

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

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Arthur V. Belendiuk, Esq.
5028 Wisconsin Ave, NW
Suite 301
Washington, DC 20016

Re: KCOE(FM), Terrebonne, OR
Facility ID No.: 190435
Sunriver Broadcasting Corp.
BLH-20150831ACZ
Program Test Authority

Dear Mr. Belendiuk:

This is in reference to the above-captioned license application and the complaints filed by the Federal Aviation Administration ("FAA") on September 9, 2015 and October 1, 2015 (enclosed). For the reasons stated below, we suspend program test authority and order Station KCOE(FM), Terrebonne, Oregon, to cease operations immediately.

On August 31, 2015, Sunriver Broadcasting Corp., the permittee of Station KCOE(FM) filed license application BLH-20150831ACZ, indicating that it had commenced automatic program tests, pursuant to 47 C.F.R. Section 73.1620.¹ On September 9, 2015, the FAA sent the Commission's Portland Field Office an email indicating that the operation of KCOE(FM), in combination with other nearby broadcast and non-broadcast facilities, causes interference to an air-to-ground traffic control frequency. On October 1, 2015, the FAA sent a follow-up email to the Media Bureau, indicating that the operation of KCOE(FM) continued to cause interference to the air-to-ground communications between air traffic controllers and military aircraft in the nearby airspace. The FAA further requests that KCOE(FM) terminate its operation on 106.5 MHz, to ensure safe operation of the airspace.

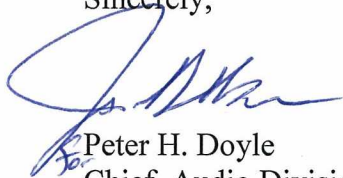
We note that Section 73.1620(b) of the Rules specifically states that the "Commission reserves the right to revoke or suspend program tests by any station without right of hearing . . . in order to resolve instances of objectionable interference."²

¹ 47 C.F.R. § 73.1620(b). The staff initially granted the license application on September 16, 2015, but set aside the grant on its own motion on September 24, 2015. See 47 C.F.R. § 1.113(a). *Broadcast Actions*, Public Notice, Report No. 28580 (Sep. 29, 2015).

² 47 C.F.R. § 73.1620(b).

Accordingly, in light of the threat to human safety and pursuant to 47 C.F.R. Section 73.1620(b), **PROGRAM TEST AUTHORITY of Station KCOE(FM) IS HEREBY SUSPENDED.** In addition, **any equipment tests from the current site must be authorized by the Portland Field Office, Ph. (360) 696-6777, and in conjunction with the FAA.** Any request for reinstatement of program test authority must include a report indicating the measures taken to resolve the interference. In any event, a progress report must be submitted to James Bradshaw, Audio Division, Federal Communications Commission, 445 12th St., SW, Washington, DC 20554, no later than November 15, 2015. Failure to provide an update regarding KCOE(FM)'s progress to restore operations will result in dismissal of the license application and cancellation of the construction permit. These actions are taken pursuant to 47 C.F.R. Section 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Doyle", is written over the typed name.

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Sunriver Broadcasting Corp.
Erik C. Swanson, P.E.
Ian Atkins, FAA
Daniel O'Rear, FAA

Attachments: September 9, 2015 email from Daniel O'Rear to Binh Nguyen, Portland Office
October 1, 2015 email from Ian Atkins to James Bradshaw

From: daniel.r.orear@faa.gov
Sent: Wednesday, September 9, 2015 2:00 PM
To: Binh Nguyen
Cc: Vu.Pham@faa.gov; Dan.Nguyen@faa.gov; james.motley@faa.gov
Subject: Interference from new FM station under construction

Hello Mr. Nguyen,

I work in the Spectrum Management office in Renton, WA and I need your help with a new issue. Station KCOE is converting an existing tower into and FM broadcast tower. The frequency is 106.5 MHz and the facility ID # is 190435. We can see on the FCC website that this company only has a construction permit at this time and not a license to broadcast on 106.5 MHz. Now that this request has come to our attention we object to them receiving a license to broadcast on this frequency.

In 2011 the company filed a 7460 (obstruction evaluation) with the FAA. However, the only frequencies listed in the case were for cellular phone service. Therefore, the FAA never had to opportunity to evaluate the frequency 106.5 MHz. And as poor luck would have it for the FM station

$106.5 + 107.7 + 121.35 = 335.55 \text{ MHz}$

Where 106.5 is the new station under construction about 400 yards from our site.

107.7 is an existing FM station already in the vicinity

121.35 is our VHF air-to-ground enroute air traffic control frequency

335.55 is our UHF air-to-ground enroute air traffic control frequency

And that intermod is exactly what happened once the station started testing on 106.5 MHz. When air traffic controllers broadcast on 121.35 it mixes with the 2 FM stations and interferes on the 335.55 MHz receiver. Therefore, we need the FCC to deny KCOE the use of 106.5 MHz and require them to license a different frequency that does not interfere with our air traffic control mission at this location.

Please let me know what we need to do to insure this issue is resolved. Thank you for your assistance

Dan ORear
ATO Western Service Area
Northwest Mountain Region
Spectrum Engineering Services, AJW-1C7
425-227-2637

From: Atkins, Ian (FAA)
Sent: Thursday, October 01, 2015 11:51 AM
To: 'James.Bradshaw@FCC.Gov'
Cc: Orear, Daniel R (FAA); Motley, James (FAA); Carvajal, Lorena (FAA)
Subject: Request to cease transmission
Importance: High

Mr. Bradshaw,

The FAA requests the FCC to direct Sunriver Broadcasting station KCOE to cease transmitting on 106.5 MHz immediately. The operation of this FM broadcast is directly interfering with the ultra-high frequency air-to-ground communications between the FAA air traffic controllers and military aircraft transiting through the adjacent airspace. The FAA request is to resolve actual impact on safe operation of the airspace and to allow FAA to examine options for resolution in a safe environment.

The FAA does not object to the presence of a FM broadcasting tower. Only the specific use of the frequency 106.5 MHz at this location at this time

Background:

1. Station KCOE is converting an existing tower into and FM broadcast tower. The frequency is 106.5 MHz and the facility ID # is 190435.
2. In 2011 the company filed a 7460 (obstruction evaluation) with the FAA. However, the only frequencies listed in the case were for cellular phone service. Therefore, the FAA never had an opportunity to evaluate the frequency 106.5 MHz.
3. The interference is a result of the frequency 106.5 MHz mixing with another existing FM station in the vicinity on 107.7 MHz and the FAA's very-high frequency air-to-ground communications frequency 121.35 MHz. Every time the FAA controllers use 121.35 MHz all three signals combine and create an intermodulation product that interferes with military aircraft control on 335.55 MHz.
($106.5 + 107.7 + 121.35 = 335.55$ MHz)
4. FAA undertakes to examine filtering and possible changes of its frequencies. However as this frequency is part of a network of stations to achieve coverage for a wide area this will involve at least 4 locations with multiple transmitters and receivers. Notice to airmen will have to be published along with updates to all aeronautical charts and procedures.

FAA prefers that KCOE change frequency and advises that even if FAA determines that it is able to change frequency that process is not without cost and required execution time. For example updates to aeronautical charts are on a 90 day cycle.

During the time the FAA requires to examine alternatives and execute them, if chosen as best alternative, FAA will require that transmission on 106.5MHz remains prohibited at this location. This is to ensure safe operation of the airspace.

FAA underlines that, as it had no advance notice (see bullet 2. Above) and was unable to evaluate previously, it believes its request for the transmission to cease to be reasonable and required to protect the safe operation of aircraft.

Ian Atkins
Director
Spectrum Engineering and Policy
Federal Aviation Administration
Washington
202 267 7531
Cell 202 497 7809