

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

In re Application of)
)
BUSTOS MEDIA HOLDINGS, LLC) File No. BNPFT-20180418ABI
Auburn, Washington) Facility ID # 202942
)
For Construction Permit for)
New FM Translator Station)

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: Chief, Audio Division, Media Bureau

PETITION FOR RECONSIDERATION

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May 28, 2020

BUSTOS MEDIA HOLDINGS, LLC

SUMMARY

This Petition for Reconsideration appeals the letter ruling dated April 28, 2020 of the Senior Deputy Chief, Audio Division, Media Bureau, dismissing the application of Bustos Media Holdings, LLC (Bustos) for a construction permit for a new FM Translator Station on 101.1 MHz at Auburn, Washington. Bustos intended to use this station to rebroadcast co-owned AM Broadcast Station KMIA, 1210 kHz, Auburn-Federal Way, Washington.

The Audio Division sided with the licensee of FM Translator Station K266BM, Olympia, Washington, Northwest Rock 'N' Roll Preservation Society (NWR). NWR committed egregious violations of the FCC's *ex parte* rules when it filed its January 3 and February 13, 2020 "Supplements", upon which the Audio Division relied in dismissing the Bustos application, without providing copies to Bustos or his counsel. NWR had also misrepresented the primary station to be rebroadcast over K266BM in order to obtain a license permitting operation at 250 watts, when it was only entitled to 10 watts as a non fill-in translator station. It rebroadcast 100 watt KGHO-LP, Hoquiam, Washington, an LPFM station controlled by relatives of Brian Spencer, NWR's current controlling principal, and located over 33 miles away from K266BM, in violation of Section 73.860 of the

FCC's Rules. NWR doesn't even legally exist as of this writing, as its charter was administratively revoked by the State of Washington; furthermore, it appears that NWR was not legally incorporated, despite a representation to the contrary, in its 2003 original construction permit application. When NWR was actually incorporated in 2010, it represented that it was controlled by a board of directors who have since disappeared from the last reported NWR board.

K266BM is little more than a pirate radio station. The April 28, 2020 letter ruling must be vacated or reversed, and the FCC must grant the Bustos application for a new FM translator station on 101.1 MHz at Auburn, Washington.

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TO: Honorable Marlene H. Dortch
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PETITION FOR RECONSIDERATION

Bustos Media Holdings, LLC ("Bustos"), licensee of AM Broadcast Station KMIA, Auburn-Federal Way, Washington, and applicant in the above-referenced case for a construction permit for a new FM Translator Station on 101.1 MHz at Auburn, Washington to rebroadcast station KMIA, by its attorney, and pursuant to Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. §405, and 47 C.F.R. §1.106(f), hereby respectfully submits this Petition for Reconsideration of the dismissal of said application. In support whereof, the following is shown:

Preliminary Statement

1. The Bustos application was dismissed by an unpublished letter dated April 28, 2020 signed by the Senior Deputy Chief, Audio Division, Media Bureau (Exhibit A). A descriptive public notice of this action was given by the FCC in its **Public Notice, Broadcast Actions, Report No. 49729**, released May 1, 2020 (Exhibit B). As this pleading is being electronically filed through the CDBS filing platform within thirty days of the release date of the descriptive public notice, it is timely filed.

Violation of Ex Parte Contact Rules

2. The Bustos application for a new FM Translator Station on 101.1 MHz at Auburn, Washington was aggressively opposed by Northwest Rock 'N' Roll Preservation Society (NWR), the licensee of FM Translator Station K266BM, 101.1 MHz, Olympia, Washington, which filed an Informal Objection on July 31, 2018 and then supplemented it four times: on October 5, 2018; on August 19, 2019; on January 3, 2020; and on February 13, 2020. The last two Supplements were not served upon either Bustos or undersigned counsel. Copies of these two Supplements downloaded from the FCC's CDBS public information website do not contain certificates of service (which the August 19, 2019 Supplement does contain). Therefore, Bustos did not have fair notice of the latest arguments asserted by NWR, an organization believed to be

controlled by Caucasians, and the Audio Division issued its April 28 letter ruling without providing Bustos, a Hispanic broadcaster with a long record of meritorious service to the public, an opportunity to be heard.

3. By definition, NWR's written January 3, 2020 and February 13, 2020 Supplements which were directed toward the merits and outcome of this proceeding but not served on Bustos or the undersigned are *ex parte* contacts. See 47 C.F.R. §1.1202(a) and §1.1202(b)(1). The instant proceeding became a "restricted proceeding" on July 31, 2018 when NWR filed a pleading seeking the denial or dismissal of the above-captioned application, which is an "application for authority under Title III of the Communications Act. See 47 C.F.R. §1.1208. This proceeding is not exempted from the *ex parte* contact rules under 47 C.F.R. §1.1204(b).

4. Furthermore, under the new procedures put in place by the FCC in 2019 for resolution of FM translator interference disputes, NWR had an affirmative obligation to have used "commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution". *David A. O'Connor, Esq. (WDNC, Durham, NC)*, 36 FCC Rcd --, DA 20-407 (p. 3), 2020 WL 1872484 (Media Bur., April 14, 2020). NWR's failure to provide Bustos with

copies of its January 3 and February 13 Supplements is not "commercially reasonable" to say the least.

5. That the Audio Division based its decision in this case upon illegal *ex parte* contacts renders the entire April 28, 2020 letter ruling "arbitrary and capricious" as a matter of law pursuant to the Administrative Procedure Act, 5 U.S.C. §706(2)(A). Therefore, it constitutes reversible error. *Cf. Press Broadcasting Co., Inc. v. FCC*, 59 F.3d 1365 (D. C. Cir. 1995).

NWR's Section 74.1204(f) Showing is Defective

6. The new procedures for evaluating FM translator interference claims are contained in an FCC report and order, ***Amendment of Part 74 of the Commission's Rules Regarding Translator Interference***, 34 FCC Rcd 3457 (2019). A party in the posture of NWR is obligated to make the following five-point showing to shift the burden to Bustos:

- (1) the minimum number of valid listener complaints set out in Table 1 to section 74.1203(a)(3);
- (2) a map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBu contour;
- (3) a statement that the complaining station is operating within its licensed parameters;
- (4) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and
- (5) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds the limits specified in section 74.1203(f)(5). [footnotes omitted]

David A. O'Connor, Esq., supra, at p. 3.

7. When NWR filed its Informal Objection in 2018, it claimed that a Bustos FM translator station on 101.1 MHz at Auburn, Washington would interfere with the ability of NWR's K281CI, 104.1 MHz, Tacoma, Washington to receive off-air the signal of K266BM in order to translate it on 104.1 MHz. This is a fixable problem through the implementation of a directional receive-only antenna. NWR then fortuitously swerved into a Section 74.1204(f) argument because of the new FCC rules which became effective just over one year after NWR's filing of the Informal Objection.

8. However, the Audio Division didn't carefully evaluate NWR's showing, most likely because NWR's violation of the ex parte rules described above prevented Bustos from fair notice and a right to be heard. As has been discussed above, NWR's January 3 and February 13, 2020 Supplements failed to contain the required statement of criterion (4) that **"the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution"**.

9. Further, there is a substantial and material issue of fact as to whether NWR's K266BM is "operating within its licensed parameters".

10. We attach as Exhibit C and D the current K266BM license instrument, File No. BLFT-20190904BL, granted December 4, 2019, and its underlying construction permit, File No. BMPFT-

20170925ADX, granted October 10, 2017. Both specify KGTK(AM), 920 kHz, Olympia, Washington, as K266BM's "primary statement". However, K266BM does not operate in accordance with its license, because K266BM does not retransmit the signal of KGTK. Rather, K266BM openly and notoriously rebroadcasts the signal of KGHO-LP, 99.9 MHz, Hoquiam, Washington, which operates from a transmitter site 33.76 airline miles (54.34 km) from K266BM's transmitter site. KGHO-LP operates with 100 watts with antenna three (3) meters above average terrain. As can be seen from the FCC FM query maps (Exhibit E), the 60 dBu contours of KGHO-LP and K266BM do not overlap. The undersigned traveled to the Olympia, Shelton and Yelm areas in Washington state on May 6, 2020 and personally heard the K266BM signal on his rental car radio, in which the station identification announcement at approximately 10:00 a.m. local time was "KGHO-LP Hoquiam Olympia Tacoma".

11. NWR clearly misrepresented to the FCC the primary station rebroadcast by K266BM, and it had two clear alternative motives to do so.

12. First, NWR had to make a showing that K266BM was a "fill-in" translator to be able to apply for and receive an effective radiated power of 250 watts. Otherwise, pursuant to 47 C.F.R. §74.1235(b)(2) it would have been limited to an effective radiated power of 10 watts, since K266BM's height

above average terrain is 655 meters according to FM Query (Exhibit F). Therefore, K266BM claimed that it would serve as a fill-in translator station for KGTK(AM), 920 kHz, Olympia.

13. Second, by representing to the FCC that it was rebroadcasting KGTK, NWR avoided another pesky problem: the prohibition in 47 C.F.R. §73.860 against the cross-ownership of an LPFM station and an FM Translator station which are more than 20 miles apart. This was first raised with the FCC by Bicoastal Media Licenses IV, LLC in the matter of FM Translator Station K267CX, Centralia, Washington, which NWR unsuccessfully opposed. The text of the pleading¹ filed by Bicoastal is attached hereto as Exhibit G.

14. Therefore, all of the "listener declarations" submitted by NWR are defective and should be disregarded, because they involve "listeners" to a station which for all intents and purposes is a pirate radio station which is not rebroadcasting a permissible primary station and is illegally operating at 250 watts in lieu of the 10 watts the FCC's rules call for. The K266BM license should be revoked forthwith pursuant to 47 U.S.C. §312(a)(2-3), which authorizes the FCC to revoke a license or construction permit where facts come to the attention of the FCC which, had the FCC known of such facts at

¹The exhibits and attachments are excluded; they can be found online at: https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.hts?context=25&appn=101815666&formid=917&fac_num=150021

the time the underlying application was pending, the FCC would have dismissed or denied such application.

**Who Is NWR? Has It Undergone an
Unauthorized Transfer of Control?**

15. NWR first applied for the construction permit that led to Station K266BM in 2003, with an auction application filed on March 17, 2003 and a "singleton" formal FCC Form 349 application filed on August 28, 2003, File No. BNPFT-20030828BGZ. A copy of this application is attached as Exhibit H. This was granted on November 12, 2004. The station was constructed and licensed in 2005. See File No. BLFT-20050607AAF, granted September 6, 2005. A screenshot of the FCC's CDBS application search webpage for K266BM is attached as Exhibit I.

16. In Section II, question 2 of its original application, NWR represented to the FCC that it was "a not-for-profit corporation". NWR's President at the time was an Ethel Giberson of Eugene, Oregon. There is a substantial and material question as to whether NWR was in fact a corporation at any time in the years 2003-2009. An on-line search of the Oregon Secretary of State's corporation database for both active and inactive corporations² failed to find any reference to NWR; see Exhibit J.

²http://egov.sos.state.or.us/br/pkg_web_name_srch_ing.login

17. NWR filed "Articles of Incorporation" with the State of Washington on August 16, 2010; a copy of said articles as downloaded from the Washington Secretary of State's "Corporations and Charities Filing System" database³ is attached hereto as Exhibit K. This document represented that NWR had three directors: Ethel Giberson of Eugene, Oregon; Marie Hellinger of Potlatch, Idaho; and Diane Alderman of Eugene, Oregon.

18. The most recent "Amended Annual Report" for NWR was filed with the Washington Secretary of State on January 8, 2019 (Exhibit L). This report shows that three different individuals had become directors of NWR: Gary Jonah; Rita Rameriz; and Brian Spencer.

19. It was well settled long ago at the FCC that control of a not-for-profit corporation lies with the members of its board of directors. ***Black Television Workshop of Los Angeles, Inc.***, 7 FCC Rcd 7819, ¶¶91-93 (Chachkin, ALJ, 1992), citing ***Pacifica Foundation***, 1 P&F Radio Reg. 2d 747 (1964). According to the CDBS database for K266BM, it has never filed an FCC Form 316 or 345 transfer of control application. Furthermore, according to the Washington Secretary of State's database, NWR was administrative dissolved on January 3, 2020 (See Exhibit M;

³<https://ccfs.sos.wa.gov/#/>

ironically, the day that NWR filed its first of two *ex parte* Supplements). This being so, NWR's pleadings should be stricken as sham and false pursuant to 47 C.F.R. §1.52, as: (1) its original board of directors was not in control of NWR at the filing of the Informal Objection or any time after that; (2) the most recently reported NWR board of directors had never been granted consent by the FCC to assume control of NWR; and (3) NWR has now been administrative dissolved by the state of Washington.

Erroneous Entry in FCC Database

20. The FCC's letter ruling was based on an FCC database entry that the above-captioned application proposed a power of 250 watts. However, our amendment submitted to the FCC on October 9, 2019 on paper at the instruction of the Audio Division proposed a power level of 150 watts (See Exhibit N). Therefore, the letter ruling was based on "clearly erroneous" facts and is therefore unsupported by substantial evidence. This constitutes reversible error pursuant to the Administrative Procedure Act. 5 U.S.C. §706(2)(E).

Other Matters

21. It was arbitrary, capricious and contrary to FCC precedent for the Audio Division to consider NWR's four supplements to its Informal Objection. The Commission stated in

Canyon Area Residents for the Environment, 14 FCC Rcd 8152 (1999):

We cannot allow a party to “sit back and hope that a decision will be in its favor and, when it isn't, to parry with an offer of more evidence. No judging process in any branch of government could operate efficiently or accurately if such a procedure were allowed.” **Colorado Radio Corp. v. FCC**, 118 F.2d 24, 26 (D.C. Cir. 1941)

22. Further, NWR failed to serve Bustos and/or the undersigned with its third and fourth Supplements, thereby depriving Bustos of notice and the right to be heard. The FCC therefore deprived Bustos of administrative due process. This is grounds for the dismissal of all NWR pleadings and supplements and the grant of the above-captioned application.

23. Bustos opposes NWR's third and fourth Supplements of January 3 and February 13, 2020 because they fail to meet the statutory requirement of 47 U.S.C. §309(d) that statements in support of a request to deny a pending broadcast application be supported by an affidavit (or Section 1.16 Declaration) of a person or persons with personal knowledge of the facts alleged, except for those of which official notice may be taken. While the engineering statement of the duTreil consulting engineering firm meets the statutory verification requirement, the “listener declarations” are not made under penalty of perjury, and therefore they do not meet said statutory requirement. **BVM Helping Hands**, 29 FCC Rcd 6464, n. 15 (Comm'n en banc, 2014).

Conclusion

24. NWR committed egregious violations of the FCC's *ex parte* rules when it filed its January 3 and February 13, 2020 "Supplements" without providing copies to Bustos and/or the undersigned. NWR had also misrepresented the primary station to be rebroadcast over K266BM in order to obtain a license permitting operation at 250 watts, when it was only entitled to 10 watts as a non fill-in translator station. It rebroadcast an LPFM station controlled by relatives of Brian Spencer, NWR's current controlling principal, located roughly 50 miles away, in violation of Section 73.860 of the FCC's Rules. NWR doesn't even legally exist as of this writing, as its charter was administratively revoked by the State of Washington; furthermore, it appears that NWR was not legally incorporated, despite a representation to the contrary, in its 2003 original construction permit application. When NWR was actually incorporated in 2010, it represented that it was controlled by a board of directors who have since disappeared from the last reported NWR board.

25. The victim of all this was Bustos Media Holdings, LLC, a Hispanic broadcaster whose ownership has almost three decades of quality service to the public as a principal of broadcast station licensees.

26. The Audio Division's April 28, 2020 letter ruling in this matter violates the Administrative Procedure Act and turns a blind eye to the lawlessness of NWR. It must be vacated or reversed, and the above-captioned application must be granted at the earliest possible time.

WHEREFORE, Bustos Media Holdings, LLC urges that this Petition for Reconsideration **BE GRANTED**, that the April 28, 2020 letter ruling of the Senior Deputy Chief, Audio Division, Media Bureau **BE REVERSED OR VACATED**, that all five NWR pleadings in this case **BE DISMISSED OR DENIED**, and that the above-captioned application for a construction permit for a new FM Translator Station on 101.1 MHz at Auburn, Washington **BE GRANTED**.

Respectfully submitted,

BUSTOS MEDIA HOLDINGS, LLC



By _____
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Its Attorney

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DATED AND FILED: May 28, 2020

EXHIBIT A



Federal Communications Commission
Washington, D.C. 20554

April 28, 2020

In Reply Refer to:
1800B3-DB

Bustos Media Holdings, LLC
c/o Dennis J. Kelly, Esq.
P.O. Box 41177
Washington, DC 20018

Northwest Rock 'N' Roll Preservation Society
c/o Brian Spencer
P.O. Box 2673
Olympia, WA 98507

In re: **New Translator, Auburn, WA**
Facility ID No. 202942
File No. BPFT-20180418ABI

Informal Objection

Dear Counsel and Petitioner:

This letter concerns: (1) the referenced application (Application) of Bustos Media Holdings, LLC (Bustos) for a construction permit for a new FM translator station in Auburn, Washington, on Channel 266 (101.1 MHz) (Translator);¹ (2) Informal Objections (Objection) filed on July 31, 2018 and October 5, 2018, by Northwest Rock 'N' Roll Preservation Society (Northwest);² (3) Supplemental Information and a Request for Waiver filed by Northwest on August 19, 2019, January 3, 2020, and February 13, 2020;³ and (4) related responsive pleadings.⁴ For the reasons set forth below, we grant the Objection in part and dismiss the Application.

¹ See Application No. BNPFT-20180418ABI. The Application proposes to rebroadcast Station KMIA(AM), Auburn, Washington on Channel 266.

² Informal Objection filed by Northwest on July 31, 2018; Informal Objection Addendum filed by Northwest on October 5, 2018. Northwest is licensee of Station K266BM, Olympia, Washington operating on Channel 266 (101.1 MHz). Northwest is also the licensee of Station K281CI, Tacoma, Washington (104.1 MHz), located less than 10 miles away from the proposed Translator. The input signal of Northwest translator K281CI is Channel 266.

³ Northwest Supplemental Information to Informal Objection (filed Aug. 19, 2019); Northwest Addendum to Supplemental Information to the Informal Objection (filed Jan. 3, 2020); and Northwest Request for Waiver & Addendum 2 to Supplemental Information to Informal Objection (filed Feb. 13, 2020) (Request for Waiver).

⁴ On May 9, 2018, Northwest filed a Petition to Deny (Northwest Petition) the Application, which Bustos opposed on July 3, 2018. On July 31, 2018, Northwest filed a Reply to Bustos's Opposition as well as an Informal Objection. Northwest also submitted an Addendum to the Informal Objection on October 5, 2018. On October 18, 2018, Bustos filed a Motion to Strike Northwest's Informal Objections, which Northwest opposed on November 5, 2018. Bustos then filed a Supplement to its Opposition on March 18, 2019, to which Northwest replied on May 7, 2019. On May 22, 2019, Bustos filed an opposition to Northwest's reply, which Northwest opposed on June 5, 2019. We will treat Northwest's pleadings filed on May 9, 2018, July 31, 2018, October 5, 2018, August 19, 2019, January 3, 2020, and February 13, 2020, collectively, as an Informal Objection to the Application at issue. See 47 CFR §73.3587. Because there is no time limitation for filing such pleadings, we will not consider Bustos's Motion to Strike Northwest's July 31 and October 5, 2018 Informal Objections. See *id.*

Background. Bustos filed the Application proposing to construct the new Translator on April 30, 2018.⁵ The staff accepted the Application for filing on May 3, 2018.⁶ Bustos then filed an amended Application with an updated engineering section on October 9, 2019.⁷ The staff accepted the amended Application for filing on October 22, 2019.⁸

In its Petition, Northwest argues that the proposed Translator will violate Section 74.1203(a)(2) of the Commission's Rules (Rules)⁹ by taking over the input signal of Northwest's translator K281CI.¹⁰ Northwest maintains that a pirate has been operating intermittently in the same area as the proposed new Translator with less than 250 watts, causing catastrophic interference to the input signal of Station K281CI.¹¹

In its Opposition, Bustos argues that the proposed Translator can co-exist with the reception of co-channel K266BM at the K281CI site and any potential "actual interference" can be avoided through implementation of a simple and inexpensive fix.¹² Bustos further argues that the issue raised by Northwest may be moot because Station K266BM holds a modified construction permit to increase its height above average terrain in order to retransmit the signal of Station KGTK 920(AM) which would encompass the community served by Station K281CI.¹³ Additionally, Bustos maintains it has been Commission policy to refrain from adjudicating Section 74.1203 interference claims at the construction permit stage and therefore Northwest's arguments are premature.¹⁴ Bustos also claims that Northwest lacks standing to challenge the Application at issue.¹⁵

⁵ See License No. BNPFT-20180418ABI (filed Apr. 30, 2018).

⁶ See *Broadcast Applications*, Public Notice, Report No. 29228 (rel. May 3, 2018).

⁷ See License No. BNPFT-20180418ABI.

⁸ See *Broadcast Applications*, Public Notice, Report No. 29597 (rel. Oct. 22, 2019).

⁹ 47 C.F.R. § 74.1203(a)(2) ("an authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to the reception of the input signal of any ... FM translator...").

¹⁰ See Northwest Petition at 1.

¹¹ *Id.* at 2.

¹² See Bustos Opposition at 4 (filed July 3, 2018). According to Bustos, the proposed Translator would have a signal strength at the Station K281CI transmit site of 45.12 dBμ, while Station K266BM would have a signal strength of 34.49 dBμ at the same location. *Id.* Bustos states that because these signals are coming from directions that are 172.0 degrees apart and the undesirable signal is less than 11 dBμ greater than the desired signal, any interference can be eliminated by using an inexpensive Yagi directional FM receiver antenna to isolate the desired input signal. *Id.* In its Reply, Northwest states that the K281CI site has had to contend with an intermittent pirate on Channel 266 from approximately the same direction as the proposed facility and uses a directional antenna, but still succumbs to interference when the pirate is broadcasting. See Northwest Reply at 2 (filed July 31, 2018). Thus, Northwest contends that it is extremely doubtful that the co-channel 266 signal can be received at the K281CI site if the proposed facility is broadcasting, no matter what receiving antenna is used. *Id.*

¹³ See Bustos Opposition at 4.

¹⁴ See Bustos Opposition at 1-3, 7, citing *Radio Assist Ministry, Inc.*, Letter Decision, BNPFT-20030826AEY (MB Nov. 23, 2004) (stating that Section 74.1203 refers to authorized stations currently operating); *Creation of Low Power Radio Service*, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19224, para. 41 (2000) (stating that the Commission should follow the procedures currently used to resolve allegations of interference, but the Commission will not make such interference a routine consideration prior to the grant of an application).

¹⁵ See Bustos Opposition at 5.

Northwest disputes the arguments raised in Bustos's Opposition.¹⁶ In particular, Northwest maintains that it has standing to challenge the Application because it will suffer injury (i.e., the loss of input signal and subsequent loss of listeners) caused by the overwhelming signal interference from the proposed Translator in Auburn, Washington.¹⁷ Northwest states that if the Commission grants the Application, it should place conditions on the construction permit to protect Station K281CI's input.¹⁸

Northwest also submits an Informal Objection to the Application alleging that the proposed FM Translator will interfere with the listening audiences of Station K266BM in violation of Section 74.1204(f) of the Rules.¹⁹ In support of its Informal Objection, Northwest provides: (1) declarations of eight allegedly unaffiliated Station K266BM listeners;²⁰ (2) maps showing the location of these listeners within the 60 dB μ contour proposed in the amended Application;²¹ and (3) an engineering statement, purportedly using the standard contour prediction methodology specified in the revised Rules, to demonstrate the relative field strengths of the "undesired" and "desired" signals at the listener locations.²² Northwest argues that the operation of Bustos's proposed Translator, as modified, would cause prohibited interference with the reception of Station K266BM within the Translator's 60 dB μ contour.²³

Bustos opposes Northwest's Informal Objections alleging that its arguments are without merit as there is no audible broadcast signal on 101.1 MHz at eight locations in the communities of Auburn, Kent, and Federal Way, Washington.²⁴ In response, Northwest asserts that Bustos's field assessment was conducted by one of its employees, not an independent engineer, and that the facts presented in its Objections are indeed true.²⁵ Bustos then takes issue with Northwest's response, arguing that it constitutes a pleading which is not contemplated by the FCC's Rules and fails to meet the statutory requirement of 47 U.S.C. § 309(d).²⁶

¹⁶ See Northwest Reply at 2 (filed July 31, 2018). See also *supra*, n.12.

¹⁷ *Id.* at 3.

¹⁸ *Id.* at 3-4.

¹⁹ See Northwest Informal Objection at 1 (filed July 31, 2018); Northwest Informal Objection Addendum at 1 (filed Oct. 5, 2018). See also 47 CFR § 74.1204(f) ("An application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station..., if the predicted 1 mV/m field strength contour of the FM translator station will overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second, or third adjacent channel broadcast station, and grant of the authorization will result in interference to the reception of such signal.").

²⁰ See Northwest Informal Objection at 3 (July 31, 2018); Northwest Informal Objection Addendum at Exhibit B (filed Oct. 5, 2018).

²¹ See Northwest Informal Objection at Exhibit A (filed July 31, 2018); Northwest Informal Objection Addendum at Exhibit A (filed Oct. 5, 2018).

²² See Northwest Informal Objection, Engineering Statement of W. Jeffrey Reynolds (filed July 31, 2018); Northwest Informal Objection Addendum, Engineering Statement of W. Jeffrey Reynolds (filed Oct. 5, 2018).

²³ See Northwest Informal Objection at 1 (filed July 31, 2018).

²⁴ See Bustos Supplement at 3-4 (providing video links to demonstrate that, throughout the day on March 6, 2019, there was no audible broadcast signal on 101.1 MHz at any of the eight locations).

²⁵ Northwest Reply to Bustos Supplement at 2 (filed May 7, 2019).

²⁶ See Bustos Comments in Opposition to Motion for Leave to File Reply to Supplement (May 22, 2019).

In response, Northwest presents documentation supporting the arguments raised in its Reply.²⁷ Northwest also contends that Bustos's original application was defective and should have been dismissed because it was submitted without exhibits and an engineering certification.²⁸ Nevertheless, Northwest states that the more serious interference issues arise with the modified Application at issue.²⁹ Northwest states that the Commission should consider the possibility that Bustos purposefully submitted a flawed and un-grantable application on January 30, 2018, with the intention of slipping in modifications later.³⁰

On May 9, 2019, the Commission adopted the *Translator Interference Order* in which it streamlined the rules relating to interference caused by FM translators and expedited the translator complaint resolution process.³¹ The revised rules became effective on August 13, 2019.³² Because the Application at issue had not been acted upon as of the effective date of the revised rules, Northwest submitted additional materials to respond to the revised FM translator interference standards.³³

In its supplemental filings, Northwest reiterates its position that the proposed Translator will cause harmful interference to regular listeners of Station K266BM.³⁴ Northwest provides: (1) declarations of 60 allegedly unaffiliated Station K266BM listeners;³⁵ (2) maps showing the location of these listeners within the 45 dB μ contour proposed in the amended Application;³⁶ and (3) an engineering statement, purportedly using the standard contour prediction methodology specified in the revised Rules to demonstrate the relative field strengths of the "undesired" and "desired" signals at the listener locations.³⁷ Northwest also requests a waiver of the 45 dB μ contour limit to allow it to continue

²⁷ See Northwest Reply to Bustos Comments in Opposition to Motion for Leave to File Reply to Supplement (filed June 4, 2019).

²⁸ *Id.* at 2.

²⁹ *Id.*

³⁰ *Id.* at 2-3. Northwest states that Bustos submitted License Number BNPFT-20180130ABM without an engineer's certifying signature, making it extremely difficult for Northwest, or any licensee in a similar situation, to respond to proposed facilities in a timely manner to prevent catastrophic interference. *Id.* at 3 (referring to Bustos License Number BNPFT-20180130ABM (filed Jan. 30, 2018)). Note that the staff did not accept this application for filing.

³¹ See *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*).

³² See *Media Bureau Announces August 13, 2019, Effective Date for Amended Rules for FM Translator Interference*, Public Notice, 34 FCC Rcd 7004 (MB 2019).

³³ See *supra*, n.3.

³⁴ See Northwest Supplemental Information to Informal Objection at 2; Northwest Addendum to Supplemental Information to the Informal Objection at 1-2; and Request for Waiver at 2-3.

³⁵ See Northwest Supplemental Information to Informal Objection, Attachment A; Northwest Addendum to Supplemental Information to the Informal Objection, Addendum to Tabulation Table; Request for Waiver at 3, Listener Tabulation Table. Northwest states that, pursuant to revised 47 CFR § 73.1204(f) and 47 CFR § 73.1203 Table 1, it is required to submit only six valid listener complaints, but it submits 60 complaints in support of its Informal Objection. See Request for Waiver, Engineering Statement of W. Jeffrey Reynolds and Listener Tabulation Table.

³⁶ See Northwest Supplemental Information to Informal Objection, Map; Northwest Addendum to Supplemental Information to the Informal Objection, Map 2; Request for Waiver, Map.

³⁷ See Request for Waiver, Engineering Statement of W. Jeffrey Reynolds.

broadcasting to listeners outside of K266BM's 45 dB μ contour.³⁸ In support of its waiver request, Northwest provides declarations of 35 complainants who either live in or travel through a zone of predicted interference outside of Station K266BM's 45 dB μ contour.³⁹ Northwest states that reception outside the 45 dB μ contour is not limited to geographic "pockets" and that the interference zone includes a large and varied area.⁴⁰ Northwest also maintains that Station K266BM provides unique programming for its listeners and that it has been broadcasting from its current location since August 2009.⁴¹

Discussion. Pursuant to Section 309(d) of the Communications Act of 1934, as amended,⁴² petitions to deny and informal objections must provide properly supported allegations of fact that, if true, establish a substantial and material question of fact that granting the application would be *prima facie* inconsistent with the public interest, convenience, and necessity.⁴³ In this case, the Objection must establish a substantial and material question of fact that grant of the Application would be inconsistent with Section 74.1204(f) of the Rules.

As an initial matter, we clarify that Section 74.1204(f), rather than Section 74.1203, is the appropriate remedy in this instance. Section 74.1203 applies to actual interference caused by "authorized" FM translator or booster stations,⁴⁴ while Section 74.1204(f) applies to situations such as the one presented here where a proposed FM translator is likely to interfere with a regularly used off-the-air service.

Under revised Section 74.1204(f) of the Rules, "an application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if grant of the authorization will result in interference to the reception of a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including previously authorized secondary service stations within the 45 dB μ field strength contour of the desired station. Interference is demonstrated by: (1) the required minimum number of valid listener complaints as determined using Table 1 of Section 74.1203(a)(3) and defined in Section 74.1201(k) of the part; (2) a map plotting the specific location of the alleged interference in relation to the complaining station's 45 dB μ contour; (3) a statement that the complaining station is operating within its licensed parameters; (4) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and (5) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third- adjacent channel situations,

³⁸ See Request for Waiver at 1, 3 and Listener Tabulation Table. Northwest states that it did not seek a waiver previously because it believed the Rules regarding interference were clear enough that Bustos would opt to move to a different channel. *Id.* at 2.

³⁹ See Request for Waiver at 1, 3 and Listener Tabulation Table. Northwest states that it did not seek a waiver previously because it believed the Rules regarding interference were clear enough that Bustos would opt to move to a different channel. *Id.* at 2.

⁴⁰ See *id.* at 3 and Maps.

⁴¹ *Id.*

⁴² See 47 U.S.C. § 309(d).

⁴³ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197, n.10 (1990), *aff'd sub nom. Garden State Broad. L.P. v. FCC*, 996 F 2d 386 (D.C. Cir. 1993), *rehearing denied* (Sept. 10, 1993); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objections, like petitions to deny, must contain adequate and specific factual allegations sufficient to warrant the relief requested).

⁴⁴ See 47 CFR § 74.1203(a) (referring to authorized FM translator and booster stations currently operating).

calculated using the Commission's standard contour prediction methodology set out in Section 73.313 of the Rules."⁴⁵

In this instance, Northwest has followed the required protocol by submitting documentation from 60 listeners certifying that they are regular listeners of Station K266BM at least twice a month at home, at work, or in their cars.⁴⁶ By plotting the complainants' specific addresses on a map showing the specific location of the alleged interference in relation to the complaining station's 45 dB μ contour, Northwest has demonstrated that at least 49 complainants listen to Station K266BM and that their addresses are located where the undesired to desired signal strength exceeds -20 dB for co-channel situations, calculated using the Commission's standard contour prediction methodology set out in Section 73.313 of the Rules.⁴⁷ Northwest has also indicated that Station K226BM has been operating within licensed parameters,⁴⁸ and it includes a statement that it has used commercially reasonable efforts to inform Bustos (*via* Bustos's counsel) of the claimed interference and attempted a private solution (in this case, suggesting a modification of the Translator's proposed channel).⁴⁹ In light of this evidence, we find that Northwest has adequately substantiated its Section 74.1204(f) claims by demonstrating that there are Station K266BM listeners located inside Station K266BM's 45 dB μ contour that are predicted to receive interference from the facilities proposed in the Application.⁵⁰ We will therefore dismiss the Application. Furthermore, given our decision to dismiss the Application on Section 74.1204(f) grounds, we conclude that the Request for Waiver filed by Northwest is moot.

Conclusion/Actions. For the reasons discussed above, IT IS ORDERED, that the Informal Objection filed by Northwest Rock 'N' Roll Preservation Society on July 31, 2018, and supplemented on October 5, 2018, August 19, 2019, January 3, 2020, and February 13, 2020, IS GRANTED in part.

IT IS FURTHER ORDERED that, pursuant to Section 74.1204(f) of the Commission's Rules, 47 CFR § 74.1204(f), the Application (File No. BNPFT-20180418ABI) of Bustos Media Holdings, LLC for a new Translator in Auburn, Washington on Channel 266 (101.1 MHz) IS DISMISSED.

⁴⁵ See 47 CFR § 74.1204(f) (2019).

⁴⁶ See Northwest Supplemental Information to Informal Objection, Attachment A; Northwest Addendum to Supplemental Information to the Informal Objection, Addendum to Tabulation Table; Request for Waiver at 3, Listener Tabulation Table. We find that 49 of these complaints are rule-compliant; the remaining 11 complaints fail to provide a signature date, a complete address, or a clear and concise interference location and therefore will not be considered.

⁴⁷ See Northwest Supplemental Information to Informal Objection at 2, Map 1; Northwest Addendum to Supplemental Information to the Informal Objection at 1-2, Map 2; Request for Waiver, Map.

⁴⁸ See Northwest Supplemental Information to Informal Objection at 2, Exhibit 1.

⁴⁹ See Northwest Supplemental Information to Informal Objection at Exhibit 2 (letter from president of Northwest to counsel for Bustos).

⁵⁰ We note that the documentation submitted in Northwest's Informal Objection, as originally filed, was also sufficient to substantiate dismissal of the Application, pursuant to prior rule Section 74.1204(f). See Informal Objection (filed July 31, 2018); Informal Objection Addendum (filed Oct. 5, 2018).

IT IS FURTHER ORDERED that, in light of our dismissal action taken pursuant to Section 74.1204(f) of the Commission's Rules, 47 CFR § 74.1204(f), the Request for Waiver filed by Northwest Rock 'N' Roll Preservation Society on February 13, 2020, IS DISMISSED AS MOOT.

Sincerely,

/s/

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

EXHIBIT B



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49729

Broadcast Actions

5/1/2020

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>N A T U R E O F A P P L I C A T I O N</u>
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Actions of: 04/28/2020

FM TRANSLATOR APPLICATIONS FOR ORIGINAL CONSTRUCTION PERMIT DISMISSED

WA		BNPFT-20180418ABI	NEW 202942	BUSTOS MEDIA HOLDINGS, LLC
	E	101.1 MHZ	WA ,	AUBURN



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49729

Broadcast Actions

5/1/2020

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

NATURE OF APPLICATION

CP New Station.

Petitions to deny this application must be on file no later than 15 days from the date of the notice accepting this application for filing.

Engineering Amendment filed 04/30/2018

Petition to Deny filed 05/09/2018 by NORTHWEST ROCK N ROLL PRESERVATION SOCIETY

Informal Objection filed 05/16/2018 by PROMETHEUS ET. AL.

Motion for Extension of Time Filed 06/28/2018 by NORTHWEST ROCK N ROLL PRESERVATION SOCIETY

Reply filed 07/03/2018 by BUSTOS MEDIA HOLDINGS, LLC

Opposition filed 07/03/2018 by BUSTOS MEDIA HOLDINGS, LLC

Petition for Reconsideration filed 07/09/2018 by PROMETHEUS ET. AL.
Petition for Reconsideration Dismissed 7/13/2018 per DA 18-729.

Opposition filed 07/31/2018 by NORTHWEST ROCK N ROLL PRESERVATION SOCIETY

Informal Objection filed 07/31/2018 by NORTHWEST ROCK N ROLL PRESERVATION SOCIETY

Application for Review filed 08/13/2018 by PROMETHEUS ET. AL.

Reply filed 08/13/2018 by NORTHWEST ROCK N ROLL PRESERVATION SOCIETY

Opposition filed 08/27/2018 by BUSTOS MEDIA HOLDINGS, LLC, ET AL

Reply filed 09/10/2018 by PROMETHEUS ET. AL.

Informal Obiection filed 10/05/2018 by NORTHWEST ROCK N ROLL



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49729

Broadcast Actions

5/1/2020

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

NATURE OF APPLICATION

Internal objection received by Northwest Rock N Roll
PRESERVATION SOCIETY

Opposition filed 10/18/2018 by BUSTOS MEDIA HOLDINGS, LLC

Opposition filed 10/18/2018 by BUSTOS MEDIA HOLDINGS, LLC

Opposition filed 11/05/2018 by NORTHWEST ROCK N ROLL
PRESERVATION SOCIETY

Application for Review Denied 1/29/2019 per FCC 19-1.

Supplement filed 03/18/2019 by BUSTOS MEDIA HOLDINGS, LLC

Supplement filed 03/18/2019 by BUSTOS MEDIA HOLDINGS, LLC

Reply filed 05/07/2019 by NORTHWEST ROCK N ROLL
PRESERVATION SOCIETY

Reply filed 05/07/2019 by NORTHWEST ROCK N ROLL
PRESERVATION SOCIETY

Reply filed 05/22/2019 by BUSTOS MEDIA HOLDINGS, LLC

Supplement filed 06/05/2019 by NORTHWEST ROCK N ROLL
PRESERVATION SOCIETY

Supplement filed 08/19/2019 by NORTHWEST ROCK N ROLL
PRESERVATION SOCIETY

Amendment received 10/9/2019 - see CDBS Correspondence Folder for
complete copy of amendment

Supplement filed 01/03/2020 by NORTHWEST ROCK N ROLL
PRESERVATION SOCIETY

Supplement filed 02/13/2020 by NORTHWEST ROCK N ROLL
PRESERVATION SOCIETY

Informal Objection granted and application Dismissed 4/28/2020 per letter
Page 3 of 7



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49729

Broadcast Actions

5/1/2020

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

NATURE OF APPLICATION

informal objection granted and application dismissed 4/29/2020 per letter
ref 1800B3-DB

EXHIBIT C



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER
STATION LICENSE

Authorizing Official:

Official Mailing Address:

NORTHWEST ROCK N ROLL PRESERVATION SOCIETY
P.O. BOX 5672
LACEY WA 98509

Nazifa_Sawez
Assistant Chief
Audio Division
Media Bureau

Facility Id: 150021

Grant Date: December 04, 2019

Call Sign: K266BM

This license expires 3:00 a.m.
local time, February 01, 2022.

License File Number: BLFT-20190904ABL

License to cover construction permit BPFT-20160729AKW, as modified by permit BMPFT-20170925ADX. Reissued 1/30/2020 to correct the underlying construction permit file number.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: K266BM

License No.: BLFT-20190904ABL

Name of Licensee: NORTHWEST ROCK N ROLL PRESERVATION SOCIETY

Principal community to be served: WA-OLYMPIA

Primary Station: KGTK (AM) , Frequency 920 kHz, OLYMPIA, WA

Via: Other

Frequency (MHz): 101.1

Channel: 266

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 46 deg 58 min 24 sec

West Longitude: 123 deg 08 min 11 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules.

Transmitter output power: 0.27 kW

Antenna type: (directional or non-directional): Directional

Description: BXT LOG 4-FM-V

Major lobe directions 50
(degrees true):

	Horizontally Polarized Antenna:	Vertically Polarized Antenna:
Effective radiated power in the Horizontal Plane (kw):	0.25	0.25
Height of radiation center above ground (Meters):	47	47
Height of radiation center above mean sea level (Meters):	858	858

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 49 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***

EXHIBIT D



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

NORTHWEST ROCK N ROLL PRESERVATION SOCIETY
P.O. BOX 5672
LACEY WA 98509

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 150021

Call Sign: K266BM

Permit File Number: BMPFT-20170925ADX

Grant Date: October 10, 2017

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This Permit Modifies Permit No.: BPFT-20160729AKW

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Name of Permittee: NORTHWEST ROCK N ROLL PRESERVATION SOCIETY

Principal community to be served: WA-OLYMPIA

Primary Station: KGTK (AM) , Frequency 920 kHz, OLYMPIA, WA

Via: Other

Frequency (MHz): 101.1

Channel: 266

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 46 deg 58 min 24 sec
West Longitude: 123 deg 08 min 11 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules

Antenna type: (directional or non-directional): Directional

Major lobe directions 50
(degrees true):

	Horizontally Polarized Antenna:	Vertically Polarized Antenna:
Effective radiated power in the Horizontal Plane (kw):	0.25	0.25
Height of radiation center above ground (Meters):	47	47
Height of radiation center above mean sea level (Meters):	858	858

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 49 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

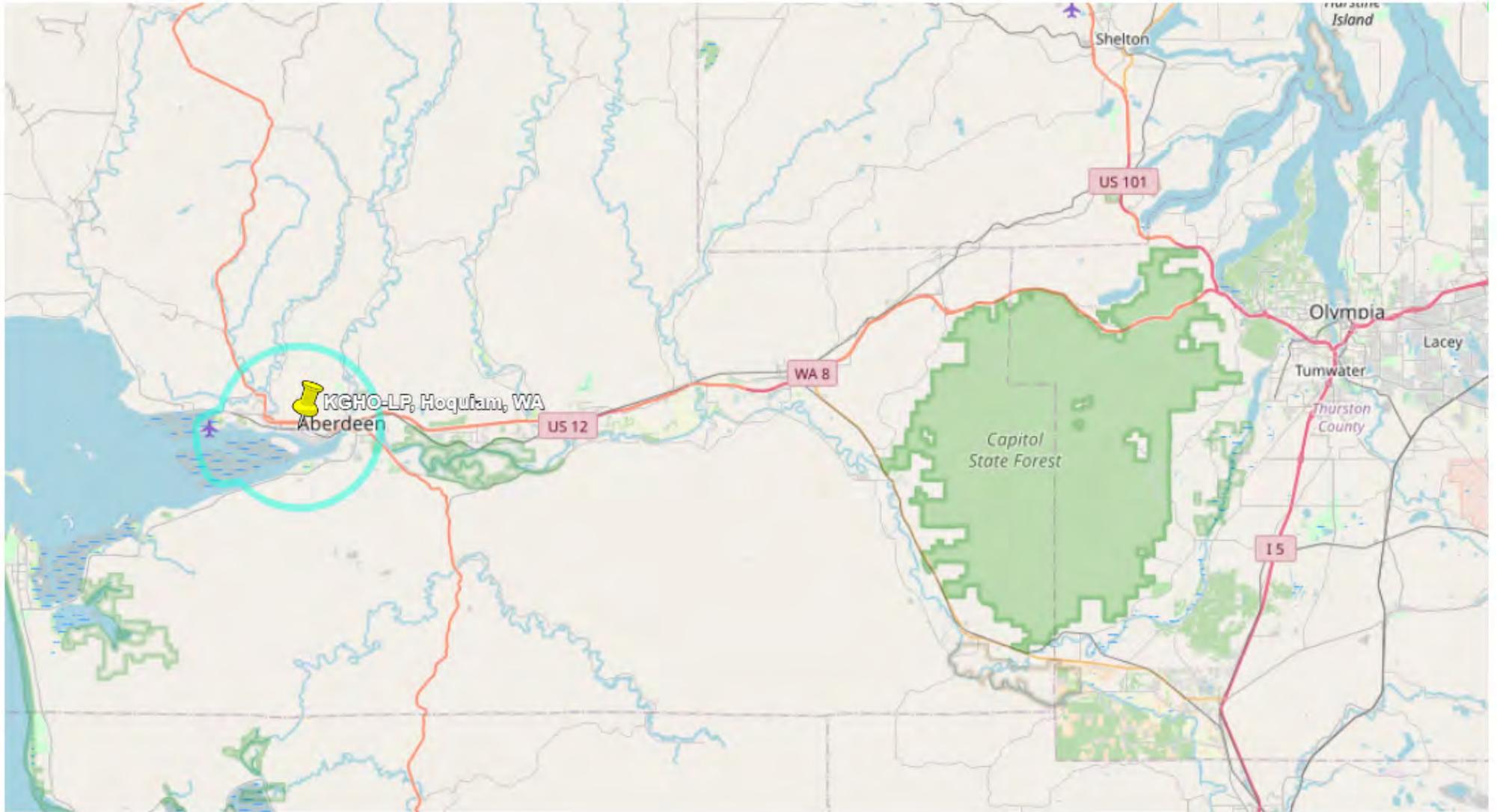
Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

- 2 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

*** END OF AUTHORIZATION ***

EXHIBIT E



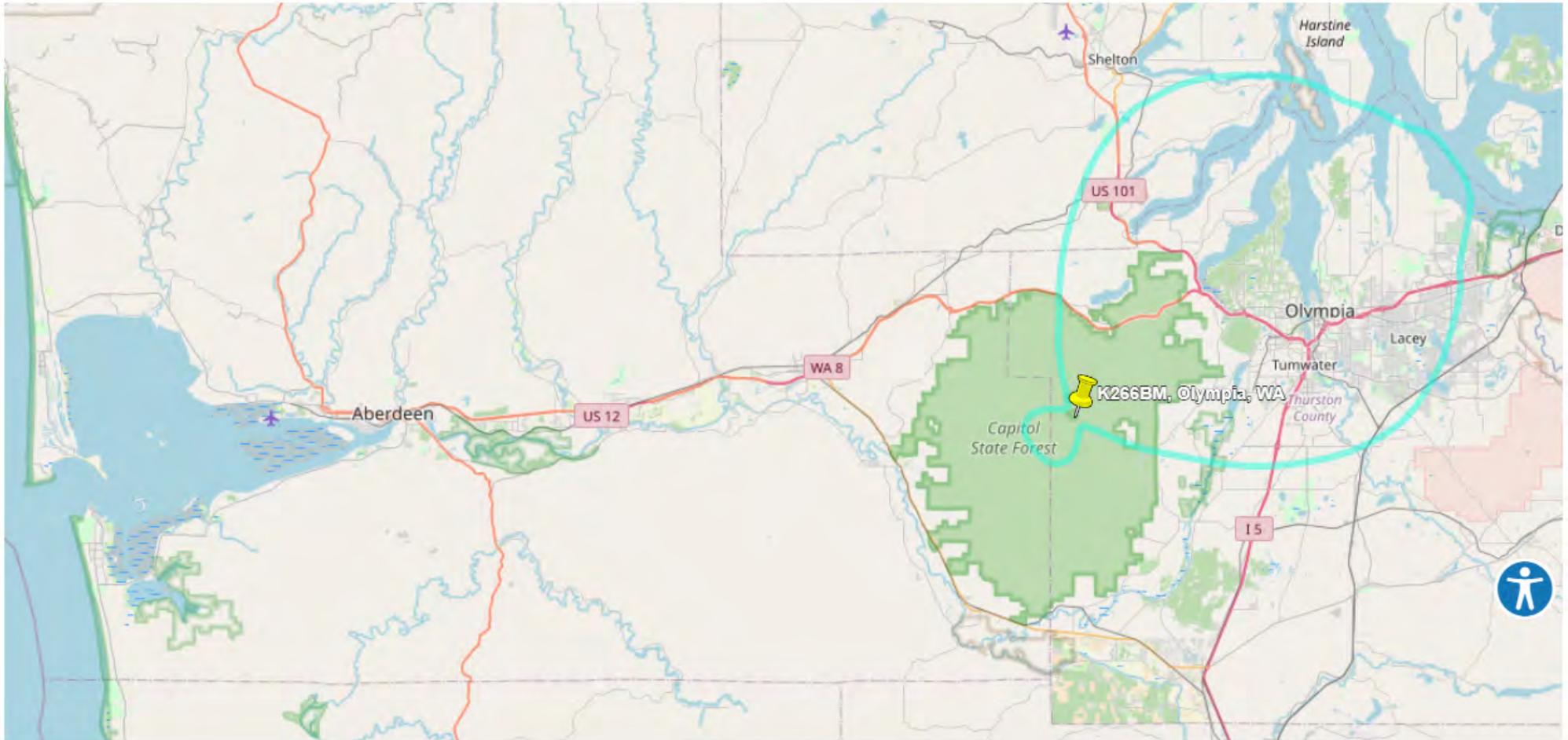


EXHIBIT F

K266BM

WA OLYMPIA

USA

FX LIC

Licensee: NORTHWEST ROCK N ROLL PRESERVATION SOCIETY
 Service Designation: FX Translator Station (retransmits signal, different channel than main station)
 Channel/Class: 266D Frequency: 101.1 MHz Licensed
 File No.: BLFT-20190904ABL Facility ID number: 150021

LMS Application ID: D2E0243BC1EF4D388B3CC1B6063EBEB7 (Assigned numerical ID: 1809745)
 Licensed date: 2019-12-04

This facility relays KGH0-LP FL (Facility ID 134721).

Technical Data

Links & Maps

46° 58' 23.30" N Latitude 46.973139 Previous NAD27 coordinates:
 123° 08' 15.50" W Longitude (NAD 83) -123.137639 46° 58' 24"
 123° 8' 11"

Use NAD83 for FM CP and license filings

Site is in the in Canadian Border Zone -- Nearest border point is 142.4 km at 347.8°

	Polarization:	Horizontal	Vertical	
Effective Radiated Power (ERP):		0.25	0.25	kw ERP
Antenna radiation center Height Above Average Terrain:		655.	655.	meters HAAT - Calculate HAAT
Antenna radiation Center Height Above Mean Sea Level:		858.	858.	meters AMSL
Antenna radiation center Height Above Ground Level:		47.	47.	meters AGL

Directional Antenna ID No.: 129406 (9E62730A78C94D689DDCC1B6063EBEB7)
 Antenna Make: - Antenna Model: -
 No. of antenna sections: -

Relative Field values for directional antenna

Relative field values listed here do not include the pattern rotation (if any): 50.0° rotation (clockwise)

0°	1.000	60°	0.085	120°	0.015	180°	0.040	240°	0.015	300°	0.085
10°	0.950	70°	0.020	130°	0.025	190°	0.040	250°	0.010	310°	0.250
20°	0.820	80°	0.010	140°	0.034	200°	0.040	260°	0.010	320°	0.470
30°	0.645	90°	0.010	150°	0.038	210°	0.038	270°	0.010	330°	0.645
40°	0.470	100°	0.010	160°	0.040	220°	0.034	280°	0.010	340°	0.820
50°	0.250	110°	0.010	170°	0.040	230°	0.025	290°	0.020	350°	0.950

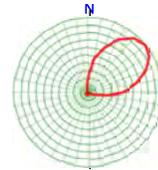


EXHIBIT G

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)
)
BICOASTAL MEDIA LICENSES IV, LLC) Facility ID No. 202510
)
For a Construction Permit for a New) FCC File No. BNPFT-20180430AAV
FM Translator on Channel 267 at)
Centralia, WA)

To: Chief, Audio Division, Media Bureau

Opposition to Informal Objection

Bicoastal Media Licenses IV, LLC (“Bicoastal”), the applicant for the above-captioned translator to fill-in the signal of AM station KELA(AM), Centralia-Chehalis, Washington, hereby respectfully opposes the October 2, 2018 and October 5, 2018 Informal Objections (“Objection”) filed by Northwest Rock ‘N’ Roll Preservation Society (“NWR”).¹ NWR is the licensee of K266BM, Olympia, Washington, Facility ID No. 150021. According to the Declarations in Exhibit B of the Objection, the translator rebroadcasts the signal of KGHO-LP, Hoquiam, Washington, Facility ID 134721, owned by Grays Harbor LPFM.

The Objection must be denied because there are no *legitimate* listener complaints. The listeners express their concern that authorizing Bicoastal’s translator would interfere with their ability to listen to LPFM Station KGHO-LP. That LPFM station is illegally rebroadcast on NWR’s translator in violation of the cross-ownership prohibition in FCC Rule 73.860 because a family relationship exists between a member of NWR and a member of the Grays Harbor LPFM. Thus, K266BM is not authorized to retransmit the signal of KGHO-LP.

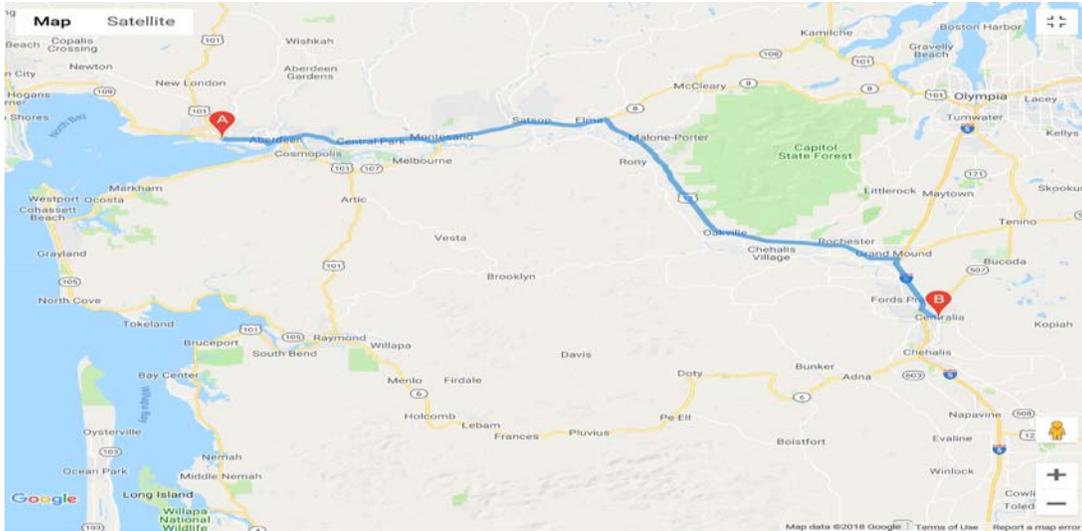
¹ NWR filed two nearly identical Informal Objections, except that the second one added additional listener complaints. Bicoastal filed a Request to Delay Action on Informal Objection on November 9, 2018, for additional time to evaluate the Objection.

Summary

The Objection was filed by a translator station licensee that is illegally extending the coverage of an LPFM station. As will be shown below, the LPFM licensee and the translator licensee each have members from the same family, who own residential property together, serving on their respective boards. The LPFM is able to extend the coverage of its programming far beyond the limits of permissible service through the use of translators, in contravention of FCC Rule 73.860. Because the listeners identified in the Objection are listening to an LPFM station they would not otherwise be entitled to listen to on the translator but for a violation of the rule, these listeners cannot be deemed to be regular *bona fide* listeners of the translator.

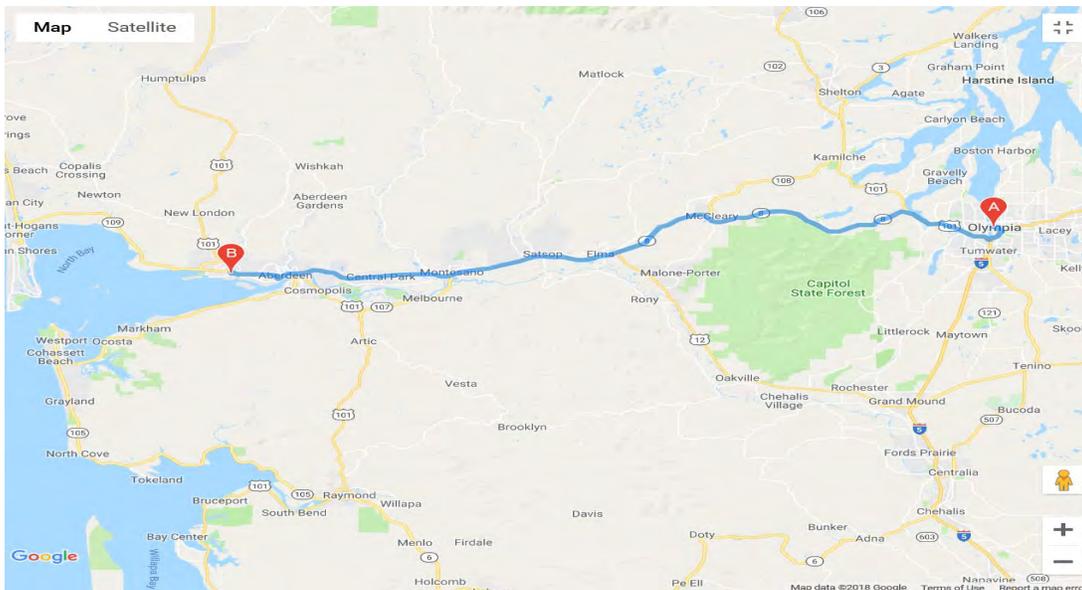
Distance between LPFM and Area of Alleged Interference is 76+ km

The form of listener declaration attached to NWR's Objection states each person is a "frequent listener to radio station KGHO on K266BM Olympia community translator 101.1FM." See Objection, Exhibit B. KGHO-LP, licensed to Hoquiam, Washington, is over 76 km from Centralia. Centralia is the location of Bicoastal's proposed translator and the community in which NWR alleges potential interference will occur to reception of the LPFM's programming via translator K266BM. The 76+ km distance between the LPFM's community of license and the area of alleged interference in Centralia is depicted below.



Distance between LPFM Primary Station and Translator Rebroadcasting LPFM is 74+ km

K266BM is licensed to NWR, which filed the Objection. Olympia, Washington, is more than 74 km east of Hoquiam, Washington, the community of license for the re-transmitted LPFM. The 74+ km distance between K266BM and KGHO-LP are depicted below:



CDBS Station Search Details show that K266BM rebroadcasts KGTK as its primary station, not KGHO-LP as set forth in the listener declarations attached to the Objection:

Station Search Details

Call Sign: K266BM
Facility Id: 150021
Primary Station Call Sign: KGTK
Community of License: OLYMPIA, WA

In addition to the translator rebroadcast in Olympia, NWR also rebroadcasts KGHO-LP from another translator, K281CI, Tacoma, Washington (Facility ID 146771), which is 113+ km away from Hoquiam.² Thus, the LPFM is using two distant translators to rebroadcast its signal.

Station Search Details

Call Sign: K281CI
Facility Id: 146771
Primary Station Call Sign: KGHO-LP
Community of License: TACOMA, WA

Attributable Relationship between LPFM and Distant Translators

When Grays Harbor LPFM filed its initial application for a construction permit for KGHO-LP in FCC File No. BNPL-20010613AHJ, it listed **John Spencer** as its President and one of its four board members.³ The address listed for John Spencer is *2707 Judd Street SE, Lacey, WA*. In the Washington State Corporations and Charities Filing System, “Grays Harbor LP FM” lists John Spencer as one of three of the organization’s “governors” and lists his address as 2707 Judd St SE, Lacey, WA. See Exhibit 1. **Brian Spencer** served as a consultant in KGHO-LP’s initial FCC application, also located at the same address.

² See <https://en.wikipedia.org/wiki/KGHO-LP> (last visited Dec. 4, 2018). CDBS also shows the primary station for K281CI, Tacoma, to be KGHO-LP.

³ The other board members listed in the application were James Spencer, Nick Kostello, and Bill Hardy. See FCC File No. BNPL-20010613AHJ, Section II, item 3.a. Bicoastal was unable to verify that Grays Harbor LPFM filed a Form 990 with the IRS.

The most recent application K266BM filed for a construction permit in FCC File No. BMPFT-20170925ADX lists **Brian Spencer** as the contact representative at P. O. Box 5672, Lacey, WA. An official filing with the Washington State Corporations and Charities Filing System lists Brian Spencer as one of three “governors” of the board of NWR. See Exhibit 2. The Washington State filing also lists the principal street office mailing address for NWR as 2707 Judd St SE, Lacey, WA, and the same P. O. Box 5672, Lacey, WA mailing address as listed in NWR’s FCC application.

John Spencer of the Grays Harbor LPFM and Brian Spencer of NWR own a residence together at 2707 Judd Street SE, Lacey, WA.⁴ The Thurston County Treasurer Property Account Summary in Exhibit 3 lists John Spencer as a Taxpayer and Owner at P. O. Box 5672, Lacey, WA. Brian Spencer is also listed as an Owner at 2707 Judd St SE, Lacey, WA. The Thurston County Assessor record attached as Exhibit 4 shows John and Brian Spencer as co-property owners at 2707 Judd St SE, Lacey WA. NWR, Brian Spencer and John Spencer use the P. O. Box 5672, Lacey, WA, interchangeably with the 2707 Judd St SE Lacey, WA address. Thus, it appears that Brian Spencer who is a “governor” of K266BM and John Spencer who is an officer and director of KGHO-LP are related and co-habitate at 2707 Judd St SE, Lacey, WA, and share a P. O. Box. Brian Spencer served as a consultant to Grays Harbor LPFM in its initial application in BNPL-20010613AHJ. These apparent family and operational ties create impermissible cross-ownership between the LPFM that is rebroadcast on the distant translator.

⁴ Google street view of the address 2707 Judd St SE, Lacey, WA, is at: <https://www.google.com/maps/place/2707+Judd+St+SE,+Lacey,+WA+98503/@47.0221209,-122.8197247,3a,75y,275.75h,90t/data=!3m6!1e1!3m4!1sGH-tvHZiwvS6hgvpjGbX8Q!2e0!7i13312!8i6656!4m5!3m4!1s0x54910b555fd7cfe5:0x23106edc0889e4dd!8m2!3d47.0221376!4d-122.8199903> (last visited Dec. 5, 2018).

Common Ownership of LPFM and Distant Translators is Prohibited

FCC Rule 73.860 prohibits cross-ownership of LPFMs and other non-LPFM stations, with limited exceptions. Specifically, the rule provides in relevant part:

§73.860 Cross-ownership.

(a) Except as provided in paragraphs (b), (c) and (d) of this section, no license shall be granted to any party if the grant of such authorization will result in the same party holding an attributable interest in any other non-LPFM broadcast station, including any FM translator or low power television station, or any other media subject to our broadcast ownership restrictions.

(b) A party that is not a Tribal Applicant, as defined in §73.853(c), may hold attributable interests in one LPFM station and no more than two FM translator stations provided that the following requirements are met:

(1) The 60 dBu contours of the commonly-owned LPFM station and FM translator station(s) overlap;

* * *

(3) The FM translator station(s) receives the signal of the commonly-owned LPFM station over-the-air and directly from the commonly-owned LPFM station itself; and

(4) The transmitting antenna of the FM translator station(s) is located within 16.1 km (10 miles) for LPFM stations located in the top 50 urban markets and **32.1 km (20 miles) for LPFM stations outside the top 50 urban markets of either the transmitter site of the commonly-owned LPFM station or the reference coordinates for that station's community of license.**

* * *

47 C.F.R. Section 73.860(emphasis added).

As is evident from the map above, Translator K266BM, Olympia, is rebroadcasting LPFM station KGHO-LP in Hoquiam, which are nearly 75 km apart – not within the 32.1 km distance specified by the rule for stations outside the top 50 urban markets. NWR and KGHO-

LP, which share common related board members, have a motive to deceive the FCC so that they can expand the coverage of KGHO-LP far beyond the limits allowed in Rule 73.860.

**Family Members Cannot be Used to
Circumvent the FCC's LPFM Cross-Ownership Rule**

The Commission restricted the ability of LPFM's to own translators so that the 60 dBu contours of the FM translator and the LPFM must overlap and their transmitter sites must be within 20 miles of each other. 47 C.F.R. Sec. 73.860. In limiting the number of FM translators an LPFM could own to just two, the Commission specifically decided to "limit cross-ownership . . . in order to prevent large-scale chains and 'leapfrogging' into unconnected, distant communities." *In the Matter of Creation of a Low Power Radio Service*, 27 FCC Rcd 15402, 15453 (2012)(para. 142). KGHO-LP and NWR's scheme does just that – leapfrogs to distant unconnected communities like Olympia and Tacoma. Now, through NWR's Objection, it claims another distant community in Centralia.

The Commission uses the "same attribution standards for spousal relations that govern the attribution of media interests for other family relationships." *Clarification of Commission Policies Regarding Spousal Attribution*, 7 FCC Rcd 1920 (1992). In that policy statement, the Commission provided it would "evaluate the facts and circumstances in specific cases to determine whether or not it was appropriate to attribute interests on a basis of a close familial relationship." *Id.* at 1920 (para. 4). Further,

"the Commission must be satisfied in each case that the spouses' media interests are independent, and that a marital relationship is not being used to evade the ownership rules. To that end, all family relationships must be disclosed and described in full, and we retain the option of requiring submission of further information and explanation if necessary."

Id. at 1922 (para. 12).⁵

Illegal Reception of the LPFM's Programming is Not Bona Fide Listening

Neither Brian nor John Spencer disclosed their relationship to the Commission. Given the motive to evade the LPFM cross-ownership rule, the Commission should designate the KGHO-LP's license and NWR's translator licenses for hearing to consider whether their lack of candor and abuse of the Commission's processes warrant license revocation. In the meantime, it cannot treat the declarations of listeners of a translator that illegally extends the coverage of the LPFM as regular *bona fide* listeners. After all, they are objecting to the potential for future interference to the programming of the LPFM station they are not entitled to receive from the translator. When the translator changes the input to another primary station that complies with the rules, the declarants included in the Objection will not be its regular listeners.

It's Premature to Examine Alleged Listener Complaints

Even if the translator were allowed to rebroadcast the LPFM had there been no evasion of the rule involved, there is no actual interference since the translator is not yet operating. It is premature for Bicoastal to reach out to the listeners identified in NWR's Petition to resolve potential (as opposed to actual) complaints of interference.

Nevertheless, Bicoastal did notice that some of the listeners are not regular, such as Patrick Mootz who drives through the area just once per month. Bicoastal submits that is not

⁵ Note 1 to FCC Rule 73.5555 provides: "The words 'cognizable interest' as used herein include any interest, direct or indirect, that allows a person or entity to own, operate or control, or that otherwise provides an attributable interest in, a broadcast station." Officers and directors are attributable. Note 2.g to FCC Rule 73.3555. Moreover, "attribution" in the context of translators has historically been even more broadly defined. In FCC Rule 74.1232(d), the Commission prohibits "interested and connected parties" from having an interest in an FM Translator that extends its coverage beyond the coverage of a commercial primary station. "Interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates." *Id.* Bicoastal submits the Commission should use the same standard for determining LPFM-FM translator cross ownership.

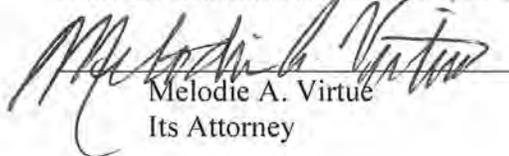
sufficient to establish regular listenership. Nor does he identify the affected area sufficiently to make it possible to remedy any alleged interference concerns. Timothy Smith avers that the station “barely comes in at times.” Anthony Airhart asserts he frequently drives in the area, but that his listening “frequency varies.” Those declarations are hardly reliable for determining where specifically those listeners listen to the K266BM or if they are regular listeners.

Moreover, the maps provided by NWR show large circles, where particular K266BM listeners supposedly regularly travel, which encompass every road, building and structure within their radius and extend out into unpopulated areas. Claiming protection within every part of those circles exaggerates the routes they travel and locations they apparently visit. Such a showing does not satisfy the requirement that NWR provide evidence that grant of the Bicoastal translator will result in interference to the desired station at a specified location. *See The Association for Community Education, Inc.*, 19 FCC Rcd 12682, 12687 (2004). Because the Objection is premature, the Declarations are insufficiently specific, and the Objection fails to include legitimate listeners of a station that can be legally carried on the translator, the Commission must dismiss the Objection.

WHEREFORE, the premises considered, Bicoastal Media Licenses IV, LLC respectfully requests that the Commission dismiss or deny the Objection and grant the above-captioned application as modified without further delay.

Respectfully submitted,

BICOASTAL MEDIA LICENSES IV, LLC



Melodie A. Virtue
Its Attorney

GARVEY SCHUBERT BARER, P.C.
1000 POTOMAC STREET, NW
SUITE 200
WASHINGTON, DC 20007
(202) 965-7880
December 7, 2018

EXHIBIT H

Federal Communications Commission Washington, D.C. 20554 <p style="text-align: center;">FCC 349</p>	Approved by OMB 060-0405 (April 2017) FOR FCC USE ONLY
<p>APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN AN FM TRANSLATOR OR FM BOOSTER STATION</p> <p>Read INSTRUCTIONS Before Filling Out Form</p>	FOR COMMISSION USE ONLY FILE NO. BNPFT - 20030828BGZ

Section I - General Information

1.	Legal Name of the Applicant NORTHWEST ROCK N ROLL PRESERVATION SOCIETY										
	Mailing Address ETHEL GIBERSON - PRESIDENT 4531 FRANKLIN BLVD. #92										
	City EUGENE	State or Country (if foreign address) OR	ZIP Code 97403 - 2460								
	Telephone Number (include area code) 5417475279	E-Mail Address (if available)									
	FCC Registration Number: 0008611592	Call Sign NEW	Facility Identifier 150021								
2.	Contact Representative (if other than Applicant) DR. SANDRA WOODRUFF		Firm or Company Name ENGINEERING CONSULTANT								
	Mailing Address 2708 HAMPTON CT. SE										
	City OLYMPIA	State or Country (if foreign address) WA	ZIP Code 98501 -								
	Telephone Number (include area code) 8772870836	E-Mail Address (if available) SW@ATOYS.COM									
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input checked="" type="radio"/> Other REBROADCASTS NCE FM <input type="radio"/> N/A (Fee Required)										
4.	Facility information: a. <input checked="" type="radio"/> FM Translator <input type="radio"/> FM Booster b. Community or communities to which the proposed facility will be licensed: <table border="1" style="width:100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width:70%;">Community(ies)</th> <th style="width:30%;">State</th> </tr> </thead> <tbody> <tr> <td>MALONE</td> <td>WA</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>			Community(ies)	State	MALONE	WA				
Community(ies)	State										
MALONE	WA										
5.	<p>Application Purpose</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="radio"/> New station <input type="radio"/> Major Change in licensed facility <input type="radio"/> Minor Change in licensed facility </div> <div style="width: 45%;"> <input type="radio"/> Major Modification of construction permit <input type="radio"/> Minor Modification of construction permit <input type="radio"/> Major Amendment to pending application <input checked="" type="radio"/> Minor Amendment to pending application </div> </div> <p>a. File number of original construction permit: -</p> <p>If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending application that are being revised. [Exhibit 1]</p>										

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided. See General Instruction J.

Section II - Legal

1. Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No												
2. Applicant is: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><input type="radio"/> an individual</td> <td style="width: 33%;"><input type="radio"/> a general partnership</td> <td style="width: 33%;"><input type="radio"/> a for-profit corporation</td> </tr> <tr> <td><input type="radio"/> a limited partnership</td> <td><input checked="" type="radio"/> a not-for-profit corporation</td> <td><input type="radio"/> a limited liability company (LLC/LC)</td> </tr> <tr> <td colspan="3"><input type="radio"/> other</td> </tr> <tr> <td colspan="2">a. If "other", describe nature of applicant in an Exhibit.</td> <td>[Exhibit 2]</td> </tr> </table>		<input type="radio"/> an individual	<input type="radio"/> a general partnership	<input type="radio"/> a for-profit corporation	<input type="radio"/> a limited partnership	<input checked="" type="radio"/> a not-for-profit corporation	<input type="radio"/> a limited liability company (LLC/LC)	<input type="radio"/> other			a. If "other", describe nature of applicant in an Exhibit.		[Exhibit 2]
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<input type="radio"/> other													
a. If "other", describe nature of applicant in an Exhibit.		[Exhibit 2]											
3. a. Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast. See 47 C.F.R. Section 74.1232(d).	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 3]												
b. Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 4]												
<p>NOTE: If No to a. and b., and no waiver has been requested in an Exhibit, this application is unacceptable for filing. See 47 C.F.R. Section 74.1232(d).</p> <p>If Yes to (a) and No to (b) applicant is prohibited from receiving any support, before or after construction, either directly or indirectly from the commercial primary station being rebroadcast or from any person or entity having any interest whatsoever, or any connection with the primary FM station. Interested and connected parties include group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. See 47 C.F.R. Section 74.1232(e).</p>													
4. The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee/permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 5]												
5. For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. If No, this application is unacceptable for filing.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A												
6. Character Issues. Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with: <p>a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>b. any pending broadcast application in which character issues have been raised.</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]												
7. Adverse Findings. Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]												

	provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and date of filing; and (ii) the disposition of the previously reported matter.	
8.	Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]
9.	Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	<input checked="" type="radio"/> Yes <input type="radio"/> No
10.	Local Public Notice. Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.	<input checked="" type="radio"/> Yes <input type="radio"/> No
11.	Auction Authorization. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. An exhibit is required unless this question is inapplicable.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 9]
12.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
13.	Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing ETHEL GIBERSON	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 04/25/2004

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name DR. SANDRA WOODRUFF	Relationship to Applicant (e.g., Consulting Engineer) ENGINEERING CONSULTANT
Signature	Date 04/25/2004
Mailing Address	

2708 HAMPTON CT. SE		
City OLYMPIA	State or Country (if foreign address) WA	Zip Code 98501 -
Telephone Number (include area code) 8662870836	E-Mail Address (if available) SW@ATOYS.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III-A - Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1.	Channel: 294																																																																																																
2.	Primary Station:																																																																																																
	<table border="1"> <tr> <td>Facility ID Number</td> <td>Call Sign</td> <td>City</td> <td>State</td> </tr> <tr> <td>135604</td> <td>KOWA-LP</td> <td>OLYMPIA</td> <td>WA</td> </tr> </table>	Facility ID Number	Call Sign	City	State	135604	KOWA-LP	OLYMPIA	WA																																																																																								
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3.	Delivery Method (Select One): <input checked="" type="radio"/> Off-air <input type="radio"/> Microwave <input type="radio"/> Satellite <input type="radio"/> Via <input type="radio"/> Other																																																																																																
4.	Antenna Location Coordinates: (NAD 27) Latitude: Degrees 47 Minutes 4 Seconds 51.9 <input checked="" type="radio"/> North <input type="radio"/> South Longitude: Degrees 123 Minutes 11 Seconds 2.7 <input checked="" type="radio"/> West <input type="radio"/> East																																																																																																
5.	Antenna Structure Registration Number: 1216668 <input type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA																																																																																																
6.	Antenna Location Site Elevation Above Mean Sea Level: 460 meters																																																																																																
7.	Overall Tower Height Above Ground Level: 58 meters																																																																																																
8.	Height of Radiation Center Above Ground Level: 10 meters(H) 10 meters(V)																																																																																																
9.	Effective Radiated Power: 0.023 kW(H) 0.023 kW(V)																																																																																																
10.	Transmitting Antenna: Before selecting Directional "Off-the-Shelf", refer to "Search for Antenna Information" under CDBS Public Access (http://licensing.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm). Make sure that the Standard Pattern is marked Yes and that the relative field values shown match your values. Enter the Manufacturer (Make) and Model exactly as displayed in the Antenna Search. <input type="radio"/> Nondirectional <input type="radio"/> Directional Off-the Shelf <input checked="" type="radio"/> Directional composite Manufacturer SCA Model 2XCA2CP 307/53 Rotation: 310degrees <input type="checkbox"/> No Rotation <table border="1"> <thead> <tr> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>1</td> <td>10</td> <td>0.966</td> <td>20</td> <td>0.891</td> <td>30</td> <td>0.895</td> <td>40</td> <td>0.955</td> <td>50</td> <td>0.987</td> </tr> <tr> <td>60</td> <td>0.986</td> <td>70</td> <td>0.952</td> <td>80</td> <td>0.904</td> <td>90</td> <td>0.898</td> <td>100</td> <td>0.798</td> <td>110</td> <td>0.662</td> </tr> <tr> <td>120</td> <td>0.485</td> <td>130</td> <td>0.321</td> <td>140</td> <td>0.268</td> <td>150</td> <td>0.247</td> <td>160</td> <td>0.215</td> <td>170</td> <td>0.15</td> </tr> <tr> <td>180</td> <td>0.112</td> <td>190</td> <td>0.15</td> <td>200</td> <td>0.215</td> <td>210</td> <td>0.247</td> <td>220</td> <td>0.268</td> <td>230</td> <td>0.321</td> </tr> <tr> <td>240</td> <td>0.485</td> <td>250</td> <td>0.662</td> <td>260</td> <td>0.798</td> <td>270</td> <td>0.878</td> <td>280</td> <td>0.904</td> <td>290</td> <td>0.952</td> </tr> <tr> <td>300</td> <td>0.986</td> <td>310</td> <td>0.987</td> <td>320</td> <td>0.955</td> <td>330</td> <td>0.895</td> <td>340</td> <td>0.891</td> <td>350</td> <td>0.966</td> </tr> <tr> <td colspan="12">Additional Azimuths</td> </tr> </tbody> </table>	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	0	1	10	0.966	20	0.891	30	0.895	40	0.955	50	0.987	60	0.986	70	0.952	80	0.904	90	0.898	100	0.798	110	0.662	120	0.485	130	0.321	140	0.268	150	0.247	160	0.215	170	0.15	180	0.112	190	0.15	200	0.215	210	0.247	220	0.268	230	0.321	240	0.485	250	0.662	260	0.798	270	0.878	280	0.904	290	0.952	300	0.986	310	0.987	320	0.955	330	0.895	340	0.891	350	0.966	Additional Azimuths											
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Additional Azimuths																																																																																																	

[Relative Field Polar Plot](#)

11.	<p>For FM Boosters and Fill-in translators only.</p> <p>a. FM Fill-in translators. Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.</p> <p>b. FM Boosters. Applicant certifies that the FM Booster station's service contour is entirely within the primary station's protected coverage contour.</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p> <p>See Explanation in [Exhibit 10]</p> <p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 11]</p>
12.	<p>Interference. The proposed facility complies with all of the following applicable rule sections. Check all that apply:</p> <p>Overlap Requirements. <input checked="" type="checkbox"/> a) 47 C.F.R. Section 74.1204 Exhibit Required.</p> <p>Television Channel 6 Protection. <input type="checkbox"/> b) 47 C.F.R. Section 74.1205 with respect to station(s) Exhibit Required.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 12]</p> <p>[Exhibit 13]</p> <p>[Exhibit 14]</p>
13.	<p>Unattended operation. Applicant certifies that unattended operation is not proposed, or if this application proposes unattended operation, the applicant certifies that it will comply with the requirements of 47 C.F.R. Section 74.1234.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 15]</p>
14.	<p>Multiple Translators. Applicant certifies that it does not have any interest in an application or an authorization for an FM translator station that serves substantially the same area and rebroadcasts the same signal as the proposed FM translator station.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 16]</p>
15.	<p>Environmental Protection Act. Applicant certifies that the proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an Exhibit is required.</p> <p>By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 17]</p>
<p>PREPARER'S CERTIFICATION ON PAGE 4 MUST BE COMPLETED AND SIGNED.</p>		

Section IV -- Noncommercial Educational Point System Factors -- New and Major Change Applications on Reserved Channels Only (used to select among mutually exclusive applications for new stations and major modifications) **NOTE:** Applicants will not received any additional points for amendments made after the close of the application filing window.

<p>Preliminary Matter: Does this application provide fill-in service only?</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>1. Established Local Applicant: Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>

	documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.	
2.	Diversity of Ownership: Applicant certifies that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized radio station (including AM, FM, and non-fill-in FM translator stations, commercial or noncommercial) in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity qualification in a local public inspection file and has submitted to the Commission copies of the documentation.	<input type="radio"/> Yes <input type="radio"/> No
3.	State-wide Network: Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.	<input type="radio"/> Yes <input type="radio"/> No
4.	Technical Parameters: Applicant certifies that the numbers in the boxes below accurately reflect the new (increased) area and population that its proposal would serve with a 60 dBu signal measured in accordance with the standard predicted contours in 47 C.F.R. Section 73.713(c) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include the area of proposed increase only (exclude the station's existing service area). (Points, if any, will be determined by FCC)	<input type="radio"/> Yes <input type="radio"/> No
	New (increased) area served in square kilometers (excluding areas of water):	
	Population served based on the most recent census block data from the United States Bureau of Census using the centroid method:	
Tie Breakers		
5.	Existing Authorizations. a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations. (number of attributable commercial and non-commercial licenses and construction permits) b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of FM translators.	
6.	Pending Applications. a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, pending applications for new or major changes to the following number of relevant broadcast stations, AM and FM, commercial and non-commercial and FM translator stations other than fill-in stations. (number of attributable commercial and non-commercial applications) b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of FM translators.	

Section VI -- Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)	
Typed or Printed Name of Person Signing ETHEL GIBERSON	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 03/14/2003

Exhibits

Exhibit 1

Description: PETITION FOR RECONSIDERATION - AMENDS POWER LEVEL TO 23 WATTS MAX ERP

AMENDMENT CHANGES THE FOLLOWING SECTIONS:

EXHIBIT 1 ATTACHMENT:

COPY OF PETITION FOR RECONSIDERATION

SECTION III-A ENGINEERING

9. CHANGE ERP TO 23 WATTS VERTICAL AND 23 WATTS HORIZONTAL

REVISE EXHIBIT 12A AND 12B TO SHOW SMALLER CONTOURS AT NEW POWER LEVELS.

ADD EXHIBIT 12C TO SHOW OVERLAP OF ORIGINAL AND NEW 60 DBU CONTOURS QUALIFIES AS MINOR CHANGE.

Attachment 1

Description
Exhibit 1 Attachment - Copy of Petition for Reconsideration

Exhibit 13

Description: MODIFIED CONTOUR SHOWINGS FOR 23 WATT OPERATION

EXHIBIT 12A SHOWING NO OVERLAP WITH 1ST ADJACENT CONTOURS OF KOWA-LP AND KRWM.

EXHIBIT 12B SHOWING NO MX TO OR FROM FX APPLICATION AT INDEPENDENCE WA

EXHIBIT 12C SHOWING OVERLAP OF NEW AND ORIGINAL 60 DBU CONTOURS TO QUALIFY AS A MINOR CHANGE

Attachment 13

Description
Exhibit 12A Showing no first adjacent overlaps
Exhibit 12B Showing no overlap caused or received vs. 1st Adjacent FX application at Independence WA
Exhibit 12C - Showing 60 dBu overlaps to qualify as minor change

EXHIBIT I

Application Search Details

Search returned: 23 matching applications

Application Search Results

File Number	Form	Paper/Elect	Call Sign	Facility Id	Service	Status	Status Date	Details
BSTA 20200213ABI	STA	E	K266BM	150021	FX	ACCEPTED FOR FILING	02/14/2020	Info Application
BSTA 20200129AAJ	STA	E	K266BM	150021	FX	DISMISSED	02/06/2020	Info Application
BLFT 20190904ABL	350	E	K266BM	150021	FX	GRANTED	12/04/2019	Info Application
BPFT 20190903AAC	349	E	K266BM	150021	FX	DISMISSED	02/19/2020	Info Application
BLFT 20190829ABE	350	E	K266BM	150021	FX	DISMISSED	01/27/2020	Info Application
BMPFT 20190618ABI	349	E	K266BM	150021	FX	GRANTED	02/25/2020	Info Application
BMLFT 20190613AAH	350	E	K266BM	150021	FX	GRANTED	06/17/2019	Info Application
BMPFT 20170925ADX	349	E	K266BM	150021	FX	GRANTED	10/10/2017	Info Application
BPFT 20160729AKW	349	E	K266BM	150021	FX	GRANTED	08/29/2016	Info Application
BRFT 20130930AFK	303	E	K266BM	150021	FX	GRANTED	01/24/2014	Info Application
BPFT 20130611ACF	349	E	K266BM	150021	FX	DISMISSED	04/25/2014	Info Application
BLFT 20130402ACL	350	E	K266BM	150021	FX	GRANTED	04/25/2013	Info Application
BSTA 20130308ADF	STA	E	K266BM	150021	FX	DISMISSED	04/08/2013	Info Application
BSTA 20130225ACC	STA	E	K266BM	150021	FX	DENIED	03/05/2013	Info Application
BPFT 20130221ABE	349	E	K266BM	150021	FX	GRANTED	03/26/2013	Info Application
BLFT 20100816AAI	350	E	K266BM	150021	FX	GRANTED	08/31/2010	Info Application
BPFT 20100512AEU	349	E	K266BM	150021	FX	GRANTED	08/10/2010	Info Application
BLFT 20090724ACG	350	E	K266BM	150021	FX	GRANTED	08/04/2009	Info Application
BPFT 20090702ACX	349	E	K266BM	150021	FX	GRANTED	07/06/2009	Info Application
BRFT 20051027AAB	303	E	K266BM	150021	FX	GRANTED	01/26/2006	Info Application
BLFT 20050607AAF	350	E	K266BM	150021	FX	GRANTED	09/06/2005	Info Application
BNPFT 20030828BGZ	349	E	K266BM	150021	FX	GRANTED	11/12/2004	Info Application
BNPFT 20030317ACL	349	E	K266BM	150021	FX	GRANTED	11/12/2004	Info Application

EXHIBIT J



Business Name Search

Business Entity Names returned for:

Name: NORTHWEST ROCK 'N' ROLL PRESERVATION SOCIETY

Using: Exact Words in Any Word Order

For Active and Inactive businesses.

[New Search](#) [Printer Friendly](#)

05-28-2020
06:26

Record No	Entity Type	Entity Status	Registry Number	Name Status	Name	Assoc Search
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Your search returned no business entity names.

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please contact : corporation.division@state.or.us

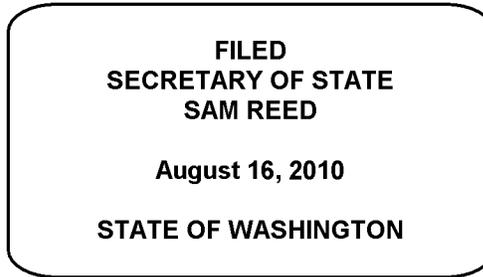
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EXHIBIT K

State of Washington

Secretary of State

CORPORATIONS DIVISION
James M. Dolliver Building
801 Capitol Way South
PO Box 40234
Olympia WA 98504-0234
360.725.0377



NonProfit Corporation

Office Information

Application ID 1802127
Tracking ID 1946470
Validation ID 1783548-001

Date Submitted for Filing: 8/16/2010

Contact Information

Contact Name Ethel Giberson
Contact Address 4531 Franklin Blvd. #92
Eugene
OR
97403

Contact Email ethelgiberson@hotmail.com
Contact Phone 541-747-5279

Articles of Incorporation

Preferred Name NORTHWEST ROCK 'N' ROLL PRESERVATION SOCIETY
~~**Alternate Name 1** NW Rock & Roll Preservation Society~~
~~**Alternate Name 2** NW Rock And Roll Preservation Society~~
Purpose Any Lawful Purpose
Duration Perpetual
Incorporation Date Effective Upon Filing by the Secretary of State
Expiration Date 8/31/2011

Distribution of Assets

To the Directors in ration to their interests.

Registered Agent Information

Agent is Individual

Agent Name Brian Spencer

Agent Street Address 2707 Judd Street SE
Lacey
WA
98503 3697

Agent Mailing Address 2707 Judd Street SE
Lacey
WA
98503

Agent Email Address

Submitter/Agent Relationship Submitter is Registered Agent

Initial Directors Information

Director #1

Director Name Ethel Giberson

Title Chairman

Director Address 4531 Franklin Blvd. #92
Eugene
OR
97403

Director #2

Director Name Marie Hellinger

Title Director

Director Address 1070 Dailey Road
Potlatch
ID
83855

Director #3

Director Name Diane Alderman

Title Director

Director Address 4531 Franklin Blvd. #85
Eugene
OR
97403

Incorporators Information

Incorporator #1

Incorporator Name Ethel Giberson

Incorporator Address 4531 Franklin Blvd. #92
Eugene
OR
97403

Signature Information

Signed By Brian Spencer

EXHIBIT L



Filed
Secretary of State
State of Washington
Date Filed: 01/08/2019
Effective Date: 01/08/2019
UBI #: 603 040 929

Amended Annual Report

BUSINESS INFORMATION

Business Name:
NORTHWEST ROCK 'N' ROLL PRESERVATION SOCIETY

UBI Number:
603 040 929

Business Type:
WA NONPROFIT CORPORATION

Business Status:
ACTIVE

Principal Office Street Address:
1855 ABERNATHY, OLYMPIA, WA, 98516, UNITED STATES

Principal Office Mailing Address:
PO BOX 104, TACOMA, WA, 98401-0104, UNITED STATES

Expiration Date:
08/31/2019

Jurisdiction:
UNITED STATES, WASHINGTON

Formation/Registration Date:
08/16/2010

Period of Duration:
PERPETUAL

Inactive Date:

Nature of Business:
EDUCATIONAL, CULTURAL

REGISTERED AGENT CONSENT

To change your Registered Agent, please delete the current Registered Agent below.

Registered Agent Consent (Check One):

I am the Registered Agent. Use my Contact Information.

I am not the Registered Agent. I declare under penalty of perjury that the WA Nonprofit Corporation has in its records a signed document containing the consent of the person or business named as registered agent to serve in that capacity. I understand the WA Nonprofit Corporation must keep the signed consent document in its records, and must produce the document on request.

RCW [23.95.415](#) requires that all businesses in Washington State have a Registered Agent. Some of this information is prepopulated from information previously provided. Please make changes as necessary to provide accurate information.

REGISTERED AGENT [RCW 23.95.410](#)

Registered Agent Name	Street Address	Mailing Address
PAUL KELLEY	1855 ABERNATHY, OLYMPIA, WA, 98516, USA	

PRINCIPAL OFFICE

Phone:

Email:
NWRPS@OUTLOOK.COM

Street Address:
1855 ABERNATHY, OLYMPIA, WA, 98516, USA

Mailing Address:
PO BOX 104, TACOMA, WA, 98401-0104, USA

GOVERNORS

Title	Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		GARY	JONAH
GOVERNOR	INDIVIDUAL		RITA	RAMERIZ
GOVERNOR	INDIVIDUAL		BRIAN	SPENCER

NATURE OF BUSINESS

- EDUCATIONAL
- CULTURAL

EFFECTIVE DATE

Effective Date:
01/08/2019

RETURN ADDRESS FOR THIS FILING

Attention:
Email:
Address:

UPLOAD ADDITIONAL DOCUMENTS

Do you have additional documents to upload? **No**

EMAIL OPT-IN

By checking this box, I hereby opt into receiving all notifications from the Secretary of State for this entity via email only. I acknowledge that I will no longer receive paper notifications.

AUTHORIZED PERSON

I am an authorized person.

Person Type:

INDIVIDUAL

First Name:

BRIAN

Last Name:

SPENCER

Title:

This document is hereby executed under penalty of law and is to the best of my knowledge, true and correct.

EXHIBIT M



Business Information

BUSINESS INFORMATION

Business Name: **NORTHWEST ROCK 'N' ROLL PRESERVATION SOCIETY** UBI Number: **603 040 929**

Business Type: **WA NONPROFIT CORPORATION** Business Status: **ADMINISTRATIVELY DISSOLVED**

Principal Office Street Address: **1855 ABERNATHY, OLYMPIA, WA, 98516, UNITED STATES** Principal Office Mailing Address: **PO BOX 104, TACOMA, WA, 98401-0104, UNITED STATES**

Expiration Date: **08/31/2019** Jurisdiction: **UNITED STATES, WASHINGTON**

Formation/ Registration Date: **08/16/2010** Period of Duration: **PERPETUAL**

Inactive Date: **01/03/2020**

Nature of Business: **EDUCATIONAL, CULTURAL**

REGISTERED AGENT INFORMATION

Registered Agent Name: **PAUL KELLEY**

Street Address: **1855 ABERNATHY, OLYMPIA, WA, 98516, UNITED STATES** Mailing Address:

GOVERNORS

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		GARY	JONAH
GOVERNOR	INDIVIDUAL		RITA	RAMERIZ
GOVERNOR	INDIVIDUAL		BRIAN	SPENCER

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EXHIBIT N

Amended Engineering Section with the following modifications:

ERP CHange from 250 Watts to 150 Watts.

Antenna Change to directional Nicom BkG77 with major lobe at an azimuth of 60 degrees.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing "Petition for Reconsideration" was served by first-class United States mail, postage prepaid, on this 28th day of May, 2020 upon the following:

Brian Spencer, President
Northwest Rock N Roll Preservation Society
Post Office Box 5672
Lacey, WA 98509 - 5672

A handwritten signature in black ink, appearing to read "D. Kelly", written in a cursive style.

Dennis J. Kelly