

Received & Inspected

FEB 23 2022

FCC Mail Room

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

Applications of) FCC File No.
HORIZON BROADCASTING GROUP, LLC) 0000162340
For Renewal of License of FM Station KLTW-FM , ID 27168)
To: Secretary, Media Bureau, Audio Division

PETITION TO DENY

1. Western Radio Services Co. (Western) and its President Richard L. Oberdorfer, hereby replies to opposition to petitions to deny the above referenced renewal application for FM Station KLTW-FM (Facility ID No. 27168) at Awbrey Butte in the City of Bend Oregon.
2. To clarify my 2nd paragraph in the Petition I would add that that some of the spurious emissions I have observed at Awbrey are in the 800 mhz band used for reception by both County 911 and Western. The USDA Forest Service property and tower at Awbrey is the primary radio dispatch point for the Deschutes National Forest. The Forest Service, like most Federal agencies, operates radios in the 150 to 174 mhz band.
3. The cartel members at Awbrey have all submitted near identical Oppositions claiming they are not aware of any pending interference claims and if they were to receive an interference complaint, they would work to promptly resolve any creditable interference concerns.
4. Attached as Exhibit A are copies of correspondence from and to attorneys representing the cartel members in the interference arbitration matter. There is

certainly, a pending interference complaint, a Court Order to comply with the interference arbitration provisions, and Horizon's landlord, NPG of Oregon, Inc., being named as a defendant and being represented by legal counsel. I do not know under what conditions Mr. Shipman's declaration would not be considered false.

5. Horizon's attorney submits additional false and misleading statements. Western properly submitted its Notice of Conflict. The cartel members took the position of "We do not have to ensure our broadcast stations do not interfere with nearby land mobile stations. We only have to comply with FCC rules." The parties to the litigation had already agreed in the Leases that it is the responsibility of Awbrey Towers, LLC to advance the arbitrator fees. It is the cartel members that have yet to cause the LLC to advance those fees and the reason for Western's request for sanctions.
6. If the Commission does not deny the renewal of the station license, the matter should be set for a hearing.

February 15, 2022
Richard L. Oberdorfer
PO Box 2450
Carefree, AZ 85377

Respectfully Submitted



CERTIFICATE OF SERVICE

I, Richard L. Oberdorfer hereby certify that the forgoing 'Reply to Opposition to Petition to Deny' is being served by E-Mail to the following:

Matthew H. McCormick
mccormick@fhhlaw.com

Seth L. Williams
williams@fhhlaw..com

A handwritten signature in blue ink, appearing to read "Richard L. Oberdorfer", is written over the signature line.

AFFIDAVIT

I, Richard L. Oberdorfer, state that I have reviewed the Reply to Opposition to Petition to Deny the Application for License Renewal of FM station KLTW-FM and that I have personal knowledge of the facts stated in said Reply, and hereby swears and attests that the facts stated in said Reply are true and accurate.

February 15, 2022

A handwritten signature in blue ink, appearing to read "Richard L. Oberdorfer", with a long horizontal flourish extending to the right.



KARNOPP PETERSEN LLP
ATTORNEYS AT LAW

March 26, 2008

**VIA FACSIMILE
AND FIRST CLASS MAIL**

William F. Hammett
Hammett & Edison, Inc.
Consulting Engineers
P.O. Box 280068
San Francisco, CA 94128

Re: Awbrey Towers, LLC / Western Radio Services

Dear Mr. Hammett:

Thank you for your recent correspondence. As you know, I represent Awbrey Towers, LLC, the owner of the real property in Bend, Oregon upon which the dispute is centered.

The matter you have been contacted about concerns a disagreement between the owners of some of the towers located on my client's property. Essentially, Western Radio is claiming interference and the six involved tower owners dispute the claim and believe the allegations of interference are unsubstantiated or unsupported.

I previously corresponded to you on behalf of Awbrey Towers, LLC concerning a potential arbitration of the alleged dispute (a copy of that letter is enclosed). It was the obligation of the land owner (my client) to select an independent arbitrator, but it is very likely that the land owner will not be a participant in any eventual arbitration proceeding. Further, it has not yet been determined who will represent the "defendant" tower owners in future proceedings regarding Western Radio's allegations of interference.

While I certainly appreciate your willingness to schedule the matter for arbitration, I do not believe the individual tower owners are prepared to proceed directly to arbitration at this point. I am copying the "defendant" tower owners with this letter so that they can be advised of the current status. I am aware that you have already been contacted by Western Radio's counsel. I

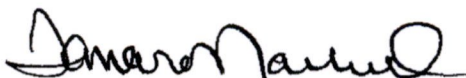
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William Hammett
March 26, 2008
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am enclosing for you a list that identifies the parties to the litigation giving rise to the potential arbitration, along with contact information for each.

If I can be of further assistance, please feel free to contact me.

Very truly yours,



TAMARA E. MACLEOD

TEM/

Enclosure

cc: Marianne Dugan
Terry A. Cowan, Cowan Broadcasting
Charles V. Chackel, Combined Communications, Inc.
Jim DeChant, NPG of Oregon, Inc.
Max Culbertson, Oregon Public Broadcasting
John Gross, Gross Communications Corporation-Bend
Kevin Arnold, American Tower Corporation

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June 7, 2008

Steven A. Brav, Attorney
American Tower Corp.
via fax only, to 1-617-375-7575

RE: Arbitration matter – Western Radio Services Inc v. NPG Of Oregon Inc, GCC Of Bend LLC; Terry Cowan and Karen Cowan, dba Cowan Broadcasting; American Towers Inc; Chackel Family LLC; Oregon Public Broadcasting, Deschutes Co. No. 06CV0451AB

Dear Mr. Brav:

I'm leaving town for three weeks starting a week from Monday (June 16) and my intent is to file a motion with the court sometime towards the end of this coming week if we can't get confirmation that this matter is moving forward with the arbitrator, and that the LLC is going to pay the arbitrator. The respondents still have not signed the arbitration agreement nor caused the LLC to advance the fee.

Section 16.C in the leases states in relevant part that the LLC is to hire the expert and then "[t]he cost of effecting the solution shall be borne by the offending user who shall also reimburse Lessor for any costs incurred." There has never been any allegation that Western is causing any interference. Western clearly is not the "offending user."

It is up to the LLC, not the parties, to figure out how to allocate the costs to the offending parties. The respondents have been defended by the LLC in this matter. Ms. MacLeod, at the direction of the respondents, even drafted a revised operating agreement intended to preclude Western from getting any relief in this dispute.

It appears that the only reason the LLC has not advanced the arbitrator's fees is to avoid the Court's order to arbitrate.

If the respondents are willing to cause the company to advance the fee, without us involving the court, and sign the arbitrator's agreement, then we can work on setting the arbitration schedule immediately.

Very truly yours,

Marianne Dugan

cc: Western Radio