

FEDERAL COMMUNICATIONS COMMISSION
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August 15, 2007

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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

State of Oregon Acting By and Through the State
Board of Higher Education
P.O. Box 3175
Eugene, OR 97403

William W. McCutchen III
1126 West Avenue
Richmond, VA 23220

In re: KNHT (FM), Rio Dell, CA
Facility ID No. 17412
State of Oregon Acting By and
Through the State Board of Higher
Education
License BMLED-19991028AFZ
Application BPH-20070720ABF

NEW (FM), McKinleyville, CA
Facility ID No. 170994
William W. McCutcheon III
Construction permit
BNPH-20070502AFH

Dear Applicants:

In accordance with procedures adopted by the Commission,¹ this letter constitutes notification to the State of Oregon Acting By and Through the State Board of Higher Education ("Oregon") and to William W. McCutcheon ("McCutcheon") of the filing of a minor change construction permit application (BMPH-20070523ADS) by Airen Broadcasting Corporation ("Airen"), permittee of station KZCC, Trinidad, CA. Oregon is the licensee of KNHT (FM), Rio Dell, CA. McCutcheon is the permittee of a new FM station at McKinleyville, CA. Airen's application requests the

¹ See *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, FCC 06-163 (rel. Nov. 29, 2006).

substitution of Channel 238C3 at Trinidad, CA in place of Channel 238C3 at McCloud, CA, and the modification of KZCC's construction permit to the new channel and community of license. To accommodate these changes, Arien proposes the substitution of Channel 299C3 in place of Channel 236C3 at McKinleyville, CA and modification of McCutcheon's construction permit (file no. BNPH-20070502AFH) accordingly.² And to accommodate Arien's proposed change at McKinleyville, Arien proposes the substitution of Channel 273C2 for Channel 297C2 at Rio Dell, CA, and the modification of KNHT's license to Channel 273C2.³

Section 316(a) of the Communications Act of 1934, as amended,⁴ permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁵ We find that Arien's application has sufficient public interest benefits to justify the issuance of a show cause order. Furthermore, Arien states that it would reimburse Oregon and McCutcheon for the reasonable costs incurred in connection with the proposed channel changes, consistent with the *Circleville* policy.⁶

Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, the State Board of Higher Education SHALL SHOW CAUSE why the license for KNHT SHOULD NOT BE MODIFIED to specify Channel 273C2 in lieu of Channel 297C2. The State Board of Higher Education may, not later than 30 days from the date of this letter, file a written statement showing with particularity why KNHT's license should not be modified as proposed in this *Order to Show Cause*. We also invite Oregon, McCutcheon, and Arien to comment on the impact, if any, of Oregon's subsequently filed application (file no. BPED-20070720ABF) on Arien's proposed substitution of Channel 273C2 for Channel 297C2 for KNHT (FM), pursuant to Section 316 of the Act.⁷

² Construction permit BNPH-20070502AFH at McKinleyville, CA can be modified to specify operation on Channel 299C3 in lieu of Channel 236C3 at the station's currently authorized transmitter site. The coordinates specified in construction permit BNPH-20070502AFH are 40-49-32 NL and 124-00-05 WL.

³ KNHT's license BMLED-19991028AFZ can be modified to specify operation on Channel 273C2 in lieu of Channel 297C2 at the station's current authorized transmitter site. The coordinates specified on the license are 40-30-03 NL and 124-17-10 WL. A Channel 273C1 facility at the station's currently authorized transmitter site would not satisfy the minimum distance separation requirements.

⁴ 47 U.S.C. § 316(a) (the "Act").

⁵ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁶ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).

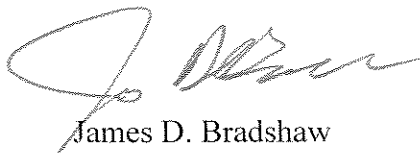
⁷ Arien has filed an informal objection against construction permit application BPED-20070720ABF. That informal objection, and any response thereto, will be considered concurrently with the matters raised in this letter.

In addition, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, William W. McCutcheon III SHALL SHOW CAUSE why construction permit BNPH-20070502AFH SHOULD NOT BE MODIFIED to specify Channel 299C3 in lieu of Channel 236C3. William W. McCutcheon III may, not later than 30 days from the date of this letter, file a written statement showing with particularity why construction permit BNPH-20070502AFH should not be modified as proposed in this *Order to Show Cause*. If no written statement is filed by McCutcheon by the date referred to above, McCutcheon will be deemed to have consented to the channel modification proposed in this *Order to Show Cause* and construction permit BNPH-20070502AFH will be reissued indicating the modification of its assignment by specifying the new channel.

The Commission may call upon the affected licensees or permittees herein to furnish additional information. If an 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 of the Rules. 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.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Bradshaw', is written over the typed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Airen Broadcasting Company