



Federal Communications Commission
Washington, D.C. 20554

October 3, 2011

In Reply Refer to:
1800B3-SNC

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Re: KKOL(AM), Seattle, Washington
Inspiration Media, Inc.
Facility ID No. 20355

**Petition for Reconsideration of Grant
of License Application**
File No. BL-20061018ADU

**Joint Petition for Approval of Settlement
Agreement**

Application for License
File No. BML-20090410AWK

**Request for Modification of Special
Temporary Authorization**
File No. BSTA-20090410AWL

Dear Counsel:

This letter is in reference to the following:

1. The *Petition for Reconsideration* (“Petition”) filed by U.S. Oil & Refining Co. (“U.S. Oil”) on March 1, 2007, which requests that the Commission rescind the January 25, 2007, grant of Inspiration Media, Inc.’s (“Inspiration Media”) Application for License (“2006 License Application”)¹ and suspend the December 12, 2006, grant of Program Test Authority (“PTA”)² for the Station KKOL(AM), Seattle, Washington, facilities authorized by CP BMP-20050516AQL (the

¹ File No. BL-20061018ADU.

² File No. 20061018ADX.

“2005 CP”),³ as modified by CP BMP-20061020AAC (the “2006 CP”).⁴ In the Petition, U.S. Oil claims that the licensed KKOL(AM) facilities cause harmful interference to the operation of the nearby U.S. Oil refinery in violation of Sections 73.88, 73.318 and 73.1620 of the Commission’s Rules⁵ and create a safety hazard at its dock located at the Port of Tacoma.⁶

2. The Joint Petition for Approval of Settlement Agreement (“Joint Petition”) filed by U.S. Oil and Inspiration Media on April 21, 2008, as amended on July 28, 2008, and supplemented on April 10, 2009. The Joint Petition proposes a solution to the dispute between U.S. Oil and Inspiration Media concerning the interference from the licensed KKOL(AM) facilities at the U.S. Oil refinery and dock while allowing for continued operation of the KKOL(AM) facilities at its licensed transmitter site.
3. The pending Inspiration Media application for modification of the KKOL(AM) license, File No. BML-20090410AWK (“License Modification Application”).
4. The pending Request for Modification of Special Temporary Authorization (“STA”), File No. BSTA-20090410AWL (“STA Modification Request”).

For the reasons discussed herein, we deny the Petition, grant the Joint Petition, approve the Settlement Agreement, grant the License Modification Application and STA Modification Request, and dismiss, with prejudice, all other related pleadings filed by U.S. Oil and Inspiration Media.^{7,8}

Background. Inspiration Media, licensee of Station KKOL(AM), 1300 kilohertz (kHz), Seattle, Washington, received notice in late 2001 from the Port of Seattle, owner and governing authority of the land on which the licensed KKOL(AM) transmitting facilities had been located for decades, stating that the station was required to vacate the site by December 31, 2001, due to the planned expansion of the Port facilities.⁹ At this time, KKOL(AM) was licensed to operate on 1300 kilohertz (kHz) at a transmitter site described by geographic coordinates 47° 35' 09" North Latitude, 122° 20' 56" West Longitude,¹⁰ using 5.0 kilowatts nominal power, with a non-directional antenna during daytime hours, and a two-tower directional antenna system during nighttime hours.¹¹ Inspiration Media had been trying for several years to relocate the KKOL(AM) transmitting facilities to another site due to the planned expansion of the Port facilities prior to receiving the actual notice to vacate its licensed site, but was thwarted in its efforts to do so.¹² The scarcity of suitable and available land parcels of sufficient size to house multiple AM radio towers, their associated ground

³ File No. BMP-20050516AQL.

⁴ File No. BMP-20061020AAC. This CP authorized KKOL(AM) operation on 1300 kHz at a transmitter site described by geographic coordinates 47° 14' 56" North Latitude, 122° 24' 18" West Longitude (NAD 27) with 50 kilowatts nominal power daytime, 47 kilowatts nominal power nighttime, and different directional antenna systems for daytime and nighttime hours.

⁵ See 47 C.F.R. § 73.88, § 73.318 and § 73.1620.

⁶ Petition at 1.

⁷ Attachment 1 to this letter is a list of all Inspiration Media and U.S. Oil pleadings filed in this proceeding.

⁸ On April 2, 2007, U.S. Oil filed a Complaint of Harmful Interference (“Complaint”) with the Commission’s Enforcement Bureau. In a June 18, 2009, letter to the Commission, U.S. Oil states that the settlement agreement reached by the parties renders the Complaint filed with the Enforcement Bureau moot and requests that the Enforcement Bureau dismiss this complaint with prejudice on the same day that the Media Bureau acts on the settlement agreement and related matters.

⁹ Engineering Statement, FCC File No. BSTA-20011207ABG.

¹⁰ Referenced to 1927 North American Datum (“NAD 27”).

¹¹ File No. BZ-19970611AA.

¹² See FCC File Nos. BP-19940310AC, BPI-19970825AC, BP-19980403JC and BP-20011130AAS.

system radials and a transmitter building, coupled with severe zoning and environmental restrictions on tower location in the vicinity of Seattle, made Inspiration Media's transmitter site search difficult and protracted.¹³

After receiving the notice to vacate its licensed site, Inspiration Media requested a Special Temporary Authorization ("STA") to permit operation of temporary KKOL(AM) facilities while continuing to search for a permanent transmitter site for KKOL(AM).¹⁴ Inspiration Media states that they evaluated at least 10 potential transmitter sites and numerous existing AM station sites for potential diplexed operation before reaching agreement with the site owner and obtaining Commission approval for use of the currently licensed KKOL(AM) site, which is owned by the Port of Tacoma.¹⁵

Inspiration Media constructed the KKOL(AM) facilities authorized by the 2005 CP, conducted the required proofs of performance of the directional antenna systems, and filed an Application for License to cover CP BMP-20050516AQL (the "License Application")¹⁶ and Request for PTA on October 18, 2006. Inspiration Media subsequently filed CP modification application BMP-20061020AAC¹⁷ on October 20, 2006, requesting a minor modification of the KKOL(AM) daytime directional antenna system as a result of the daytime proof of performance contained in the License Application. Based on the data contained in these applications, Commission staff granted KKOL(AM) limited power PTA on November 2, 2006,¹⁸ and full power PTA on December 12, 2006.¹⁹ The License Application was granted by Commission staff on January 25, 2007. There were no petitions to deny nor informal objections to the KKOL(AM) License Application, PTA request or CP modification application filed while these applications were pending before the Commission. Additionally, the Commission did not receive any complaints of interference resulting from the operation of the modified KKOL(AM) facilities prior to grant of the License Application.

On March 1, 2007, U.S. Oil filed the Petition in which it identifies problems at its refinery and dock, alleges the problems are the result of the operation of nearby KKOL(AM), and details its efforts to find a mutually satisfactory solution to its problems. In the Petition, U.S. Oil states that it first noticed instrumentation anomalies and telephone system interference at the refinery during daytime hours beginning in early November 2006, but was unable to identify the potential source of these problems until becoming aware of the commencement of KKOL(AM) operations at its new transmitter site near the refinery.²⁰ The licensed KKOL(AM) transmitter site is located within one kilometer of the U.S. Oil refinery and two kilometers of the dock where cranes on barges are used both to unload crude oil for the refinery and to load refined products from

¹³ See Engineering Statement, File No. BMP-20050516AQL.

¹⁴ File No. BSTA-20011207ABG. The temporary KKOL(AM) facilities consisted of a Valcom, model V-33070-CL-2, nondirectional antenna, 35.7 electrical degrees (23 meters) in height, mounted on a surplus Navy supply ship moored at a fixed location in Elliot Bay on the Seattle waterfront described by geographic coordinates 47° 35' 09" North Latitude, 122° 22' 26" West Longitude (NAD 27), using 1.0 kilowatt nominal power at all times.

¹⁵ See Engineering Statement, File No. BMP-20050516AQL.

¹⁶ File No. BL-20061018ADU.

¹⁷ File No. BMP-20061020AAC. This application requested minor modification of the KKOL(AM) daytime directional antenna pattern by adding augmentations on the 149.5 degrees True and 259.5 degrees True radials due to final adjusted radiation values at these azimuths that slightly exceeded the authorized standard pattern values due to nearby reradiating structures. Neither of these azimuths is in the direction of the U.S. Oil refinery.

¹⁸ *Ann Bavender, Esq.*, Letter, Ref. No. 1800B3-EAL (MB, Nov. 2, 2006).

¹⁹ *Ann Bavender, Esq.*, Letter, Ref. No. 1800B3-EAL (MB, Dec. 12, 2006).

²⁰ Petition at 5.

the refinery. On February 1, 2007, workers reportedly received shocks when touching a transfer hose hook and parts of the onboard crane while unloading crude oil from a barge owned by ConocoPhillips at the U.S. Oil dock, and a worker's safety gloves began to smoke while he was holding a cable attached to the vessel's crane.²¹ U.S. Oil states that U.S. Oil and ConocoPhillips promptly began an investigation to determine the cause of the problems at the dock and the refinery.²² One by one, they reportedly studied and systematically eliminated from consideration all suspected potential causes of the problems at the dock and refinery until the only remaining potential cause of the problems at the refinery and dock was the strong electromagnetic fields from KKOL(AM).²³

U.S. Oil contacted Inspiration Media and technical representatives from Inspiration Media visited the refinery to investigate the reported problems.²⁴ U.S. Oil retained the engineering firm of Hatfield & Dawson to determine if KKOL(AM) is the source of the problems at the dock and refinery, and to assist with resolution of the problems.²⁵ On February 8, 2007, a meeting of representatives of Inspiration Media, U.S. Oil, the United States Coast Guard, ConocoPhillips, the Seattle Field Office of the Enforcement Bureau of the Federal Communications Commission ("FCC"), Hatfield & Dawson and others took place at the U.S. Oil refinery. Based on observations and measurements taken during this meeting, the parties determined that the signal strength from KKOL(AM) is sufficiently strong to cause RF arcs and burns at the U.S. Oil dock, as well as to interfere with the proper operation of sensitive electronic devices in the refinery. Additionally, stop-gap measures for loading and unloading crude oil for vessels at the dock, involving use of nylon straps and an on-shore crane which were designed to reduce the risk of shocks to workers and the potential for a fire or an explosion, were developed and tested.²⁶ The same representatives, with the exception of FCC staff, met at the U.S. Oil Refinery again on February 21, 2007, to conduct additional tests and measurements.²⁷ The stop-gap safety measures for minimizing the risk of shocks and explosions while loading and unloading tankers at the U.S. Oil dock developed during these meetings were subsequently required by the United States Coast Guard ("Coast Guard") for all tankers using the U.S. Oil dock.²⁸

Inspiration Media filed a *Preliminary Response to the Petition* (the "Preliminary Response") on March 5, 2007, and an *Opposition to Petition for Reconsideration* (the "Opposition") on March 12, 2007, with a subsequent erratum on March 14, 2007. In these documents, Inspiration Media:

1. alleges that U.S. Oil fails to establish its right to file the Petition,²⁹
2. disputes U.S. Oil claim that stop-gap measures in place for handling of crude oil at the U.S. Oil dock are deemed insufficient by the Coast Guard,³⁰ and

²¹ *Id.* at 6.

²² *Id.*

²³ *Id.* at 7.

²⁴ Petition, Declaration of Alan J. Cabodi at 5.

²⁵ Petition, Engineering Report of Hatfield & Dawson at 1.

²⁶ Opposition to Petition at Exhibit E, Declaration of Steve Smit.

²⁷ *Id.*

²⁸ Petition, February 8, 2007, Coast Guard Letter to Polar Tankers Inc.

²⁹ Opposition at 2-7.

³⁰ Preliminary Response at 2.

3. disputes U.S. Oil claim that Inspiration Media failed to resolve blanketing interference complaints at the U.S. Oil refinery affecting refinery control systems and telephone system.³¹

On March 19, 2007, U.S. Oil filed a *Reply to Opposition to Petition for Reconsideration* (the “Reply to Opposition”) in which it defends its right to file the Petition,³² states that the potential for a catastrophic fire or explosion still exists when vessels are loading or unloading crude oil at the U.S. Oil dock despite the stop-gap safety measures in place,³³ and repeats its claim of interference to control systems at the U.S. Oil refinery.³⁴ On March 27, 2007, U.S. Oil filed a *Supplement to Reply to Opposition to Petition for Reconsideration* (the “Supplement to Reply to Opposition”) containing a copy of a March 19, 2007, letter from the Coast Guard to the Federal Communications Commission. In this letter, the Coast Guard states that it does not consider the stop-gap safety measures in place for cargo loading at the U.S. Oil dock to be a permanent solution to the risk of explosion or fire resulting from the KKOL(AM) field strength present at the U.S. Oil dock, and it asks that “the Commission immediately order Inspiration Media sufficiently modify the operations of KKOL (AM 1300) so that the risk of tank ship explosion is eliminated.”³⁵

On March 22, 2007, in response to the Coast Guard’s request, Inspiration Media submitted a *Plan of Temporary Modification* (the “Plan”) for KKOL(AM) to the Commission in which it proposed that “KKOL would operate with its nighttime pattern at any time - day or night - a tank ship is being offloaded at the U.S. Oil dock.”³⁶ On the same day, Inspiration Media also submitted a *Supplement to the Record*.

Due to concerns for the safety of the workers at the U.S. Oil refinery and dock, as well as the general public, on March 23, 2007, Commission staff asked Inspiration Media to voluntarily operate KKOL(AM) during daytime hours using the licensed nighttime KKOL(AM) directional antenna system and 25 kilowatts nominal power until further Commission notice pending final resolution of the dispute between Inspiration Media and U.S. Oil. Inspiration Media agreed and KKOL(AM) began the FCC-requested daytime operation on March 24, 2007.³⁷

On April 2, 2007, U.S. Oil filed a *Response* to the Plan and the Supplement to the Record filed by Inspiration Media, and the Commission’s request for modified daytime KKOL(AM) operation. In the Response, U.S. Oil objected to the KKOL(AM) facilities proposed in the Plan and those proposed by the Commission, and stated that the only KKOL(AM) daytime operating power level acceptable to U.S. Oil is 5.0 kilowatts.³⁸ In addition, U.S. Oil reiterated its request that the Commission “order KKOL to cease operations until a permanent solution acceptable to all parties is devised.”³⁹ Inspiration Media filed a *Further Supplement to the Record* on April 4, 2007, containing its response to U.S. Oil’s April 2, 2007, filing.

³¹ Opposition at Exhibit E, Declaration of Steve Smit.

³² Reply to Opposition at 2-3.

³³ *Id.* at 5-8.

³⁴ *Id.* at 8.

³⁵ Supplement to Reply to Opposition at Exhibit 1, Coast Guard letter.

³⁶ Plan of Temporary Modification at 1.

³⁷ Inspiration Media subsequently sought and received Special Temporary Authorization (File No. BSTA-20080425ABT) for these facilities.

³⁸ Response at 3.

³⁹ Response at 1.

Representatives from Inspiration Media and U.S. Oil met with Commission staff from the Enforcement, Media and Public Safety and Homeland Security Bureaus on April 4, 2007, at Commission headquarters in an attempt to resolve their on-going dispute. At this meeting, U.S. Oil reported that the Coast Guard sent them a letter on March 28, 2007, in which it required that a permanent engineering solution to the problems allegedly caused by KKOL(AM) at the U.S. Oil dock be in place by June 1, 2007. Additionally, the parties agreed to try to develop a test plan to establish maximum acceptable KKOL(AM) field strengths at the U.S. Oil dock and refinery, and a protocol to strengthen the radiofrequency (“RF”) emissions immunity of the refinery’s control systems. In a *Supplement* filed April 5, 2007, U.S. Oil submitted a copy of the Coast Guard’s March 28, 2007, letter.

On August 8, 2007, U.S Oil filed a *Supplement to Petition For Reconsideration and Status Report* (“Supplement and Status Report”) in which it reports that KKOL(AM) continues to operate during daytime hours using its licensed nighttime directional antenna system and 25 kilowatts nominal power as requested by Commission staff, and details steps U.S. Oil has taken to address the situations at its dock and refinery since the parties met with Commission staff. In this pleading, U.S. Oil recounts its on-going interactions with the Coast Guard relative to enacting a permanent engineering solution resulting in the continued safe operation of its dock, and submits copies of correspondence to the Coast Guard stating that the current FCC-requested daytime KKOL(AM) operation has reduced KKOL(AM) field strengths at the U.S. Oil dock to levels considered to be safe. An engineering study done by Hatfield & Dawson (“H&D Study”), which contains its calculation of the maximum permissible field strengths from KKOL(AM) at the U.S. Oil dock and refinery that would not be predicted to cause ignition of flammable substances present at those locations, done using equations contained in the British Standard and method of moments modeling, was submitted.⁴⁰ In its study, H&D predicts that restricting the KKOL(AM) field strength to less than 0.85 volts per meter (“V/m”) at the U.S Oil dock and to less than 0.5 V/m at the U.S. Oil refinery is sufficient to eliminate the potential for adverse effects from KKOL(AM) at these locations.⁴¹ Additionally, citing Inspiration Media’s repeated failure to participate in joint field intensity measurement tests at the U.S. Oil dock and refinery, U.S. Oil asks that the Commission “requests and if necessary, order, that KKOL(AM) modify its operations consistent with the application of the British Standard while the parties continue to pursue a permanent solution.”⁴²

Inspiration Media filed its *Response to “Supplement to Petition For Reconsideration and Status Report”* on August 20, 2007. This response contained an Engineering Statement prepared by Carl T. Jones, Jr., P.E., stating that the H&D Study conclusions and proposed KKOL(AM) field strength requirements are based on theoretical calculations only, and do not conform to the British Standard because the study fails to follow the multi-step assessment process set forth therein. Inspiration Media disputes U.S. Oil’s characterization of its lack of participation in joint testing and opposes U.S Oil’s request for the Commission to request or order KKOL(AM) to modify its operations based on the H&D Study.⁴³ U.S. Oil submitted a *Reply to Response to “Supplement to Petition For Reconsideration and Status Report”* on September 5, 2007, and stated its continued willingness to meet with Inspiration Media to reach a resolution of this dispute.⁴⁴

⁴⁰ Hatfield & Dawson states that it based its study on British Standard BS 6656:2002 “Assessment of inadvertent ignition of flammable atmospheres by radio-frequency radiation – Guide” from the British Standards Institute because it is the only standard available that relates a broadcast frequency field to ignition hazards in petrochemical environments. See *Calculation of Field Intensity from Radio Station KKOL 1300 kHz Over the U.S. Oil Refinery and Dock with Comparison to the British Standard BS 6656:2002* in Supplement and Status Report.

⁴¹ Supplement and Status Report, H&D Study at 7.

⁴² *Id.* at 4.

⁴³ Response to “Supplement to Petition For Reconsideration and Status Report” at 9.

⁴⁴ Reply to Response to “Supplement to Petition For Reconsideration and Status Report” at 3.

On April 21, 2008, U.S. Oil and Inspiration Media (the “Parties”) filed a *Joint Petition for Approval of Settlement Agreement* (“Joint Petition”) pursuant to Section 73.3588 of the Commission’s Rules⁴⁵ that seeks Commission approval of a settlement agreement (“Settlement Agreement”), entered into by the Parties on April 11, 2008, that will resolve the dispute between them, permit the continued safe operations of KKOL(AM) at its licensed transmitter site and the U.S. Oil dock and refinery at their current locations, and complies with the April 4, 2008, Coast Guard Memorandum entitled “PERMANENT ENGINEERING SOLUTION TO ENSURE ACCEPTABLE LEVELS OF RF RADIATION AT US OIL ONSHORE FACILITY IN TACOMA, WASHINGTON”.⁴⁶ In the Joint Petition, the Parties ask the Commission to approve the Settlement Agreement; to modify the KKOL(AM) license by adding a special operating condition to it governing KKOL(AM) operation with respect to the U.S. Oil dock and refinery; to grant STA to operate KKOL(AM) at its licensed site with parameters at variance from licensed parameters, but in accord with the new special operating condition to be imposed on the KKOL(AM) license; and to dismiss with prejudice all related pleadings filed by the parties to the Settlement Agreement. The Settlement Agreement includes specific modified KKOL(AM) directional antenna parameters to be used for as long as KKOL(AM) remains at its licensed site near the U.S. Oil dock and refinery.⁴⁷ The Parties jointly filed an *Amendment to Joint Petition for Approval of Settlement Agreement* on July 28, 2008, and a *Supplement to Joint Petition for Approval of Settlement Agreement* on April 10, 2009. On April 10, 2009, Inspiration Media filed the KKOL(AM) License Modification Application and STA Modification Request required by the Settlement Agreement.

Discussion. In the Petition, filed nearly three months after KKOL(AM) began full-power operation at its currently licensed site and over a month after the Commission granted a license for these facilities, U.S. Oil claims that the strong electromagnetic field strengths from the then recently constructed, nearby KKOL(AM) facilities is causing blanketing interference to sensitive control systems and the telephone system at its refinery and shocks and burns at its dock.

Inspiration Media first proposed construction of the currently licensed KKOL(AM) facilities in May 2005 in File Number BMP-20050516AQL, the application underlying the 2005 CP. The KKOL(AM) facilities authorized by the 2005 CP, located only 0.5 kilometer from the closest point of the parcel of land on which the U.S. Oil refinery is located and clearly visible from the refinery property, were constructed during the spring and summer of 2006. Following construction and equipment testing, Inspiration Media submitted the 2006 License Application, request for PTA, and application requesting modification of the 2005 CP, File Number The 2006 CP, requested after construction of the KKOL(AM) facilities, did not authorize any physical changes to the KKOL(AM) facilities authorized by the 2005 CP. It merely authorized the addition of two augmentations to the KKOL(AM) daytime standard pattern. KKOL(AM) began program tests in November 2006 and a license for the KKOL(AM) facilities was granted on January 25, 2007. There were no petitions to deny nor informal objections to the KKOL(AM) CP applications, License Application, PTA request or CP modification application filed by U.S. Oil or any other party while these applications were pending before the Commission. Additionally, the Commission did not receive any complaints of interference from U.S. Oil or any other party resulting from the operation of the modified KKOL(AM) facilities prior to grant of the License Application.

The laws of physics predict and real world experience verifies that strong electromagnetic field strengths from a nearby AM radio station can induce currents on cranes and other tall metallic structures located in the immediate vicinity of the radio station and can create shock and burn hazards to anyone coming in contact with

⁴⁵ 47 C.F.R. § 73.3588.

⁴⁶ Joint Petition, Exhibit A.

⁴⁷ *Id.*, Exhibit 1 at 3-4. The Settlement Agreement allows KKOL(AM) to retain use of its licensed daytime power, but requires a slight reduction in nighttime power. Additionally, the Settlement Agreement requires use of an additional tower for daytime operation, and different directional antenna patterns for both daytime and nighttime operation in order for KKOL(AM) to meet the agreed-upon field strength limits at the U.S. Oil refinery and dock.

the cranes or structures. Additionally, strong electromagnetic fields from a nearby AM station can adversely affect the operation of electronic control and fault detection systems as well as other electronic systems located in nearby industrial facilities. Depending on the circumstances, this juxtaposition can create substantial and potentially life threatening public health and safety risks, and an AM station licensee must always assess the proposed location of an AM radio station with respect to these risks before construction and operation of the station at that location. The perils of locating an AM radio station in close proximity to such areas was perfectly illustrated by the experience of Station KJR(AM), 950 kHz, Seattle, Washington,⁴⁸ at a transmitter site located at Terminal 115 in the Port of Seattle only 34 kilometers from the licensed KKOL(AM) transmitter site. The licensee of KJR(AM) constructed its modified facilities, which were similar in power to the KKOL(AM) facilities, but was forced to abandon these facilities prior to obtaining an FCC license for them because of shocks and burns to port workers that occurred as a result of high electromagnetic fields from KJR(AM) at nearby stevedoring facilities. In KKOL(AM)'s situation, where the transmitting facilities are located in extremely close proximity to an oil refinery and its dock where crude oil and other petrochemical products are routinely present and being handled and the strong KKOL(AM) electromagnetic fields can cause failure of extremely sensitive control and fault detection systems in the refinery and electric shocks and arcs at the dock that could result in a catastrophic explosion and death, a pre-construction operation risk assessment is absolutely critical.

Our review of the engineering exhibits submitted by Inspiration Media in the KKOL(AM) CP applications underlying the current KKOL(AM) license,⁴⁹ reveals that Inspiration Media failed to disclose the existence and proximity of the U.S. Oil refinery or dock in the engineering narratives. Additionally, they did not show the locations of the dock or refinery on any of the topographic maps, site photographs or blanketing contour maps included in the applications. Inspiration Media did not report that it considered the proximity of the U.S. Oil refinery and dock when designing the requested KKOL(AM) facilities. In short, Inspiration Media did not provide any data to the Commission that would suggest that they evaluated the potential effects of the KKOL(AM) operation on the nearby U.S. Oil refinery and dock before submitting the KKOL(AM) CP applications, and would prompt Commission staff to question the location of the KKOL(AM) facilities with respect to their proximity to the U.S. Oil refinery and dock prior to the staff granting authorizations for the now-licensed KKOL(AM) facilities.

There is no question that the simultaneous operation of a closely spaced high-powered AM radio station and a refinery and dock handling highly volatile petrochemical products presents the potential for catastrophic and perhaps life-threatening events, and requires careful system design and monitoring to avoid out of boundary conditions that could result in a horrific accident and threat to public safety. Inspiration Media failed to coordinate with U.S. Oil and eliminate the potential for such disastrous events prior to application for and construction of the subject KKOL(AM) facilities. On the other hand, U.S. Oil did not comment on nor object to construction and operation of the now-licensed KKOL(AM) facilities before problems that easily could be anticipated arose. Fortunately, no serious accidents or injuries resulted from the ill-fated proximity of the KKOL(AM) facilities and the U.S. Oil dock and refinery before preventative measures were taken by Inspiration Media and U.S. Oil, and future disasters have been avoided by the considerable and prolonged joint efforts of the employees and the representatives of Inspiration Media, U.S. Oil, the Federal Communications Commission and the Coast Guard that resulted in the Settlement Agreement submitted jointly by Inspiration Media and U.S. Oil.

We have reviewed the Settlement Agreement reached by the parties. The Settlement Agreement permits KKOL(AM) to continue operation at its licensed location near the U.S Oil dock and refinery provided that KKOL(AM) operates using the directional antenna parameters specified in the STA Modification Request. This operation requires the addition of a Special Operating Condition on the KKOL(AM) license. We find that the Settlement Agreement successfully resolves the dispute between the parties, and allows for the continued safe operation of the KKOL(AM) facilities and the U.S. Oil refinery and dock at their current locations. Accordingly, we grant the Joint Petition and approve the Settlement Agreement.

⁴⁸ File Nos. BL-19960528AB and BP-19940425AC as modified by BMP-19960513AD.

⁴⁹ File Nos. BMP-20050516AQL and BMP-20061020AAC.

Actions. IT IS ORDERED, that the March 1, 2007, Petition for Reconsideration filed by U.S. Oil IS HEREBY DENIED; the April 21, 2008, Joint Petition for Approval of Settlement Agreement, as last modified April 10, 2009, IS HEREBY GRANTED and the Settlement Agreement IS HEREBY APPROVED.

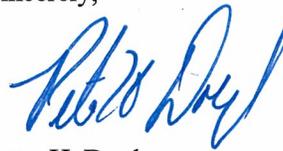
IT IS FURTHER ORDERED that the April 10, 2009, Application for License, FCC File No. BML-20090410AWK, IS HEREBY GRANTED and the following Special Operating Condition is added to the KKOL(AM) license:

Pursuant to the Commission order approving a Settlement Agreement between U.S. Oil & Refining Co. and Inspiration Media, Inc. dated April 11, 2008, as amended July 25, 2008 (Settlement Agreement), for so long as there is an operating dock and/or refinery handling volatile fuel, located where U.S. Oil's dock and refinery are located as of the date of grant of this license, Station KKOL(AM) shall operate with parameters specified in the Special Temporary Authority (STA) originally granted on July 31, 2008, as subsequently modified and extended. Station KKOL(AM) shall take all necessary actions to ensure that the STA remains in effect, including the filing of timely requests for extension at least ten days prior to the expiration date of the original STA and any subsequently granted extension. In the event that the STA expires or is terminated in a manner inconsistent with this Special Operating Condition, Station KKOL(AM) shall cease operations pursuant to Section 73.1740. This Special Operating Condition does not modify the licensed facilities of Station KKOL(AM) with regard to the protection which other stations must afford it. This Special Operating Condition may be superseded by grant of a license application for modified Station KKOL(AM) facilities at a new transmitter site, provided that such facilities comply with the conditions set forth in the Settlement Agreement.

IT IS FURTHER ORDERED that the Request for Modification of Special Temporary Authorization, FCC File Number BSTA-20090410AWL, IS HEREBY GRANTED, and that all other pleadings filed by Inspiration Media and U.S. Oil in this proceeding listed in Attachment 1 to this letter not specifically addressed in this letter ARE HEREBY DISMISSED WITH PREJUDICE.

These actions are taken pursuant to Section 0.283 of the Commission's Rules.⁵⁰

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: U.S. Oil & Refining Co.
Inspiration Media, Inc.

⁵⁰ See 47 C.F.R. § 0.283.

Attachment 1

KKOL(AM)/U.S. Oil Pleadings Filed with Media Bureau

1. Petition for Reconsideration (of grant of KKOL(AM) license BL-20061018ADU) filed March 1, 2007, by U.S. Oil & Refining Co.
2. Preliminary Response filed March 5, 2007, by Inspiration Media, Inc.
3. Response filed March 6, 2007, by Inspiration Media, Inc.
4. Opposition to Petition for Reconsideration filed March 12, 2007, by Inspiration Media, Inc.
5. Erratum to Opposition to Petition for Reconsideration filed March 14, 2007, by Inspiration Media, Inc.
6. Erratum to Petition for Reconsideration filed March 15, 2007, by U.S. Oil & Refining Co.
7. Reply to Opposition to Petition for Reconsideration filed March 19, 2007, by U.S. Oil & Refining Co.
8. Supplement to Reply to Opposition to Petition for Reconsideration filed March 21, 2007, by U.S. Oil & Refining Co.
9. Plan of Temporary Modification filed March 22, 2007, by Inspiration Media, Inc.
10. Supplement to the Record filed March 27, 2007, by Inspiration Media, Inc.
11. Response filed April 2, 2007, by U.S. Oil & Refining Co.
12. Further Supplement to the Record filed April 4, 2007, by Inspiration Media, Inc.
13. Supplement filed April 5, 2007, by U. S. Oil & Refining Co.
14. Supplement to Petition for Reconsideration and Status Report filed August 8, 2007, by U.S. Oil & Refining Co.
15. Response to Supplement to Petition for Reconsideration and Status Report filed August 20, 2007, by Inspiration Media, Inc.
16. Submission of Declaration of Dennis R. Ciapura regarding " Supplement to Petition for Reconsideration and Status Report" filed August 30, 2007, by Inspiration Media, Inc.
17. Reply to Response to Supplement to Petition for Reconsideration and Status Report filed September 5, 2007, by U.S. Oil & Refining Co.
18. Joint Petition for Approval of Settlement Agreement filed April 21, 2008.
19. Amendment to Joint Petition for Approval of Settlement Agreement filed July 28, 2008.
20. Supplement to Joint Petition for Approval of Settlement Agreement filed April 10, 2009.