

RADIO SERVICES DIVISION

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Received & Inspected

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FCC Mail Room

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Nov. 14, 2011

Secretary of the Federal Communications Commission
225 12th St., SW
Washington, DC 20554

RECEIVED

Dear Secretary,

In regard to our pending appeal of BPH-20110824ACL, we are forwarding the attached engineering report from Radio Engineering Group of Carmichael, CA. This report by Mr. Whyte establishes that on October 23, 2011 KMJE was not broadcasting from the Dunnigan Hills tower and did not have equipment on the tower (Mr. Whyte has prior professional experience with this tower and is qualified to make this determination).

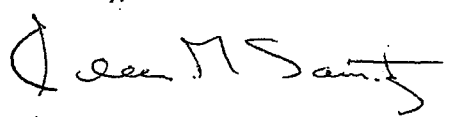
This new information, in conjunction with the information already in the appeal, establishes that KMJE installed their transmitter on September 19th – the same day they were granted FCC approval to relocate to the disputed Yolo County landfill site – and removed their equipment sometime in the following five weeks. They did this without filing the required building permits with Yolo County.

They clearly had no intention of operating from the Dunnigan Hills tower and the FCC approved “relocated” was a charade designed to circumvent FCC interference regulations.

We request that you put this information into the record.

In addition, we ask that the FCC take administrative action and immediately rescind the landfill building permit based on clear evidence in the record of misconduct by KMJE.

Sincerely,



Eileen M. Samitz