

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|--------------------------------------|---|------------------------|
| In re Application of |) | |
| |) | |
| Intelli LLC |) | File No. 0000161926 |
| For Renewal of License for KKOL(AM), |) | Facility Id. No. 20355 |
| Seattle, Washington |) | |

To: Office of the Secretary
Attn: Audio Division, Media Bureau

PETITION TO DENY

The City of Bainbridge Island (“Bainbridge”) petitions to deny the renewal of license application of Intelli LLC (“Intelli”) for KKOL(AM), Seattle, Washington. KKOL has not operated with its licensed facilities for the entirety of its license term. For a period of two years, KKOL was silent. For the remainder of the approximately six years of the license term, the station was operating with special temporary authority. In fact, since 2008 (a period of almost 14 years), KKOL has been silent or has operated with special temporary authority. This limited operation of KKOL for over a decade (and during the entire renewal term) is not in the public interest. In addition, despite specific direction from the FCC, Intelli has not resolved blanketing interference complaints related to the newly licensed operation of KKOL in Bainbridge. Thus, pursuant to Section 307(k)(1) of the Communications Act, the Commission should designate the KKOL renewal of license application for a hearing.

I. The City of Bainbridge Island is a Party in Interest.

Under the Commission’s long-established case law on standing, a petitioner to deny a broadcast radio application may be granted standing if: (1) petitioner is a competitor in the market suffering signal interference; (2) petitioner is a competitor in the market suffering

economic harm; or (3) petitioner is a resident of the station's service area.¹ Constituents of Bainbridge are residents of KKOL's service area and by definition Bainbridge represents the interests of these residents. In fact, the City Council for Bainbridge passed a resolution indicating that it will pursue available procedural and legal options in an effort to protect the community from the adverse impacts of KKOL's operation.² In addition, the KKOL tower site is located in the City of Bainbridge Island and KKOL has violated numerous city regulations and codes in its construction and operation of KKOL. For example, on May 17, 2018, Bainbridge issued a stop work order against KKOL because KKOL had not obtained the required local permits. More recently, on December 29, 2021, Bainbridge issued a notice of violation against KKOL for KKOL's failure to obtain necessary electrical permits.³ Bainbridge has had to expend significant resources to address these code violations and the blanketing interference (discussed below) created by KKOL to the residents and others of the City of Bainbridge Island. For these reasons, Bainbridge has standing to file this Petition to Deny the KKOL renewal of license application.

II. The Non- or Minimal Operation of KKOL.

The following is a history of KKOL's operation since the grant of its last renewal of license application:⁴

- 01/24/2014: Renewal of license granted (BR-20131017ALT).
- 01/24/2014-02/27/2018: Operating pursuant to STAs (BSTA-20090410AWL; BSTA-20150903AAA).
- 02/28/2018-02/21/2019: Silent (BLSTA-20180308AAN).

¹ See *KXMZ(FM), Box Elder, South Dakota*, 30 FCC Rcd 6045 (Med. Bur. 2015).

² A copy of this resolution is attached as Exhibit A.

³ A copy of these 2018 and 2021 documents are attached as Exhibit B.

⁴ Based on a review of the FCC's Consolidated Database System (CDBS), it appears that KKOL has not operated with its licensed facilities (*i.e.*, it has been silent or operating pursuant to special temporary authority) since at least April 25, 2008. See BSTA-20080425ABT.

- 02/22/2019-09/26/2019: Operating pursuant to STA (BSTA-20190211ABA).
- 09/27/2019-09/26/2020: Silent (BLSTA-20191015AAJ).
- 09/27/2020- today: Operating pursuant to STAs (BSTA-20200921ABY; BSTA-20210806AAB).⁵

III. KKOL's Operation During Its License Term Was Not In the Public Interest.

The basic duty of broadcast licensees to serve their communities is reflected in Section 309(k) of the Act.⁶ That Section provides that if, upon consideration of a station's license renewal application and related pleadings, the FCC finds that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, it will grant the renewal application.⁷ If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”⁸

In 2001, the Commission cautioned “all licensees that. . . a licensee will face a very heavy burden in demonstrating that it has served the public interest where it has remained silent for most or all of the prior license term.”⁹ Here KKOL was silent for 25% of its licensed term. In recent cases, the FCC has also noted that operations with reduced facilities is also contrary to the public interest.¹⁰ For example, in *Vandalia*, the Commission designated for hearing the renewal application for station WJEH(FM). In doing so, it noted that during the licensee's

⁵ For illustrative purposes, attached hereto as Exhibit C is a screenshot of the KKOL applications page in CDBS showing the numerous reduced power and silent STAs that KKOL has been operating under since 2008.

⁶ 47 U.S.C. § 309(k).

⁷ 47 U.S.C. § 309(k)(1).

⁸ 47 U.S.C. § 309(k)(2), 309(k)(3).

⁹ *Birach Broad. Corp.*, Memorandum Opinion and Order, 16 FCC Rcd 5015, 5020, para. 13 (2001).

¹⁰ See, e.g., *Vandalia Media Partners 2, LLC*, DA 21-384 (Med. Bur. 2021) (“*Vandalia*”).

tenure operating under that license, WJEH “was silent or operated at a significantly reduced power level.”¹¹ It then went on to state that “[b]ecause of the [WJEH]’s extended periods of silence and operation at significantly reduced power during the preceding term, we are unable to find that grant of the renewal application is in the public interest. Accordingly, we designate this matter for hearing.”¹²

The reasons for the Commission’s concern with silent and reduced operation are twofold. First, licensees have an obligation to provide service to their communities of license and service area. Silence instead of operation in accordance with a station’s FCC authorization is a fundamental failure to serve a broadcast station’s community of license, because a silent station offers that community no public service programming such as news, public affairs, weather information, and Emergency Alert System notifications. Moreover, brief periods of station operation sandwiched between prolonged periods of silence are of little value because the local audience is not accustomed to tuning into the station’s frequency.¹³ These same principals are applicable to stations not operating with their licensed facilities for the entire licensed term.

The Commission’s second policy reason against allowing extended periods of silence or minimal operation by licensed stations is to ensure “that scarce broadcast spectrum does not lie fallow and unavailable to others capable of instituting and maintaining service to the public.”¹⁴ In addition to enforcing section 312(g) of the Communications Act, the Commission has stressed its interest in promoting efficient use of radio broadcast spectrum for the benefit of the listening

¹¹ *Id.* at ¶ 10.

¹² *Id.* at ¶ 11.

¹³ See *Radioactive, LLC*, Hearing Designation Order, 32 FCC Rcd 6392, ¶ 2 (2017).

¹⁴ *Vandalia* at ¶ 8 (citing *Family Life Ministries, Inc.*, Letter Order, 23 FCC Rcd 15395, 15397 (MB 2008)).

public in several different contexts since the enactment of section 312(g).¹⁵ These concerns about efficient use of spectrum are also reflected in the Commission's statutory authority to award licenses at auction.¹⁶ Here, KKOL has been warehousing spectrum for over a decade; spectrum that could have been better used to serve the public interest.

For the reasons discussed above, the FCC considers prolonged periods of silent or reduced operations to be contrary to the public interest. This is reason why STAs (both for silent and reduced operations) are intended to be temporary. In fact, every STA issued to KKOL has contained the following or similar language:

“Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of “extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest.” However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service. Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.”¹⁷

The bottom line is that KKOL has not operated with its licensed facilities for over a decade. Thus, in addition to not serving the public interest, KKOL has been warehousing spectrum for over a decade that the Commission could be putting to better use.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *See, e.g.,* BSTA-20210806AAB.

IV. Intelli has Failed to Resolve Blanketing Interference as Required by the FCC.

KKOL has been the subject of numerous blanketing complaints since it moved to its current tower site in the City of Bainbridge Island. These complaints most recently resulted in a February 26, 2021 letter from the FCC to Intelli directing Intelli to comply with the FCC's blanketing interference rules. A copy of the FCC's letter is attached hereto as Exhibit D.¹⁸ While Intelli responded to the FCC's letter, it is Bainbridge's understanding that the blanketing issue has not been resolved. In fact, in its most recent STA request, Intelli admitted that KKOL is still causing interference to residents of Bainbridge.¹⁹ This is concerning to Bainbridge and should be concerning to the FCC given the fact that the most recent KKOL construction permit contains so many special operating conditions and obligations.²⁰ For example, special operating condition #5 requires the licensee to satisfy all reasonable complaints of blanketing interference as required by Section 73.88 of the FCC's rules. Intelli has thus far not met these requirements and obligations and Intelli's failure is another reason to set the KKOL renewal application for a hearing.²¹

V. Conclusion.

Bainbridge respectfully requests that pursuant to Section 307(k)(1) of the Communications Act, the Commission designate the KKOL renewal of license application for a

¹⁸ Intelli also misrepresented on the KKOL renewal application that "there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term." Intelli answered "yes" to this question, but the FCC's February 26, 2021 letter to Intelli stated that KKOL was subject to the FCC's blanketing interference rules. Under the FCC's renewal instructions, even preliminary determination of rule violations by the FCC must be disclosed renewal of license applications.

¹⁹ *Id.*

²⁰ BP-20171207ABL

²¹ See e.g., *Calvary Educational Broadcasting Network, Inc.*, 35 FCC Red 10236 (Med. Bur. 2020) (FCC grants station short-term renewal for rule violations, including violation of FCC's blanketing rules).

hearing.²² KKOL has not served the public interest because it has not been operating with its licensed facilities for over a decade and the station as currently operated on the City of Bainbridge Island causes blanketing interference to the residents of Bainbridge.

Respectfully submitted,

THE CITY OF BAINBRIDGE ISLAND

By: /s/
Scott Woodworth
Edinger Associates PLLC
1725 I Street NW, Suite 300
Washington, DC 20006

January 3, 2022

Its Attorney

²² The declaration of Joseph Levan, City Attorney for the City of Bainbridge Island, attesting to the factual information contained in this Petition is attached hereto as **Exhibit E**.

Exhibit A

RESOLUTION NO. 2018-19

A RESOLUTION recognizing community concerns about adverse impacts related to the planned installation of a 50 kilowatt radio transmitter by Inspiration Media for KKOL (AM) on Bainbridge Island and directing the City of Bainbridge Island to take available actions to protect the community from the adverse impacts of Electromagnetic Incompatibility.

Whereas, radio station KKOL previously operated on property leased from the Port of Tacoma and was forced to cease operation due to non-renewal of the lease agreement;

Whereas, the U.S. Oil & Refining Company filed a complaint with the Federal Communications Commission (“FCC”) in 2007 because the KKOL daytime signal was strong enough at U.S. Oil and Refinery’s offloading facility, about half a mile away, to draw arcs as workers unloaded crude oil from tankers; and

Whereas, KKOL’s signal at the Port of Tacoma interfered with sensors and the telephone system at U.S. Oil & Refinery’s facilities;

Whereas, on March 15, 2018, the FCC approved a construction permit for Inspiration Media to install a new 50 kilowatt transmitter at an existing radio transmitter site near Murden Cove on Bainbridge Island, Washington; and

Whereas, the new transmitter was initially planned for KKOL (AM) 1300, but the facility is now planned to be used by KPAM; and

Whereas, Inspiration Media failed to obtain required land use and building permits from the City of Bainbridge Island prior to initiating clearing and construction activities; and

Whereas, above and beyond concerns regarding local permitting, there exists the potential for Electromagnetic Incompatibility with existing uses in the area of the proposed new transmitter; and

Whereas, the City of Bainbridge Island recognizes that its primary responsibility is to protect the community and citizens of Bainbridge Island.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

The City of Bainbridge Island will pursue available procedural and legal options in an effort to protect the community from the adverse impacts posed by Inspiration Media’s new transmitter planned to be located at Murden Cove.

PASSED by the City Council this 12th day of June, 2018.

APPROVED by the Mayor this 12th day of June, 2018.



Kol Medina, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, City Clerk

| | |
|-----------------------------|---------------|
| FILED WITH THE CITY CLERK: | June 8, 2018 |
| PASSED BY THE CITY COUNCIL: | June 12, 2018 |
| RESOLUTION NUMBER: | 2018-19 |

Exhibit B



NOTICE OF VIOLATION & ORDER TO CORRECT

The undersigned City of Bainbridge Island Code Compliance Officer hereby certifies and states that:

| | | |
|-----------------------|----------------------------|-------------|
| Violation Location | 10108 North Madison Ave NE | COD 21-0002 |
| Property Owner's Name | Atsinger Epperson Trust | |
| Parcel Number | 142502-3-066-2004 | |
| Address | 855 Aviation Dr Ste 200 | |
| City, State, Zip Code | Camarillo, CA 93010 | |

ACTION REQUIRED

Within (15) days from the date of this Notice of Violation & Order to Correct, you must contact the City of Bainbridge Island concerning the electrical work that has been done on your property. The electrical work that has been done requires an *Eligible Facilities Request* (EFR) type wireless permit through the City of Bainbridge Island. Information regarding EFR permits can be found in Chapter 18.11 of the Bainbridge Island Municipal Code. Please reference p. 31-33 of the Administrative Manual for the required submittal requirements. Once the property is brought into compliance, you must maintain compliance with City Codes.

DESCRIPTION OF VIOLATION

The failure to obtain the permit(s) above described violates the Bainbridge Island Municipal Code ("BIMC"), including the following provisions:

BIMC 18.11.010.C defines an "eligible facilities request" as follows:

C. "Eligible facilities request" means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- 1. Co-location of new transmission equipment;*
- 2. Removal of transmission equipment; or*
- 3. Replacement of transmission equipment.*

BIMC 18.11.010.H defines "transmission equipment" as follows:

H. "Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
206-780-3769
www.bainbridgewa.gov



BIMC 15.04.030

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the city building code.

International Building Code, 2015 Edition

Section 105 Permits

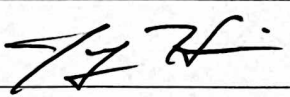
105.1 Required Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Such code compliance matters are governed by Chapter 1.26 BIMC. See, e.g., BIMC 1.26.065 related to procedures for a notice of violation.

YOU ARE HEREBY NOTIFIED THAT A CIVIL INFRACTION CITATION MAY BE ISSUED FOR EACH AND EVERY DAY WHICH A VIOLATION CONTINUES BEYOND THE DATE AND TIME ESTABLISHED FOR CORRECTION PURSUANT TO BIMC 1.26.090. IN ADDITION TO ANY CIVIL PENALTY THAT MAY BE IMPOSED, FAILURE TO COMPLY MAY SUBJECT A VIOLATOR TO CRIMINAL PENALTIES PURSUANT TO BIMC 1.26.100. SEE ALSO, BIMC 1.26.110 RELATED TO ADDITIONAL RELIEF THAT IS AVAILABLE TO THE CITY.

You must call for an inspection to verify compliance. Failure to call for such an inspection shall subject you to further legal actions to ensure that compliance occurs.

If you have questions or are seeking further clarification, please contact the Officer below.

| | |
|---|---|
| Signed:  | Today's Date: December 29, 2021 |
| Name: Jay Harris | Phone: 206-780-3794 |
| Title: Code Compliance Officer | Email: jharris@bainbridgewa.gov |

CITY OF BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

206-842-2552

ALL PERSONS ARE HEREBY ORDERED TO AT ONCE

STOP WORK

PERTAINING TO: Construct, enlarge, alter, repair, move, improve, remove, dig, clear,
remove trees/brush, fill, convert or demolish

On these Premises at: 10100 BLK of Madison AVE NE

Parcel 14250230662004

The order is issued due to violations of BIMC 15.04.020, IBC 105.1, &
BIMC 18.10.030

Issued 05-17-18

time 1330 hrs.

Signature



Code Compliance Division

-WARNING-

The failure to stop work, the resuming of work without permission from the
Department of Planning & Community Development, or the removal,
mutilation, or concealment of this notice is PUNISHABLE BY FINE AND
IMPRISONMENT. BIMC 1.26.050 "A failure to comply with to stop work order
shall constitute a violation of the applicable titles and chapter of this code."

Over

BIMC 1.26.070 Review by the director.

A. Any person affected by a notice of violation issued under BIMC [1.26.050](#) or [1.26.060](#) may request a review of the notice by requesting such review within seven days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until 4:00 p.m. on the next business day. The request shall be in writing, clearly and concisely identifying the errors of the director, or the basis for any claimed mitigation, and upon receipt of the request, the director shall review the materials and:

1. Determine, in the sole discretion of the director, whether a review meeting should be held; or
2. Respond in writing denying the request for review citing the reasons for the denial. A director's review may be denied if:
 - a. The review is being requested for an obvious or flagrant violation for which fines or penalties, but no mitigation, are required;
 - b. The review is being requested solely to seek a reduction or elimination of fines and penalties;
 - c. The review is being requested to seek a waiver or reduction of the enforcement fee;
 - d. The review is being requested for any matter relating to burning violations.

If the director determines a review meeting should be held, the director shall notify any persons served the notice of violation and the complainant, if any, of the date, time and place set for the review, which shall be not less than 10 nor more than 20 days after the request is received. Before the date set for the review, any person affected by the notice of violation may submit any additional written material to the director for consideration at the review. During the administrative review, the order shall be in full force and effect until the order is corrected or the decision is overturned.

B. The review will consist of an informal review meeting held at the department of planning and community development. A representative of the director who is familiar with the case and the applicable ordinances will attend. The director or representative of the director will explain the reasons for the issuance of the notice and will listen to any additional information presented by the persons attending. At or after the review, the director may:

1. Sustain the notice of violation;
2. Withdraw the notice of violation;
3. Continue the review to a date certain for receipt of additional information; or
4. Modify the notice of violation, which may include an extension of the compliance date.

C. The director shall issue an order containing the decision within 10 working days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person or persons named in the notice of violation, mailed to the complainant, if possible, and filed with the Bainbridge Island municipal court and Kitsap County auditor if necessary for recording on the title to the property.

D. The decision of the director may be appealed pursuant to the procedures set forth in BIMC [2.16.130](#). (Ord. 2001-02 § 9, 2001: Ord. 95-02 § 1, 1995)



WARNING OF VIOLATION & ORDER TO CORRECT

The undersigned City of Bainbridge Island Code Compliance Officer hereby certifies and states that:

| | | |
|------------------------------|--------------------------------------|-------------------|
| Violation Location | 10100 BLK of Madison Ave NE | COD 18-030 |
| Property Owner's Name | Epperson Atsinger Trust | |
| Business Name | Salem Media Group Attn: Scott Hunter | |
| Parcel Number | 14250230662004 | |
| Address | 4880 Santa Rosa Road | |
| City, State, Zip Code | Camarillo, CA 93012 | |

DESCRIPTION OF VIOLATION

BIMC 15.04.030 Permits Required.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the city building code.

International Building Code (IBC) R105.1 Required Permit.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building, shall first make application to the building official and obtain the required permit.

BIMC 18.11.060 Permit classification.

An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority.

Specifically: The City received a report that you have added a new building that holds a radio transmitter at the above location. A check of the City's permit system doesn't show that any permit(s) have been issued for this type of work. The City finds probable cause that you are in violation of the above listed code(s). Please stop all work until the required permits are issued.


ACTION REQUIRED

Within (10) days from the date of this letter, you must bring your property into compliance. Once the property is brought into compliance, you must maintain the property to be in compliance with City Codes.

A CIVIL INFRACTION CITATION MAY BE ISSUED FOR EACH AND EVERY DAY WHICH THE VIOLATION CONTINUES BEYOND THE DATE AND TIME ESTABLISHED FOR CORRECTION. A CRIMINAL CITATION MAY BE ISSUED FOR ANY SUBSEQUENT VIOLATION(s) PER BIMC 1.26.100.

You must call for an inspection to verify compliance and to cease additional legal actions from being taken to gain compliance.

Any Question or for Clarification Please Contact the Officer Below

| | |
|--|---------------------------------------|
| Signed:  | Today's Date: 5-18-18 |
| Name: Greg Vause | Phone: 206-780-3794 |
| Title: Code Compliance Officer | Email: gvause@bainbridgewa.gov |

Planning and Community Development

280 Madison Avenue North
Bainbridge Island, WA 98110
206-780-3769
www.bainbridgewa.gov



Exhibit C



Application Search Details

[FCC](#) > [Media Bureau](#) > [MB-CDBS](#) > [CDBS Public Access](#) > [Application Search](#)

[Help](#) [site map](#)

Search returned: 88 matching applications

Application Search Results

| File Number | Form | Paper/ Elect | Call Sign | Facility Id | Service | Status | Status Date | Details |
|--------------------|--------|-----------------|-----------|-------------|---------|-----------|-------------|--|
| BL 5601 | 302-AM | P | KKOL | 20355 | AM | GRANTED | 01/21/1955 | Info Application |
| BSTA 20210806AAB | STA | E | KKOL | 20355 | AM | GRANTED | 08/25/2021 | Info Application |
| BESTA 20210325AAA | STA | E | KKOL | 20355 | AM | GRANTED | 04/13/2021 | Info Application |
| BSTA 20200921ABY | STA | E | KKOL | 20355 | AM | GRANTED | 09/24/2020 | Info Application |
| BLESTA 20200427AHS | STA | E | KKOL | 20355 | AM | GRANTED | 06/04/2020 | Info Application |
| BLSTA 20191015AAJ | STA | E | KKOL | 20355 | AM | GRANTED | 10/31/2019 | Info Application |
| BPTA 20190624ACD | STA | P | KKOL | 20355 | AM | GRANTED | 07/19/2019 | Info Application |
| BMML 20190624ACC | 302-AM | P | KKOL | 20355 | AM | GRANTED | 11/07/2019 | Info Application |
| BSTA 20190624ABC | STA | E | KKOL | 20355 | AM | DISMISSED | 07/22/2019 | Info Application |
| BSTA 20190211ABA | STA | E | KKOL | 20355 | AM | GRANTED | 02/15/2019 | Info Application |
| BLESTA 20181011AAP | STA | E | KKOL | 20355 | AM | GRANTED | 10/18/2018 | Info Application |
| BAL 20180514AAH | 314 | E | KKOL | 20355 | AM | GRANTED | 10/18/2018 | Info Application |
| BLSTA 20180308AAN | STA | E | KKOL | 20355 | AM | GRANTED | 04/06/2018 | Info Application |
| BP 20171207ABL | 301 | E | KKOL | 20355 | AM | GRANTED | 03/15/2018 | Info Application |
| BESTA 20171204ABY | STA | E | KKOL | 20355 | AM | GRANTED | 12/28/2017 | Info Application |
| BESTA 20170504AAR | STA | E | KKOL | 20355 | AM | GRANTED | 06/05/2017 | Info Application |

| | | | | | | | | | |
|-------|-------------|--------|---|------|-------|----|-----------|------------|--|
| BESTA | 20161013AAX | STA | E | KKOL | 20355 | AM | GRANTED | 11/15/2016 | Info Application |
| BESTA | 20160331AAT | STA | E | KKOL | 20355 | AM | GRANTED | 04/20/2016 | Info Application |
| BSTA | 20150903AAA | STA | P | KKOL | 20355 | AM | GRANTED | 10/06/2015 | Info Application |
| BESTA | 20150520ACI | STA | E | KKOL | 20355 | AM | DISMISSED | 10/06/2015 | Info Application |
| BESTA | 20141112AMT | STA | E | KKOL | 20355 | AM | GRANTED | 12/08/2014 | Info Application |
| BESTA | 20140430ABA | STA | E | KKOL | 20355 | AM | GRANTED | 05/22/2014 | Info Application |
| BESTA | 20131018AFL | STA | E | KKOL | 20355 | AM | GRANTED | 11/13/2013 | Info Application |
| BR | 20131017ALT | 303 | E | KKOL | 20355 | AM | GRANTED | 01/24/2014 | Info Application |
| BESTA | 20130425ACB | STA | E | KKOL | 20355 | AM | GRANTED | 05/16/2013 | Info Application |
| BESTA | 20121026AAH | STA | E | KKOL | 20355 | AM | GRANTED | 11/08/2012 | Info Application |
| | 20120806ACE | STA | P | KKOL | 20355 | AM | GRANTED | 08/23/2012 | Info Application |
| BSTA | 20120629ABL | STA | E | KKOL | 20355 | AM | GRANTED | 07/03/2012 | Info Application |
| BESTA | 20120308AAO | STA | E | KKOL | 20355 | AM | GRANTED | 05/15/2012 | Info Application |
| BESTA | 20110922ADJ | STA | P | KKOL | 20355 | AM | GRANTED | 09/27/2011 | Info Application |
| BSTA | 20110622ADB | STA | P | KKOL | 20355 | AM | GRANTED | 06/27/2011 | Info Application |
| BESTA | 20110126AEA | STA | P | KKOL | 20355 | AM | GRANTED | 03/24/2011 | Info Application |
| BESTA | 20100728AHJ | STA | P | KKOL | 20355 | AM | GRANTED | 08/04/2010 | Info Application |
| BSTA | 20100630CBL | STA | P | KKOL | 20355 | AM | GRANTED | 07/06/2010 | Info Application |
| BSTA | 20100610AFD | STA | P | KKOL | 20355 | AM | GRANTED | 06/15/2010 | Info Application |
| BESTA | 20100203AAK | STA | E | KKOL | 20355 | AM | GRANTED | 04/22/2010 | Info Application |
| BESTA | 20100125AIR | STA | P | KKOL | 20355 | AM | GRANTED | 01/29/2010 | Info Application |
| BESTA | 20090612AKG | STA | P | KKOL | 20355 | AM | GRANTED | 08/10/2009 | Info Application |
| BESTA | 20090414ABD | STA | E | KKOL | 20355 | AM | GRANTED | 08/04/2009 | Info Application |
| BSTA | 20090410AWL | STA | P | KKOL | 20355 | AM | GRANTED | 10/03/2011 | Info Application |
| BML | 20090410AWK | 302-AM | P | KKOL | 20355 | AM | GRANTED | 10/03/2011 | Info Application |
| BESTA | 20090130AVN | STA | P | KKOL | 20355 | AM | GRANTED | 03/23/2009 | Info Application |
| BSTA | 20081020AQQ | STA | E | KKOL | 20355 | AM | GRANTED | 10/30/2008 | Info Application |

| | | | | | | | | | |
|------|-------------|--------|---|------|-------|----|-----------|------------|--|
| BSTA | 20080624AAT | STA | P | KKOL | 20355 | AM | GRANTED | 07/31/2008 | Info Application |
| BSTA | 20080425ABT | STA | P | KKOL | 20355 | AM | GRANTED | 04/28/2008 | Info Application |
| BMP | 20061020AAC | 301 | E | KKOL | 20355 | AM | GRANTED | 12/12/2006 | Info Application |
| | 20061018ADX | STA | P | KKOL | 20355 | AM | GRANTED | 11/02/2006 | Info Application |
| | 20061018ADV | STA | P | KKOL | 20355 | AM | GRANTED | 07/23/2007 | Info Application |
| BL | 20061018ADU | 302-AM | P | KKOL | 20355 | AM | GRANTED | 01/25/2007 | Info Application |
| | 20060728AGW | STA | P | KKOL | 20355 | AM | DISMISSED | 04/24/2008 | Info Application |
| BR | 20051003CDX | 303 | E | KKOL | 20355 | AM | GRANTED | 01/26/2006 | Info Application |
| | 20050801DSH | STA | P | KKOL | 20355 | AM | GRANTED | 01/27/2006 | Info Application |
| BMP | 20050516AQL | 301 | E | KKOL | 20355 | AM | GRANTED | 09/21/2005 | Info Application |
| | 20041008ADJ | STA | P | KKOL | 20355 | AM | GRANTED | 01/10/2005 | Info Application |
| | 20040123BEJ | STA | P | KKOL | 20355 | AM | GRANTED | 04/09/2004 | Info Application |
| | 20030306ACH | STA | P | KKOL | 20355 | AM | GRANTED | 07/24/2003 | Info Application |
| | 20020611ABO | STA | P | KKOL | 20355 | AM | GRANTED | 09/03/2002 | Info Application |
| BSTA | 20011207ABG | STA | P | KKOL | 20355 | AM | GRANTED | 12/21/2001 | Info Application |
| BP | 20011130AAS | 301 | E | KKOL | 20355 | AM | GRANTED | 03/31/2004 | Info Application |
| BTC | 19990512ES | 315 | P | KKOL | 20355 | AM | GRANTED | 05/25/1999 | Info Application |
| BAPL | 19990402EA | 316 | P | KKOL | 20355 | AM | GRANTED | 04/14/1999 | Info Application |
| BMP | 19981222JB | 301 | P | KKOL | 20355 | AM | GRANTED | 01/21/1999 | Info Application |
| | 19980902W7 | STA | P | KKOL | 20355 | AM | GRANTED | 09/21/1998 | Info Application |
| BTC | 19980803EA | 316 | P | KKOL | 20355 | AM | GRANTED | 08/11/1998 | Info Application |
| BP | 19980403JC | 301 | P | KKOL | 20355 | AM | GRANTED | 06/30/1998 | Info Application |
| BR | 19971001XF | 303 | P | KKOL | 20355 | AM | GRANTED | 04/10/1998 | Info Application |
| BPI | 19970825AC | 301 | P | KKOL | 20355 | AM | GRANTED | 07/21/1998 | Info Application |
| BZ | 19970611AA | 302-AM | P | KKOL | 20355 | AM | GRANTED | 09/25/1997 | Info Application |
| BMP | 19970225DA | 301 | P | KKOL | 20355 | AM | GRANTED | 04/18/1997 | Info Application |
| BAL | 19961220GL | 314 | P | KKOL | 20355 | AM | GRANTED | 04/17/1997 | Info Application |

| | | | | | | | | | |
|-----|------------|--------|---|------|-------|----|----------|------------|--|
| BTC | 19961001HB | 315 | P | KKOL | 20355 | AM | GRANTED | 04/04/1997 | Info Application |
| BP | 19960624DA | 301 | P | KKOL | 20355 | AM | GRANTED | 08/30/1996 | Info Application |
| BP | 19940310AC | 301 | P | KKOL | 20355 | AM | GRANTED | 12/22/1994 | Info Application |
| BTC | 19930625GJ | 315 | P | KKOL | 20355 | AM | GRANTED | 07/16/1993 | Info Application |
| BAL | 19930119EB | 314 | P | KKOL | 20355 | AM | GRANTED | 02/10/1993 | Info Application |
| BR | 19900928YV | 303 | P | KKOL | 20355 | AM | GRANTED | 03/08/1991 | Info Application |
| BAL | 19860929GG | 314 | P | KKOL | 20355 | AM | GRANTED | 11/12/1986 | Info Application |
| BAL | 19860808GQ | 314 | P | KKOL | 20355 | AM | GRANTED | 10/07/1986 | Info Application |
| BR | 19830926WF | 303 | P | KKOL | 20355 | AM | GRANTED | 01/17/1984 | Info Application |
| BZ | 19810316AE | 302-AM | P | KKOL | 20355 | AM | GRANTED | 04/30/1981 | Info Application |
| BR | 19800930VD | 303 | P | KKOL | 20355 | AM | GRANTED | 01/26/1981 | Info Application |
| BRC | 19791013AG | 303 | P | KKOL | 20355 | AM | GRANTED | 11/30/1979 | Info Application |
| BZ | 19780928AG | 302-AM | P | KKOL | 20355 | AM | GRANTED | 05/23/1980 | Info Application |
| BAL | 19780731EQ | 314 | P | KKOL | 20355 | AM | GRANTED | 09/28/1978 | Info Application |
| | | | E | KKOL | 20355 | AM | Accepted | 10/04/2019 | Info Application |
| | | | E | KKOL | 20355 | AM | Accepted | 07/12/2019 | Info Application |
| | | | E | KKOL | 20355 | AM | Accepted | 04/11/2019 | Info Application |
| | | | E | KKOL | 20355 | AM | Accepted | 01/16/2019 | Info Application |

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Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 45 L Street NE, Washington, DC 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

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Exhibit D



Federal Communications Commission
Washington, D.C. 20554

February 26, 2021

Intelli LLC
1982 Senter Rd.
San Jose, CA 95111

Re: Intelli LLC
KKOL(AM), Seattle, Washington
Fac. ID No.: 20355
License Application: BMML-20190624ACC

Dear Licensee:

This letter is in reference to two interference complaints concerning KKOL(AM) recently filed with the FCC. On July 16, 2020 Ann and David Knight (“The Knights”) filed a blanketing interference complaint with the FCC on behalf of themselves and their neighbors along NE Murden Cove Drive on Bainbridge Island, Washington. The Knights contend that blanketing interference from AM station KKOL(AM) is negatively impacting residents along NE Murden Cove Drive. They claim that KKOL(AM) received authority on July 19, 2019, to test its recently upgraded 50 kilowatt facility and immediately after equipment tests began, residents on Murden Cove Drive began experiencing interference.

Specifically, The Knights state that during August 2019, the Chief Engineer for Salem Media Group (Salem), the previous licensee of KKOL(AM),¹ came to their office and home to test the impact of the interference. The test showed that interference from KKOL(AM) prevented The Knights from accessing the Internet at their residence. According to The Knights, the Chief Engineer tried several mitigating strategies, and none worked. They also state that Comcast replaced all the hardware in the neighborhood. However, the Comcast repairs did not restore The Knights’ Internet service.

Philip Hutcherson, who resides at 9804 NE Murden Cove Dr., filed a separate interference complaint with the FCC on February 9, 2021. In his complaint, Mr. Hutcherson wrote that whenever KKOL(AM) is operating at high power, his EV car charger (EVSE) malfunctions and will not charge the car. Mr. Hutcherson states that this is a big problem since the inability to charge means the vehicle becomes nearly useless. He further states that the interference problem has been confirmed in the presence of the KKOL(AM) engineer and that the engineer is trying to find a solution.²

This document constitutes formal notice to Intelli of the complaints filed with the FCC and explains the licensee’s responsibilities under the FCC’s blanketing interference rules.³ Pursuant to section 73.3587 of the Commission’s rules (Rules),⁴ we will treat the complaints as Informal Objections filed against the license application of KKOL(AM). Copies of the complaints are enclosed.

¹ Salem sold KKOL(AM) to Intelli LLC (Intelli) in application BAL20180514AAH granted on October 18, 2018.

² On February 16, 2021, Salem’s counsel, Kathleen Kirby, Esq. of Wiley Rein LLP, sent an email to FCC staff. Ms. Kirby states that Salem has been communicating directly with Mr. Hutcherson and has provided him with a filter that has resolved the issue with his car charger.

³ See 47 CFR §§ 73.88, 73.318.

⁴ 47 CFR § 73.3587.

Background

According to our records, KKOL(AM) is a licensed station.⁵ The Media Bureau granted KKOL(AM) Program Test Authority (PTA) on July 19, 2019, to test its new facilities from a new site location. However, the station went silent on September 27, 2019, as the station changed ownership and new equipment was being installed. On November 7, 2019, the Media Bureau granted the station a new license (BMML-20190624ACC) but the station remained silent until the following year. On September 24, 2020, the Media Bureau granted the station special temporary authority (STA) to operate with a reduced power of 3.2 kilowatts during daytime hours. The next day the station resumed broadcast operations in accordance with the STA in order to keep the station's license from expiring as a matter of law.⁶

Blanketing Interference Information

The type of interference described by the complainants may be attributable to "blanketing" interference, which can occur to receivers that are in close proximity to an AM transmitter.⁷ To give the station guidance in applying the blanketing rules, we have formulated a list of the five most common blanketing interference situations. The situations vary depending on the following:

1. **Whether or not the complaint was filed within the first year of operation.** Pursuant to section 73.318 of the Rules, complaints will be considered to be filed within the first year of operation if they are filed within one year from the date the station begins program tests.
2. **Whether the complainant is located inside or outside the blanketing contour.**
3. **Whether the device experiencing interference is covered under the blanketing interference rule.**

⁵ KKOL(AM) is licensed to operate on 1300 kHz with a daytime power of 50,000 watts and a nighttime power of 3,200 watts, employing different directional antenna patterns.

⁶ See 47 U.S.C. § 312(g). The station's request for authorization to operate with reduced power stated the power adjustment was necessary in order to resume operations while trying to find solutions to the interference complaints of neighbors.

⁷ See 47 CFR §§ 73.88 and 73.318. Section 73.318 of the Rules states that licensees "must satisfy all complaints of blanketing interference which are received by the station during a one year period. The period begins with the commencement of program tests. . . . These requirements specifically do not include interference complaints resulting from malfunctioning or mistuned receivers, improperly installed antenna systems, or the use of high gain antennas or antenna booster amplifiers. Mobile receivers and non-RF devices such as tape recorders or hi-fi amplifiers (phonographs) are also excluded." Hard-wired telephones, alarm systems, and fire systems are considered non-RF devices under section 73.318 and, as such, are not covered by this rule. Cordless telephones are covered by Part 15 of the Rules (See section 15.3(j) for cordless telephone system description). Section 15.5(b) of the Rules states, in pertinent part, that interference to cordless telephones caused by the operation of an authorized radio station must be accepted. Accordingly, any hard-wired or cordless telephone complaints referenced in this case are not covered by the blanketing interference rules.

Situation # 1

The station is financially responsible for resolving complaints of interference to electrical devices covered under section 73.318 of the Rules⁸ if the complaint is filed within the first year of program test authority and the complainant is located **inside** the station's blanketing contour.⁹

Situation # 2

The station is not financially responsible for resolving complaints of interference to electrical devices covered under section 73.318 of the Rules if the complaint is filed within the first year of program test authority but the complainant is located **outside** of the station's blanketing contour. However, the station is expected to cooperate with the complainant by providing effective technical assistance in determining the cause of the problem and offering advice on corrective measures.¹⁰

Situation # 3

The station is not financially responsible for resolving complaints of interference to electrical devices covered under section 73.318 of the Rules if the complaint is filed **after** the first year of program test authority even if the complainant is located inside the station's blanketing contour. The station is required to provide effective technical assistance to the complainant. This entails the providing of information on the cause of the interference and also providing information on proper corrective measures.¹¹

Situation # 4

The station is not financially responsible for resolving complaints of interference to electrical devices covered under section 73.318 of the Rules if the complaint is filed **after** the first year of program test authority and the complainant is located **outside** of the station's blanketing contour. However, in similar past cases, to promote goodwill within the station's community, licensees have taken steps to assist in alleviating interference complaints.

Situation # 5

The station is not financially responsible for resolving complaints of interference to electrical devices not covered under section 73.318 of the Rules. However, in similar past cases, to promote goodwill within the station's community, licensees have taken steps to assist in alleviating interference complaints.

Effective Technical Assistance

Section 73.318(d) of the Rules states, “[f]ollowing the one year period of full financial obligation to satisfy blanketing complaints, licensees shall provide technical information or assistance to complainants on remedies for blanketing interference.” The rule requires that the station provide

⁸ 47 CFR § 73.318.

⁹ See *FM Broadcast Station Blanketing Interference*, FCC 84-514, 57 RR 2d 126, para 15 (1984).

¹⁰ *Id.* at para 17.

¹¹ *Id.* at para 20.

information and assistance sufficiently specific to enable the complainant to eliminate all blanketing interference and not simply that the station attempt to correct the problems.¹² Effective technical assistance entails providing specific details about proper corrective measures to resolve the blanketing interference.¹³ For example, providing complainants with diagrams and descriptions which explain how and where to use radiofrequency chokes, ferrite cores, filters (i.e. Microwave Filter Company filters), and/or shielded cable. In addition, effective technical assistance also includes the recommendation on replacement equipment that would work better in the high radiofrequency fields. Also, effective technical assistance does not mean referring the complainant to the equipment manufacturer.

Complaint Report

The Commission intends that broadcast stations take very seriously their responsibility to resolve blanketing interference. Accordingly, the station must respond to the complaints that have been filed and must submit a detailed report of the steps taken to resolve the complaints **within 30 days from the date of this letter**. The report must contain the following information for each complaint:

1. The affected devices (i.e., the manufacturer, model number and serial number);
2. Whether or not the complainant is within the blanketing contour;
3. The dates and description of the assistance provided; and
4. Whether or not the interference has been resolved.

The report must include a map showing the following:

1. The location of the station's transmitter site;
2. The location of the station's 1 V/m blanketing contour; and
3. The locations of the complainants.

Intelli must determine which of the five situations described above apply and take the appropriate actions required by section 73.318 to fulfill its obligations. Failure to address all interference complaints may result in a reduction in authorized power levels (by means of a modified limited Program Test Authority or a Special Temporary Authorization). The complainant will be expected to cooperate fully with the station's efforts to resolve the interference problems. The complainant's failure to do so could lead to a finding that the station has fulfilled its obligations pursuant to section 73.318. Excessive

¹² See *Calvary Educational Broadcasting Network, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 4040 (1992).

¹³ See *FM Broadcast Station Blanketing Interference*, 57 RR 2d 126.

postponements of appointments by either party will be viewed as an obstructive tactic in delaying the resolution of the blanketing interference. These requirements are in place to ensure that all parties cooperate fully and immediately. Any further complaint received by the FCC will be forwarded to Intelli for investigation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerome J. Manareh". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

for

James Bradshaw,
Senior Deputy Chief, Audio Division
Media Bureau

cc: Dan Alpert, Esq.
Tron Dinh Do
Mrs. Ann Knight
Mr. David Knight
Mr. Philip Hutcherson

Exhibit E

AFFIDAVIT OF JOSEPH LEVAN

I, Joseph Levan, hereby declare as follows:

1. I am the City Attorney for the City of Bainbridge Island. I make this declaration in support of a Petition to Deny the renewal of license application of Intelli LLC for KKOL(AM), Seattle, Washington.
2. I have read the Petition to Deny and the facts recited therein are true and correct to the best of my knowledge, information, and belief.

I certify under penalty of perjury that the following is true and correct.

January 3, 2022

A handwritten signature in blue ink that reads "Joseph Levan". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Joseph Levan

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January, 2022, I caused copies of the foregoing “**Petition to Deny**” to be mailed via first-class postage prepaid mail to the following:

Dan J. Alpert
Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA. 22201

/s/
Scott Woodworth