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August 10, 2007

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VIA HAND DELIVERY

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Response to Order to Show Cause
Visionary Related Entertainment, LLC
KSHK(FM), Kekaha, Hawaii (Facility ID No. 62228)
KNUQ(FM), Paauilo, Hawaii (Facility ID No. 15969)**

Dear Ms. Dortch:

Visionary Related Entertainment, LLC ("Visionary"), licensee of Stations KSHK, Kekaha, Hawaii, and KNUQ, Paauilo, Hawaii, by its counsel, hereby responds to the Commission's July 11, 2007 Order to Show Cause requesting that Visionary show cause why KSHK's and KNUQ's channels should not be changed to accommodate the minor change application filed by Educational Media Foundation ("EMF") for Station KHAI, Wahiawa, Hawaii. See BPED-20070525AHV. As discussed below, Visionary may not be able to change KSHK's or KNUQ's channels due to complex technical characteristics of each station.¹

The frequency change proposed for KSHK in this unique situation is much different than the typical frequency change and could be prohibitively expensive if not impossible. KSHK is multiplexed on its tower with Stations KSRF, KTOH, and KITH and a combiner is used to combine the signals of these stations. This combiner has been designed and built to ensure that the current frequencies of KSHK, KSRF, KTOH, and KITH are isolated so that all can broadcast from the same antenna.

¹ KNUQ's current license was granted based on an alternate prediction method (Longley-Rice) to demonstrate coverage of its community of license (Paauilo). It is unclear based on a recent decision whether the FCC will grant Visionary a permit for the new channel based on this Longley-Rice showing. See *Ammon and Dubois, Idaho*, 20 FCC Rcd 10626 (2005) (FCC denied a channel change at site with no other technical changes because new channel did not provide city-grade coverage).



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If the FCC forces KSHK to change channels, Visionary will need to redesign its existing combiner or design and purchase a new combiner. A channel change may also involve the purchase of new equipment, transmission lines, a new antenna, and other equipment for KSHK, KSRF, KTOH, and KITH, among other expenses. All of this assumes that a combiner can be designed to combine the frequencies of KSHK, KSRF, KTOH, and KITH. However, Visionary does not know whether a new combiner can accommodate KSHK's new channel with the other stations on the tower. Further, it is not even clear that the other users of the combiner will agree to a new combiner. At the very least, EMF should provide a reputable antenna manufacturers' certification that it can design such a combiner. If it is technically infeasible to combine KSHK's new frequency with the other stations' frequencies, Visionary should not be forced to change channels.

For the reasons discussed above, the Commission should not force Visionary to change channels and should instead deny the KHAI minor change application. Should there be any questions concerning this matter, please contact the undersigned counsel for Visionary.

Sincerely,

Scott Woodworth
Scott Woodworth (by HW)

cc: Dale Bickel, Audio Division, Media Bureau, FCC

David Oxenford, Davis Wright Tremaine, LLP

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