

December 10, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, D. C. 20554

REFERENCE: KKRZ, BXPB-20011214AAI
 KKCW, BMXPB-20020213AAC
 KRVO, BMXPB-20020613AAD

ATTENTION: Media Bureau
 Brian Butler

Dear Madame Secretary:

This letter is written on behalf of Citicasters, Inc, licensee of the above-referenced broadcast stations, each of which has an outstanding construction permit for auxiliary facilities on the tower which is directly adjacent to the tower which contains the multiplexed main licensed antenna for KINK-FM, KOPB-FM, KKRZ-FM, KKCW-FM and KRVO-FM, as well as antennas for KGW-TV and KOPB-TV. The tower used for the auxiliary antennas is the "cut-down" former main tower of KGW-TV, which was replaced by the tower containing the present main antennas for these stations.

During the period in which the present main facilities of these various stations were obtaining construction permits and licenses, it became obvious that the 47CFR73.1692 conditions were being applied to some (although not all) of the resulting authorizations, as a result of the nearby operation of KUPL-AM, 970 kHz. By letter dated December 14, 1999, our office pointed out that the condition was inappropriate for authorizations on the new tower. Subsequently, the conditions were removed from the authorizations or waived at the time of license application for all of the affected stations, so far as we are aware.

The study described in the 1999 letter included the presence of the original, existing KGW-TV tower which is the tower specified in the above-referenced authorizations. As pointed out in that letter, a copy of which is included with this letter, a comprehensive analysis of the effect of the tower structures themselves, much less the trivial effects of side mounted antennas, is essentially unobservable in the far field pattern of the KUPL antenna. And, we have been advised by engineering

personnel for the licensee of KUPL that that station is continuing to operate on STA, so that a partial proof of performance of "before and after" conditions is inappropriate at this time.

Therefore it is respectfully requested that the 73.1692 conditions be removed from the above-referenced FM auxiliary construction permits, or that they be waived at the time of license application.

Should there be questions with regard to this matter, please advise the undersigned or legal counsel for the licensee/permittee, Marissa Repp, Esq. of the firm of Hogan and Hartson.

Sincerely,

Benj. F. Dawson III, P.E.
BFD/bhs

copy to: Thomas McGinley, CBS/Infinity

encl: Letter of December 14, 1999
List of FM facilities within 1.5 km of original KGW-TV tower

December 14, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
Washington, D. C. 20554

REFERENCE: BPCT 990525KJ KGW-TV
 BMPCDT 990525KL KGW-DT
 BPET 990929KK KOPB-TV
 BMPEDT 990713KE KOPB-DT
 BPH 990818IF KINK-FM
 BPED-991108AF KOPB-FM
 BPH-991019AH KKRZ-FM
 BPH-991019AJ KKCW-FM

ATTENTION: MMB, Aural Facilities, TV Branch

Dear Madame Secretary:

This letter is written on behalf of the licensees of the above-referenced broadcast stations, each of which has pending an application for relocation of facilities to a new replacement antenna tower at the site presently used by KGW-TV and KINK-FM. This antenna tower location is just over 1300 meters from the reference location (array center) of the antenna system of KUPL(AM), 970 kHz. The new replacement antenna tower will be located approximately 100 feet distant from the present KGW-TV tower, which will be reduced to a height of approximately 600 feet.

Construction permits have been issued for both KGW-DT and KOPB-DT, based on the use of the existing KGW-TV antenna tower, before the necessity of building an entirely new structure was clear. These permits, BPCDT980317KF and BPEDT 980929KH, contain a condition regarding the operation of the KUPL nighttime directional antenna:

“Prior to construction of the tower authorized herein, permittee shall notify AM station(s) listed below so that, if necessary, the AM station(s) may determine operating power by the indirect method and request temporary authority from the Commission in Washington, D. C. to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of

pattern of the AM station(s). Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneously with the filing of the application for license to cover this permit, the results filed with the Commission."

In the instances of both the outstanding construction permits and the pending applications this condition is unnecessary and should, by waiver of the applicable rule, 47CFR73.1692, be omitted from the construction permits noted above, for which applications are pending. The KUPL antenna system is located at the site of several FM and television antennas, some located on the KUPL towers, and some on adjacent towers but at the same site. The effects of the existing and proposed KGW-TV tower and all of the other nearby towers on the directional operation of KUPL have been analyzed using moment method model techniques, and the worst case effects of the two KGW-TV towers on the operation of KUPL have been determined to be well under 0.5 dB, which is less than the ambiguity of the partial proof of performance measurement process and far less than the effects of the other existing towers on the shared KUPL/KOIN-TV site. The KOIN-TV tower replacement at the KUPL site will have a much more profound effect on KUPL's operation, and as a consequence that tower is provided with both insulated guys and detuning skirts to minimize the effects. Even with these palliative measures, however, the KUPL antenna pattern is modified by the presence of the KOIN-TV tower, both existing and replacement. In addition, KUPL has, among other changes, installed new FM auxiliary antennas on the east tower of its array, and has been operating nighttime for over two years under STA authority with its licensed daytime omnidirectional antenna due to this construction, previous FM antenna construction on the "old" KOIN-TV tower, and the construction of the "new" KOIN-TV tower. It is therefore not possible to make "before" measurements, and "after" measurements will not be possible until after the reconstruction of the KUPL array, which will not occur until after the completion of construction of both the KOIN-TV and KGW-TV towers.

It is the present intention of the licensee of KUPL to conduct a new proof of performance or partial proof of performance subsequent to the installation and detuning of the KOIN-TV tower located on the same site directly adjacent to the KUPL antenna, and subsequent to the replacement of the southwesterly tower of the KUPL antenna system and installation of some additional FM auxiliary antennas on that replacement tower. The present KGW-TV tower has not, in the original proof of performance and several partial proofs of performance, some of which have been performed by the undersigned, been the source of any re-radiation that resulted in observable effects on the KUPL pattern. Given that the licensee of KUPL is also the licensee of KINK-FM, one of the users of the existing and new KGW-TV towers, there is adequate communication between the appropriate engineering and technical personnel involved in the construction activities, and the licensee of KUPL has reviewed and approved this letter.

The condition (Special operating condition or restriction #1) in the outstanding KGW-DT and KOPB-DT construction permits will be mooted by the grant of the modifications. It is requested that the condition not be included in the modified permits below:

BPCT 990525KJ	KGW-TV
BMPCDT 990525KL	KGW-DT
BPET 990929KK	KOPB-TV
BMPEDT 990713KE	KOPB-DT
BPH 990818IF	KINK-FM
BPED-991108AF	KOPB-FM
BPH-991019AH	KKRZ-FM
BPH-991019AJ	KKCW-FM

Please advise me if there are further questions with regard to this matter.

Sincerely,

Benj. F. Dawson III, P.E.
BFD/bhs