

## **Request for waiver of the “ratchet rule” provisions of §73.182(q)**

Entercom Portland License, LLC is the licensee of AM stations KTRO, 910 kHz, Vancouver, WA (Fac ID 35033) and KFXX, 1080 kHz, Portland OR (Fac ID 57830).

KFXX operates from a transmitter site owned by Entercom, while KTRO operates from a leased site. The present lease for the KTRO site will expire in 2010, and despite several years of diligent effort, Entercom has been unable to secure a renewal or extension for use of the current site, and has been unable to obtain suitable replacement property for the KTRO transmitting facility.

Co-location of KTRO with KFXX at the existing KFXX facility was deemed impractical, as the existing KFXX towers are only 67° tall at KTRO's frequency, and spaced only 78° apart.

As a consequence, Entercom proposes to build a new three tower array for the combined operation of KFXX and KTRO. This array will be on a parcel of property which adjoins that of the existing KFXX array.

As land use ordinances for the City of Portland strongly encourage the co-location of communications facilities, and to minimize the re-radiation problems that would result from independent AM arrays separated by only a few hundred feet, Entercom's proposal involves the construction of a new three tower array to be used by both KFXX and KTRO. As a condition of the approval by the City of Portland of Entercom's permit for the construction of the new towers, Entercom is required to remove the seven existing towers within one year of the completion of construction of the new array. Therefore, following the construction of this new facility, the existing four tower KTRO array and the existing three tower KFXX arrays would both be dismantled and removed.

The changes proposed to KFXX are *de minimis*. The proposed combined site is just 800 feet east of the licensed KFXX site. The nighttime power of KFXX would be reduced from 10 kW to 9 kW, while the RMS would be reduced by only 2.6%, due to the increased efficiency of the taller towers proposed. The population within the nighttime interference-free contour would be reduced by less than 0.1%.

Since the requested changes to the KFXX facilities are being proposed for no other reason than the accommodation of KTRO due to a “forced move” required by the expiration of the lease of the presently licensed KTRO transmitter site, Entercom submits that waiver of the “ratchet rule” provisions of §73.182(q) with respect to station KWAI, 1080 kHz, Honolulu, HI (Fac ID 54613), is fully justified and, therefore, such waiver is respectfully requested. Under the ratchet rule, the nighttime service of KFXX would have to be reduced to 7.5 kW, resulting in a loss of service to 37,406 persons (2.6% of the total population served) when compared to the total population served by the proposed operation without application of the ratchet rule. Were the ratchet rule enforced in this instance, the nighttime interference-free threshold for KWAI would be reduced from 2.68 to 2.62 mV/m, resulting in a windfall gain of 1,763 people (0.2% of the present population served). Especially under the circumstance of this request, where Entercom is forced to make this move to accommodate KTRO's need for a new antenna facility and to satisfy local requirements, Entercom submits that a service *gain* of less than less than 1,800 people by KWAI from enforcement of the ratchet rule, compared with the *loss of service to over 37,400 persons* from application of the rule is not in the public interest. Accordingly, Entercom respectfully requests that the application to relocate the transmitting facility of KFXX

be approved without the application of the ratchet rule provisions of §73.182(q) of the rules with respect to KWAI.