

EXHIBIT 17
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PROHIBITED CONTOUR OVERLAP
Riverview Baptist Christians Schools
Pasco, WA

As shown in Figure 18.0 of Exhibit 18 to the attached application, the predicted 60 dBu contour for the proposed KOLU facilities will overlap the predicted 100 dBu contour for the facilities authorized by a construction permit (BNPED-20071018AQJ) for a new station on Channel 213C2 in Prosser, Washington. The proposed KOLU 60 dBu contour will also overlap the predicted 100 dBu contour for the facilities proposed in an application (BNPED-20071022BRO) for a new station on Channel 213C2 in Benton City, Washington.¹

Figure 17.0 is a map exhibit depicting the 60 and 100 dBu contours for the present and proposed KOLU facilities in relation to these same contours for the facilities authorized by the Prosser construction permit and the facilities proposed in the Benton City application. As shown in this figure, there is no prohibited overlap between the presently licensed KOLU facilities and these two other facilities. There will be prohibited overlap, however, between the predicted 60 dBu contour for the proposed KOLU facilities and the predicted 100 dBu contour for both of these other facilities.²

A similar situation was addressed in the *Educational Information Corporation* decision, where the FCC said that they would be "...inclined to grant such waivers of second and third adjacent channel overlap in circumstances...where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas". Based on the data outlined below, a waiver is justified with regard to this received overlap from either of these two facilities.

¹The Benton City application was dismissed on August 26, 2011 in conjunction with the selection of the mutually exclusive Prosser application in MX Group 443, but the Benton City applicant timely filed a *Petition for Reconsideration* of this dismissal.

²There will be no prohibited overlap between KOLU's proposed 100 dBu contour and the 60 dBu contour for either of these other facilities.

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Since it is not presently certain which of these two applications will ultimately prevail, each one of these applications was evaluated at individually. Table 17.0 presents a summary of the prohibited overlap which would be received by the proposed KOLU facilities from each of these proposed facilities. As shown in this table, the prohibited overlap received from the Prosser construction permit will involve 2.1 square kilometers, or 0.02% of the land area within the proposed KOLU 60 dBu contour, and contain no population. The prohibited overlap received from the Benton City application will involve 16.4 square kilometers, or 0.14% of the land area within the proposed KOLU 60 dBu contour, and contain 73 people, or 0.03% of the population within the proposed KOLU 60 dBu contour. These values easily comply with the FCC policy that sets a 10% cap on the amount received overlap that will be permitted in a request for such a waiver.

Table 17.1 presents a tabulation of the additional land areas and populations which would receive service from the proposed KOLU modifications. As shown in this table, the modified facilities proposed for KOLU in the attached application will provide 60 dBu service to an additional land area of 6674.9 square kilometers (a 123.1% increase) containing 45,403 people (a 21.4% increase).

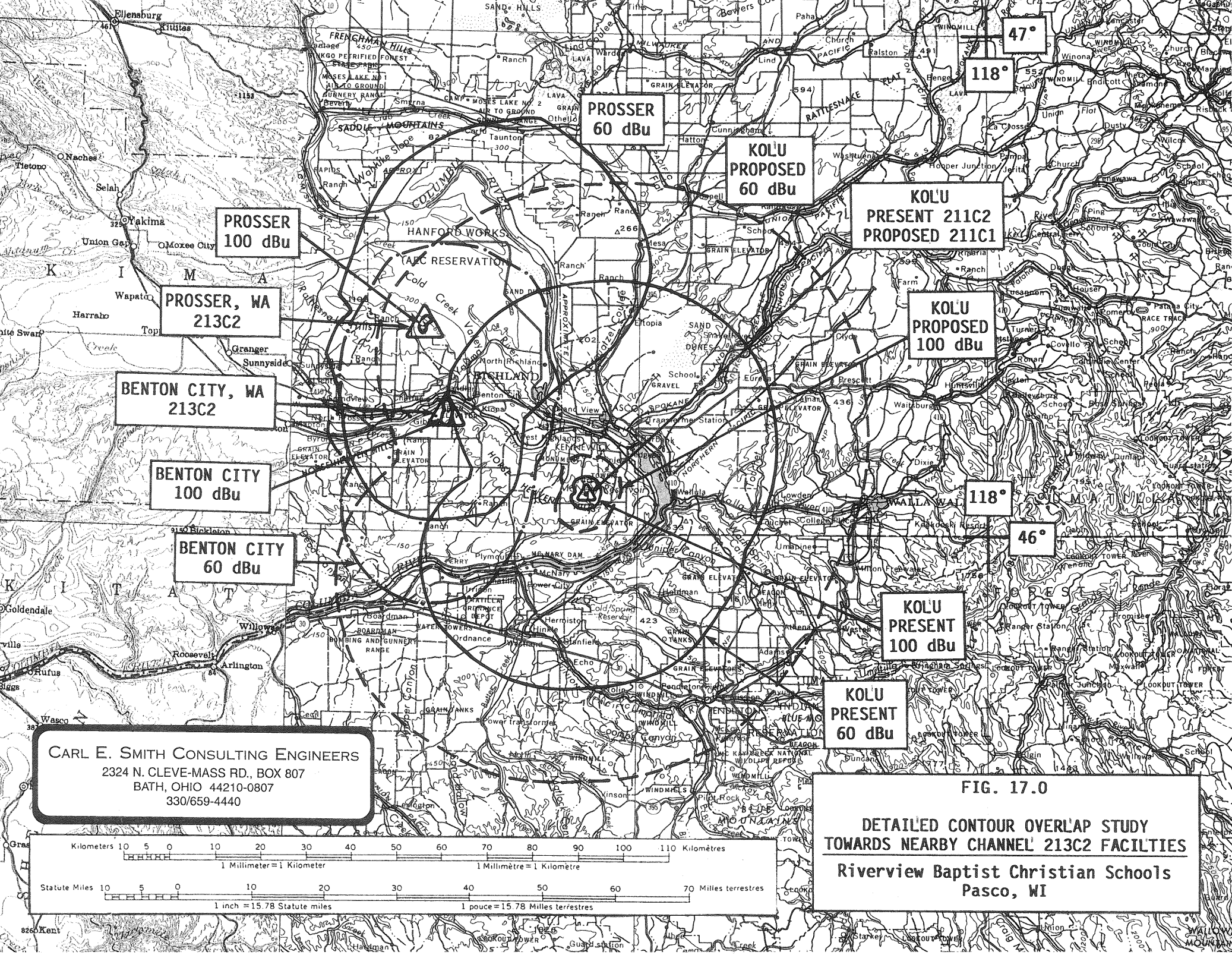
Figure 17.2 shows the areas to which the proposed KOLU modifications would provide a second full time noncommercial educational service. All authorized full time noncommercial educational stations, including the Prosser construction permit, were considered in determining the number of existing services to these areas, while the facilities specified in pending applications were excluded. As shown in this figure, the proposed KOLU modifications would provide a second full time NCE service to 1361.4 square kilometers (20.4% of the gain area) containing a population of 7309 people (16.1% of the gain area population).³

³If the Benton City petition is ultimately granted, this second NCE service would increase to 1527.1 square kilometers (22.9% of the gain area) containing a population of 10,123 people (22.3% of the gain area population).

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The public interest benefits outlined above cannot be achieved through the use of an alternate frequency which would not require the requested waiver. Table 17.3 details the results of a frequency search of the reserved FM band for the Pasco, Washington area. As shown in this table, all other frequencies in the reserved band, except that presently employed by KOLU, are precluded from use in this area. Thus, the use of an alternate frequency to achieve the proposed modifications is not an option.

Based upon the above information, the proposed modifications will provide significant public interest benefits by providing additional full time noncommercial educational service to a large area, including significant areas which are presently underserved. Furthermore, there is no way to provide these benefits without the need for a waiver. For these reasons, a waiver of Section 73.509 of the FCC Rules is respectfully requested with regard to this prohibited contour overlap.



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FIG. 17.0
DETAILED CONTOUR OVERLAP STUDY
TOWARDS NEARBY CHANNEL 213C2 FACILITIES
Riverview Baptist Christian Schools
Pasco, WI

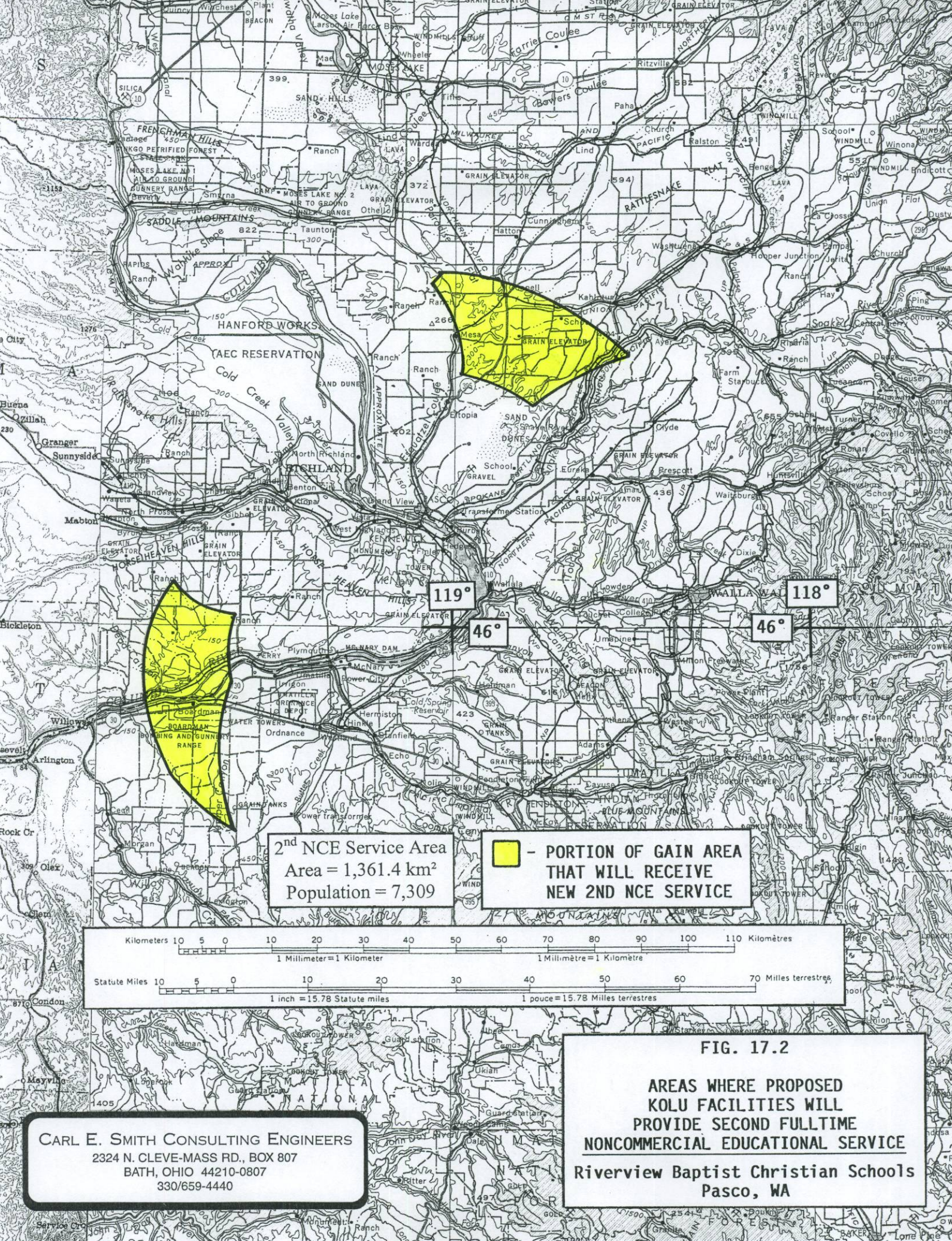
TABLE 17.0

SUMMARY OF PROHIBITED OVERLAP
RECEIVED BY PROPOSED KOLU FACILITIES
 Riverview Baptist Christian Schools
 Pasco, WA


	<u>Area (square kilometers)</u>		<u>Area (percent)</u>		<u>Population</u>		<u>Population (percent)</u>	
	<u>Present</u>	<u>Proposed</u>	<u>Present</u>	<u>Proposed</u>	<u>Present</u>	<u>Proposed</u>	<u>Present</u>	<u>Proposed</u>
From Prosser Construction Permit	0.0	2.1	0.00%	0.02%	0	0	0.00%	0.00%
From Benton City Application	0.0	16.4	0.00%	0.14%	0	73	0.00%	0.03%

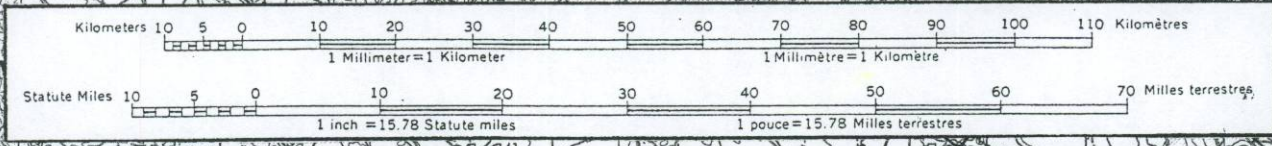
TABLE 17.1
KOLU PRESENT AND PROPOSED
AREAS AND POPULATIONS
Riverview Baptist Christian Schools
Pasco, WA

	<u>Area</u> <u>(square kilometers)</u>	<u>Population</u> <u>(2000 Census)</u>
Present	5,422.7	212,187
Gain	6,674.9	45,403
Loss	0.0	0
Proposed	12,097.6	257,590
Net Gain (Loss)	6,674.9	45,403



2nd NCE Service Area
Area = 1,361.4 km²
Population = 7,309

 - PORTION OF GAIN AREA
THAT WILL RECEIVE
NEW 2ND NCE SERVICE



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FIG. 17.2
**AREAS WHERE PROPOSED
KOLU FACILITIES WILL
PROVIDE SECOND FULLTIME
NONCOMMERCIAL EDUCATIONAL SERVICE**
**Riverview Baptist Christian Schools
Pasco, WA**

TABLE 17.3

NONCOMMERCIAL EDUCATIONAL FM
FREQUENCY SEARCH

Riverview Baptist Christian Schools
Pasco, WA

<u>Channel</u>	<u>Frequency (MHz)</u>	<u>Use Precluded by:</u>		
		<u>Call</u>	<u>Location</u>	<u>Channel</u>
201	88.1	KTCV	Kennewick, WA	201A
202	88.3	KTCV	Kennewick, WA	201A
203	88.5	KLRF KFAE-FM	Milton-Freewater, OR Richland, WA	203C2 206C
204	88.7	KFAE-FM	Richland, WA	206C
205	88.9	KFAE-FM	Richland, WA	206C
206	89.1	KFAE-FM	Richland, WA	206C
207	89.3	KFAE-FM	Richland, WA	206C
208	89.5	KFAE-FM KWWS	Richland, WA Walla Walla, WA	206C 209C2
209	89.7	KFAE-FM KWWS	Richland, WA Walla Walla, WA	206C 209C2
210	89.9	KWWS KPLW	Walla Walla, WA Wenatchee, WA	209C2 210C2
211	90.1	Present Channel		
212	90.3	KTVR-FM KNWY KBLU-FM KWCW BNPED-20071018AQJ BNPED-20071022BRO	La Grande, OR Yakima, WA Pilot Rock, OR Walla Walla, WA Prosser, WA Benton City, WA	212C2 212C3 213A 213A 213C2 213C2
213	90.5	KBLU-FM KWCW BNPED-20071018AQJ BNPED-20071022BRO	Pilot Rock, OR Walla Walla, WA Prosser, WA Benton City, WA	213A 213A 213C2 213C2
214	90.7	KBLU-FM KWCW BNPED-20071018AQJ BNPED-20071022BRO KRBM	Pilot Rock, OR Walla Walla, WA Prosser, WA Benton City, WA Pendleton, OR	213A 213A 213C2 213C2 215C2
215	90.9	KRBM KYPL	Pendleton, OR Yakima, WA	215C2 216C1

TABLE 17.3 (cont'd)

<u>Channel</u>	Frequency (MHz)	Use Precluded by:		<u>Channel</u>
		<u>Call</u>	<u>Location</u>	
216	91.1	KRBM	Pendleton, OR	215C2
		KYPL	Yakima, WA	216C1
		KBLD	Kennewick, WA	219C3
217	91.3	KYPL	Yakima, WA	216C1
		KGTS	College Place, WA	217C2
		KBLD	Kennewick, WA	219C3
218	91.5	KBLD	Kennewick, WA	219C3
219	91.7	KBLD	Kennewick, WA	219C3
220	91.9	KBLD	Kennewick, WA	219C3