

## **Exhibit 9**

Washington State University (“WSU”) has certified “No” in response to Question 2 of Section II and Question 8 of Section III of the instant application for a license to cover the construction permit for KSWs(FM) (the “Station”) in FCC File No. BMPED-20090807ACZ . Unfortunately, WSU is unable to certify that it has fully met Special Operating Condition No. 5 of the construction permit, which states in pertinent part:

*The permittee/licensee shall, upon completion of construction and during the equipment test period, make proper radiofrequency electromagnetic (RF) field strength measurements on the roof and throughout the building to determine if there are any areas that exceed the FCC guidelines for human exposure to RF fields.*

WSU was aware of this special operating condition and, following the completion of construction for the Station, WSU engaged the services of a professional consulting engineer to obtain RF measurements for the Station’s transmitting facilities. Unfortunately, due to an unintentional oversight, RF measurements on the rooftop and inside the Station’s transmitting facilities were not obtained during the engineer’s site visit. WSU only recently became aware of the omitted measurements and, through its consulting engineer, sought the advice of FCC staff.

As explained by FCC staff, Special Operating Condition No. 5 was triggered by a statement in the original application for the Station’s construction permit which suggested that the Station’s transmitting facilities were an occupied building that served as a studio location. In fact, however, the Station’s transmitting facilities are not part of any studio facility. The transmitting facilities are mounted on a transmitter building that is unoccupied (except for infrequent visits by technical personnel) and surrounded by a fence with a locked gate. Accordingly, the building mentioned in Special Operating Condition No. 5 is a controlled environment with restricted access, such that the occupational/controlled RF limits apply.

Furthermore, the attached RF exposure report (“RF Exposure Measurements Atop Crego Hill”) explains that rooftop and in-building RF measurements are not required to establish compliance with the FCC’s rules regarding human exposure to RF electromagnetic fields. As demonstrated in the RF exposure report, the RF exposure from the operation of the Station alone – at all locations surrounding the Station’s transmitter – is calculated to be less than 5% of the applicable FCC exposure limit. Due to the relatively low level of RF fields calculated and measured at the Station’s transmitter site, the report concludes that rooftop and in-building measurements are not required to establish the RF compliance of the Station.

For the reasons set forth above, WSU respectfully submits that Special Condition No. 5 is not applicable to the Station’s construction permit and that, in any case, the Station has been shown to be compliant with the FCC’s rules regarding human exposure to RF electromagnetic fields even despite the inadvertent failure to obtain rooftop and in-building RF measurements.