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December 21, 2016

Accepted / Filed

DEC 21 2016

Federal Communications Commission  
Office of the Secretary

VI HAND DELIVERY

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Downgrade of KZZL-FM, Pullman, Washington (FIN 26412)**

Dear Ms. Dortch:

Inland Northwest Broadcasting, LLC ("Inland"), the licensee of KZZL-FM, Pullman, Washington (FIN 26412) (License File No. BMLH-20020920AAD), hereby responds to the letter from James D. Bradshaw, Deputy Chief, Audio Division, Media Bureau, dated November 23, 2016 ("Order to Show Cause") (copy attached), regarding the downgrade of KZZL-FM from a Class C to a Class C1 station. The Licensee, by its counsel, hereby advises the FCC that it has no objection to the modification of the license of KZZL-FM to specify operation on Channel 258C1 in lieu of Channel 258C as proposed in the Order to Show Cause.

Should any questions arise concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By: \_\_\_\_\_

Patricia M. Chuh

cc: James D. Bradshaw (via email – james.bradshaw@fcc.gov)

**FEDERAL COMMUNICATIONS COMMISSION****445 12<sup>th</sup> STREET, SW  
WASHINGTON, DC 20554****MEDIA BUREAU****AUDIO DIVISION****APPLICATION STATUS: (202) 418-2730****HOME PAGE: [www.fcc.gov/media/audio/](http://www.fcc.gov/media/audio/)****PROCESSING ENGINEER: Susan N. Crawford****TELEPHONE: (202) 418-2754****GROUP FACSIMILE: (202) 418-1411****INTERNET ADDRESS: [Susan.Crawford@fcc.gov](mailto:Susan.Crawford@fcc.gov)**

November 23, 2016

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Mr. Robert W. Prasil, Jr.  
Inland Northwest Broadcasting, LLC  
805 Stewart Avenue  
Lewiston, ID 83501

Re: KZZL-FM, Pullman, Washington  
Inland Northwest Broadcasting, LLC  
Facility ID No. 26412  
File No. BMLH-20020920AAD

Dear Mr. Prasil:

In accordance with procedures adopted by the Commission,<sup>1</sup> this letter constitutes notification to Inland Northwest Broadcasting, LLC (Inland), licensee of FM broadcast station KZZL-FM, Pullman, Washington,<sup>2</sup> of the filing of minor change application BPH-20160711AAA (Application) by Anderson Radio Broadcasting, Inc. (ARBI), licensee of FM broadcast station KZJZ(FM), St. Regis, Montana,<sup>3</sup> requesting modification of the licensed KZJZ(FM) facilities.<sup>4</sup> The KZJZ(FM) facilities proposed in the Application meet all pertinent minimum distance separation requirements of Section 73.207 of the Commission's rules<sup>5</sup> toward all existing and known pending FM assignments and allotments with the exception of the one toward the KZZL-FM channel 258C assignment.<sup>6</sup> ARBI recognizes this short spacing in the Application and seeks reclassification of the KZZL-FM assignment to permit the proposed KZJZ(FM) facility modification.

<sup>1</sup> Revision of Procedures Governing Amendments to FM Table of Allotment and Changes of Community of License in the Radio Broadcast Services, Report and Order, MB Docket No. 05-210, 21 FCC Rcd 14212 (2006).

<sup>2</sup> File No. BMLH-20020920AAD.

<sup>3</sup> File No. BLH-20091204ADQ. KZJZ(FM) is currently licensed to operate on channel 256C2 (99.1 megahertz (MHz)) at St. Regis, Montana, using a nondirectional, circularly polarized antenna, 0.93 kilowatts (kW) effective radiated power (ERP), and 867 meters antenna radiation center height above average terrain (HAAT), at a transmitter site described by geographic coordinates 47° 22' 20" North Latitude, 114° 51' 28" West Longitude, referenced to 1927 North American Datum (NAD 27).

<sup>4</sup> ARBI proposes to operate KZJZ(FM) on channel 257C2 (99.3 MHz) at St. Regis, Montana, using a nondirectional, horizontally polarized antenna, 14.6 kW ERP, and 277 meters antenna radiation center HAAT, at a transmitter site described by geographic coordinates 47° 01' 45" North Latitude, 114° 41' 18" West Longitude, referenced to NAD 27.

<sup>5</sup> 47 CFR § 73.207 (Section 73.207).

<sup>6</sup> The KZZL-FM assignment site is located at 49° 40' 49" North Latitude, 116° 53' 18" West Longitude, referenced to NAD 27.

Effective July 8, 1998, by action in MM Docket No. 97-246, channel 258C was assigned to Pullman, Washington, and the KZZL-FM license was modified to specify operation on channel 258C.<sup>7</sup> In order to effectuate this license modification, the then-KZZL-FM licensee<sup>8</sup> was required to file a minor change application for a construction permit specifying channel 258C facilities within 90 days of the effective date of the *Report and Order*. ARBI argues in the Application that the KZZL-FM licensee failed to file the required minor change application and pursue the facility upgrade it sought and received over 18 years ago, and that the Commission should change the KZZL-FM assignment to channel 258C1 at Pullman, Washington,<sup>9</sup> and modify the KZZL-FM license to specify operation on channel 258C1 to accurately reflect the KZZL-FM facilities in operation since 1995.<sup>10</sup> We agree. In the nearly two decades since the KZZL-FM assignment was changed to channel 258C, neither the former nor the current KZZL-FM licensee filed the required minor change application, and KZZL-FM continues to operate with its formerly licensed channel 258C1 facilities.

Despite the KZZL-FM licensee's failure to submit the required minor change application, the channel 258C assignment at Pullman, Washington, reserved for KZZL-FM use in 1998, remains in effect, and it is receiving undeserved protection from KZJZ(FM) and other FM stations. Section 316(a) of the Communications Act of 1934, as amended,<sup>11</sup> permits the Commission to modify a 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, state the grounds and reason for the proposed action, and afford the licensee/permittee of the affected station at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.<sup>12</sup> We find that the Application has sufficient public interest benefits to justify the issuance of this *Order to Show Cause*.

Accordingly, IT IS ORDERED, that pursuant to Sections 316(a) and 1.87, Inland SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 258C1 in lieu of Channel 258C. Inland may, not later than 30 days from the date of this letter, by November XX, 2016, file a written statement stating with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87. 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 within the period specified above, Inland will be deemed to have consented to the modification as proposed in this *Order to Show Cause*, and the KZZL-FM assignment and license will be modified to specify operation on channel 258C1 with the station's current channel 258C1 facilities.

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<sup>7</sup> *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Walla Walla and Pullman, Washington, and Hermiston, Oregon), Report and Order, MM Docket No. 97-246, 13 FCC Rcd 13342 (1998).*

<sup>8</sup> Palouse Country, Inc.

<sup>9</sup> Channel 258C1 can be assigned at the current KZZL-FM assignment site and meet the minimum distance separation requirements of Section 73.207 and the principal community coverage requirements of Section 73.315 of the Commission's rules.

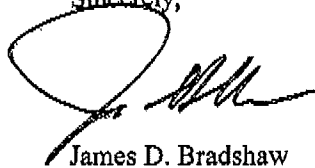
<sup>10</sup> At the current KZZL-FM assignment site, channel 258C1 facilities would meet all of the minimum distance separation requirements of Section 73.207 and the principal community coverage requirements of Section 73.315 of the Commission's rules.

<sup>11</sup> 47 U.S.C. § 316(a) (Section 316(a)).

<sup>12</sup> 47 CFR § 1.87 (Section 1.87). See also *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, Order, 2 FCC Rcd 3327 (1987).

Further action on the Application will be withheld for 30 days from the date of this letter to provide Inland an opportunity to respond. Please note that responses to this *Order to Show Cause* must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Bradshaw", written over a large, loopy circular flourish.

James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: Anne Thomas Paxson, Esq.  
Anderson Radio Broadcasting, Inc.  
Gene Wisniewski (via email)