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**Federal Communications Commission
Office of the Secretary**

DWT 15501993v1 0101914-000001

simply no legal support for this concocted distinction. Nor is there any support for Cumulus' argument that a radio station received with static cannot also be a "regularly used signal." In fact, just the opposite is true. That KRLI's regular listeners are willing to listen to a station with static shows the zealous loyalty that KRLI's listeners have to a station that plays music they cannot hear on any other radio station. They are willing to listen regularly to a station they can only receive with difficulty.

It is undeniable that Cumulus' translator has converted KRLI from a station that was difficult to pick up into one that now cannot be received at all by many of KRLI's regular listeners. This is the very type of interference that FCC Rule §74.1203 was intended to remedy, when it states, **"regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted."** Indeed, the express language of that rule refutes Cumulus' argument in its entirety. As noted in the Engineering Statement submitted with Kanza's Eighth Supplement, **"it is apparent that activation of K279BI as essentially a new Class A station has resulted in interference to regular KRLI listeners that are located within the KNZA predicted interference area."** If Cumulus' translator did not impact the abilities of those regular listeners to hear KRLI, they would not have complained in the first place.

The fact remains that **Cumulus has refused to remedy 33 complaints**, dating as far back as Kanza's Sixth Supplement filed in June. Cumulus continues to dismiss those complaints on its discredited theory of interference from other stations and its frivolous "regularly used signal" theory, and then claims that in dismissing these complaints, it has "addressed" them. But FCC rule §74.1203 requires more. It requires "application of suitable techniques" to *eliminate* the interference, even if that interference results from interference "outside the assigned channel." Cumulus has plainly and repeatedly failed to meet its obligation under this FCC rule.


And that rule just as plainly requires the FCC to suspend operation of the translator “until the interference has been eliminated.”

For the *eleventh* time, we urge the Commission to follow its own rule and shut down this interfering translator immediately.

Respectfully submitted,

KANZA, INC.

By:



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Dated: November 9, 2010

CERTIFICATE OF SERVICE

I, Sharon K. Mathis, a secretary with the law firm of Davis Wright Tremaine LLP, hereby certify that on this 9th day of November, 2010, I caused a copy of the foregoing "Reply to Cumulus Letter of November 5, 2010" to be mailed by first-class United States mail, postage prepaid, to the following:

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