address this level of interference. We therefore will deny the WQKP820 Application insofar as it seeks authorization to operate a transmitter at Ritzville.³⁰

12. With respect to the three remaining sites that are predicted to cause interference to populated areas within Station KXLY-TV's NLSC – the Cabinet, Shawnee, and West twin sites – we conclude that the potential for interference to television reception is manageable, on the condition that Avista augments its plan for controlling interference to television reception by conducting special

²⁵ These seven sites are Cottonwood Butte, Pilot Knob, and Teakean Butte, Idaho; and Goldendale, Lind, Three Springs, and Lewiston Ridge, Washington.

²⁶ These twelve sites are Black Mountain, Goose Peak, Mica Peak, Sandpoint, and St. Joe Baldy, Idaho; Noxon, Montana; and Coleville Mountain, Creston, Devils Gap, Flagstaff, Monumental Mountain, and Mount Spokane, Washington.

²⁷ These two sites are Bull River, Montana; and Steptoe, Washington.

²⁸ See Interference Mitigation Plan at 2-3; see also Specific Site Studies of Potential of Receiver De-Sense of KXLY DTV Translators from Planned PLMR AMTS Transmitters at 8 (stating that Avista's system was designed to eliminate any potential for interference to television reception) (attached to Opposition).

²⁹ See Avista Site-by-Site Study at 9, Table 1 and note 2.

³⁰ We note that the proposed Ritzville Office is well within the City of Ritzville. It appears that the populated area with an unacceptable predicted D/U ratio could be substantially reduced or eliminated by relocating the transmitter a relatively short distance.

outreach efforts to ensure that television viewers are aware of the potential for interference and the available remedies. Specifically, Avista must publish in local newspapers of general circulation in Heron, Albion, and Moscow a notice providing the following information³¹:

- Avista is (or will be) operating on frequencies that may interfere with reception of Station KXLY-TV
- Contact information, including a telephone number, mailing address, email address, and website, through which the viewers may contact Avista in the event of such interference
- Upon receiving an interference complaint, Avista will act to verify the existence of interference, and, upon verifying the existence of interference, will take whatever action may be necessary to eliminate the interference
- Complaints regarding unresolved interference may be submitted to the Federal Communications Commission, Wireless Telecommunications Bureau, Mobility Division, 445 12th St., S.W., Washington, D.C. 20554.

The notice must be published in each community shortly before the relevant Avista site begins transmitting, and every six months after operation has commenced. Avista shall retain documentation of interference complaints it receives and the actions it takes in response, and submit copies to the Commission upon request. If no verified complaints of AMTS interference to reception of Station KXLY-TV are received in a community for two successive six-month periods, Avista may request that it be relieved of the notice requirement with respect to that community. As augmented by these conditions, we find that Avista's plan to control interference is sufficient.

13. Finally, we reject Spokane TV's arguments that Avista has failed to satisfy the other two prongs of Section 80.215(h)(3). With respect to Section 80.215(h)(3)(i), a petitioner asserting that an AMTS applicant's proposed station location is not the only suitable location must identify an alternative location for the proposed station, whereupon the burden shifts to the applicant to demonstrate that the suggested alternative is not suitable.³² Spokane TV, however, has not identified any alternative locations.³³ With respect to Section 80.215(h)(3)(iii), Spokane TV views Avista's initial pledge to "bear[] the cost of upgrading subscriber's antennas and antenna components,"³⁴ as insufficient because it could be construed as unduly limiting the remedial actions Avista is offering to undertake to address instances of actual interference, and suggests that Avista would not undertake any remediation for over-the-air viewers of Station KXLY-TV inasmuch as such viewers do not "subscribe" to the station.³⁵ We understand

³¹ For any of these communities in which there is no daily newspaper of general circulation published, the notice shall be published in a weekly newspaper of general circulation published in that community. If there is no daily or weekly newspaper of general circulation published in any community, the notice shall be published in the daily newspaper, wherever published, that has the greatest general circulation in that community. If there is no newspaper published or having circulation in that community, Avista shall determine an appropriate means of providing the required notice, such as posting in the local post office or other public place.

³² See, e.g., *Fifth Report and Order*, 17 FCC Rcd at 6703 ¶ 38 (2002).

³³ To the extent that Spokane TV suggests that widespread operations within a television station's viewing area can never be "suitable," see Spokane TV Petition at 12-13, we disagree. When the Commission adopted geographic licensing for the AMTS service, it indicated that operation within television viewing areas would be permitted so long as each base station meets the AMTS rules regarding interference to television reception. See *Fifth Report and Order*, 17 FCC Rcd at 6703-05 ¶¶ 38-44.

³⁴ See Interference Mitigation Plan at 2.

³⁵ See Spokane TV Petition at 13-14.

Avista's commitment as broader than Spokane TV's close parsing of the aforementioned language might have it, and as representing that Avista agrees, without limitation, to make whatever adjustments to affected TV receivers may be needed to eliminate interference caused by its operations.³⁶

14. *Conclusion.* For reasons set forth above, we deny Spokane TV's petition to deny the subject applications to modify Avista's licenses for AMTS Stations WQKP817, WQKP819, and WQKP820, except with respect to the proposed Ritzville Office location. We conclude that, the additional conditions imposed herein, Avista has met its obligation under Sections 80.215(h)(3) and 80.475(a)(1) of the Rules with respect to the remaining locations. We emphasize that Avista remains obligated to cure any instances of actual interference to television reception.

15. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, that the petition to deny filed by Spokane Television, Inc., on January 29, 2010, IS GRANTED IN PART AND DENIED IN PART, as set forth above.

16. IT IS FURTHER ORDERED that the petition to deny filed by Oregon Public Broadcasting on January 29, 2010, IS DISMISSED AS MOOT.

17. IT IS FURTHER ORDERED that the Request by Paging Systems, Inc., to Dismiss Its Petition to Dismiss or Deny, filed by Paging Systems, Inc. on March 26, 2010, IS GRANTED, and the Petition to Dismiss or Deny filed by Paging Systems, Inc., on January 29, 2010, IS DISMISSED.

18. IT IS FURTHER ORDERED that the Initial Opposition [to] Petitions to Deny Avista FN 0004076539 by PSI and OR Pub. Broadcasting, filed by Warren Havens on March 25, 2010, IS DISMISSED AS MOOT.

19. IT IS FURTHER ORDERED that applications FCC File Nos. 0004076538, 0004076539, and 0004076544 SHALL BE PROCESSED consistent with this *Order* and the Commission's Rules. Grant of application FCC File No. 0004076538 SHALL BE CONDITIONED as follows: "Licensee must provide notice to residences in the vicinity of location 2 as set forth in Order DA 12-45." Application FCC File No. 0004076544 SHALL BE DISMISSED with respect to locations 12 and 15 and OTHERWISE GRANTED, CONDITIONED as follows: "Licensee must provide notice to residences in the vicinity of locations 17 and 22 as set forth in Order DA 12-45"

20. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
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Wireless Telecommunications Bureau

³⁶ See, e.g., Avista Interference Analysis at 32; Opposition at 12.