

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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ENGINEER: GARY A. LOEHRS
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410/1411
MAIL STOP: 1800B3
INTERNET ADDRESS: Gary.Loehrs@fcc.gov

Snoqualmie Educational Radio Project
34826 SE Curtis Drive
Snoqualmie, WA 98065

Re: KZFX-LP, Fall City, WA
Facility I.D. No.: 134276
Snoqualmie Educational Radio Project
BPL-20100826ADE

Dear Applicant:

This refers to: (1) the above-captioned minor change application to modify operation to 253L1; (2) the September 10, 2010 Orders to Show Cause to stations KWJZ(FM), Facility I.D. 57843, Seattle, WA and KING-FM, Facility I.D. 11755, Seattle, WA; and (3) the October 8, 2010 response to show cause order from Orca Radio, Inc. ("Orca"), licensee of KWJZ(FM), Seattle, WA.

On August 26, 2010, Snoqualmie Educational Radio Project ("SERP") filed a minor change application proposing to operate on Channel 253 and create second-adjacent channel short-spacings to KWJZ(FM) and KING-FM pursuant to the second adjacent channel waiver procedures adopted by the Commission in its Third Report and Order in *Creation of a Low Power Radio Service*.¹ By staff letter dated September 10, 2010, stations KWJZ(FM) and KING-FM were directed to show cause why the modification of KZFX-LP to operate on Channel 253 and allow second-adjacent channel short-spacings is not in the public interest. However, as of the date of this letter, KING-FM has failed to respond to the September 10, 2010 staff letter. Therefore, it is deemed that KING-FM has consented to the proposed modification.

On October 8, 2010, Orca filed a Response to the Order to Show Cause. Orca states that the Order to Show Cause was based on the erroneous description of KZFX-LP's facilities contained in the August application in reference to the determined HAAT and ERP parameters. Orca also alleges that the application filed by SERP on October 5, 2010 (BPL-20101005AAP) is inconsistent and thus does not comply with 47 C.F.R. § 74.3518. Furthermore, Orca claims that SERP's proposal could disrupt KWJZ(FM)'s digital operation stating that there has been no analysis of the effect of second adjacent channel operation to digital transmissions.

The ERP and HAAT do not have an impact, as assumed by Orca, on the issuance of the Order to Show Cause. The spacing requirements between LPFM and full service FM stations are based on stations operating at maximum facilities and not actual or proposed facilities.² In addition, on October 20, 2010, SERP requested dismissal of the October 5, 2010 application. Consequently, Orca's argument of this application being inconsistent is moot. Furthermore, we have reviewed the current LPFM stations operating under Special Temporary Authorizations allowed by the *Third Report and Order* and find no complaints of LPFM analog transmissions interfering with the affected second-adjacent full-service FM stations' hybrid digital signal. Moreover, since no new rules have been adopted with respect to the protection requirements to FM digital operations, will not withhold further action on SERP's proposal.

¹ *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912, 21939-40 (2007).

² The HAAT is determined by the staff from the parameters specified in the application. The ERP is given in a range that, when considered with the staff-calculated HAAT, would allow operation within the maximum and minimum ERP of the class of LPFM station.

We have considered all arguments presented by Orca and have tentatively concluded that the KZFX-LP application meets the requirements of the Second-Adjacent Channel Waiver Standard and is otherwise acceptable for filing. An engineering analysis has determined that there are no alternate, fully spaced, and rule compliant channels available. In evaluating whether the public interest would be served by grant of a waiver of Section 73.807, the Commission must balance the potential for new interference to the full service station against the potential loss of an LPFM station. Based on desired-to-undesired ("D/U") signal strength ratio calculations, interference is predicted to extend 210 meters from KZFX-LP's site. This predicted interference area is not located near densely populated areas.

In accordance with the procedures adopted by the Commission in *Creation of a Low Power Radio Service*, this letter constitutes approval to operate under special temporary authority ("STA") with the following facilities:

Geographic coordinates:	47° 34' 54" N, 121° 51' 14" W (NAD 27)
Channel	253 (98.5 MHz)
Effective radiated power:	0.100 kilowatt
Antenna height:	
above ground:	18 meters
above mean sea level:	274 meters
Above average terrain:	-19 meters

Application BPL-20100826ADE will be retained in pending status and the request for STA IS HEREBY GRANTED. STAs issued pursuant to these procedures will be subject to any action taken by the Commission in the *Second Further Notice*. The Commission will withhold final determination of the waiver request until action on the *Second Further Notice* proposals.

KZFX-LP must notify the Commission when STA operation has commenced. KZFX-LP must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **August 25, 2011**.

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: Orca Radio, Inc.
Kenneth C. Howard, Jr.