

## Dale Bickel

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**From:** Dale Bickel  
**Sent:** Tuesday, August 18, 2015 9:52 AM  
**To:** LEMKE, KENNETH C GS-11 USAF ACC 55 CS/SCOS  
**Cc:** vicmichael@aol.com  
**Subject:** RE: BESTA-20150803AAI KIMI-FM

Mr. Lemke:

First of all, while we have no formal petition to deny or informal objection filed through the FCC's Office of the Secretary against any of Kona Coast's KIMI applications, your e-mail strikes me as being close to an "ex parte" presentation under the Commission's rules inasmuch as the electromagnetic interference issue is unresolved at this time. In layman's terms, "ex parte" essentially means that one party may not make a presentation to the FCC in a contested proceeding without the other party receiving a copy of the filing. So, as a precaution, Mr. Victor Michael of Kona Coast is being included on this reply, that contains your inquiry below. A copy of this will also be retained in the Commission's records for this station.

Second, your contention that there is no discussion between the FAA and Kona Coast is unsupported by any documentation. We have no information to suggest that the FAA has terminated its analysis with a final decision. Apparently Offutt AFB has communicated its no-change position to the FAA but that does not necessarily mean the FAA will ultimately agree. And it may simply be that the FAA is conducting a lengthy analysis of the matter, that requires no immediate contact with Kona Coast.

Third, Kona Coast has previously provided an FAA no-hazard determination that operation at the reduced power level authorized in the Special Temporary Authority (STA), as extended. We have no evidence that the FAA has altered or revoked this determination.

Given these facts, there was and is no reason not to grant the reduced power STA extension.

If Offutt AFB wishes to object formally to the reduced power STA extensions, it must do so through the filing of an Informal Objection (original and two copies) mailed to the Office of the Secretary, Federal Communications Commission, Washington DC 20554 (no street address needed). The informal objection would have to explain the nature of the objections, provide supporting evidence, and be signed by a responsible official with knowledge of the matters. A copy of such filing would also have to be served on (mailed to) Kona Coast. Kona Coast would be afforded an opportunity to respond to any matters that might be raised in the Informal Objection. Please note that the Commission's rules and procedures presently do not permit such filings via e-mail.

I trust this will answer your current inquiry.

Dale Bickel     dale.bickel@fcc.gov  
Senior Electronics Engineer  
Audio Division, Media Bureau  
Federal Communications Commission

-----Original Message-----

From: LEMKE, KENNETH C GS-11 USAF ACC 55 CS/SCOS [mailto:kenneth.lemke@us.af.mil]  
Sent: Friday, August 07, 2015 2:39 PM

To: Dale Bickel  
Subject: BESTA-201 50803AA1 KIMI-FM

Mr Bickel,

As the spectrum manager for Offutt AFB NE I've been quite involved/intimate with the issue between KIMI-FM and the Offutt AFB ILS systems, and am very curious about FCC processes.

As it stands now, I am under the impression that there are no on-going negotiations between Kona Coast and the FAA. Several months ago, the leadership on Offutt AFB took the position that we will not change ILS frequencies because of significant cost and, most importantly, the impact on certain priority military missions. It would appear, then, that the frequency change will not be the solution to the issue.

In light of this, I'm confused as to why additional time has been granted under the new STA, since there is a stalemate with no impending solution, and no activities to break that stalemate. Because of the mission disruption, even reimbursement will unlikely affect base decision to retain the existing ILS frequencies.

If you get some free time, I'd appreciate some clarification. This situation has gone on for a very long time, and I think all could benefit from a final solution.

Regards,

//SIGNED//

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