



Federal Communications Commission  
Washington, D.C. 20554

July 15, 2008

**DA 08-1660**  
*In Reply Refer to*  
1800B3-TH  
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In re: **KGA(AM), Spokane, Washington**  
**Facility ID No. 11234**  
File No. BP-20070905AAK

and

**KPIG(AM), Piedmont, California**  
**Facility ID No. 40137**  
File No. BP-20070905AAM

Dear Mr. Latek:

We have before us the captioned minor change applications filed on behalf of Mapleton Communications, LLC ("Mapleton"), for station KGA(AM), Spokane, Washington (the "KGA Application") and for commonly-owned<sup>1</sup> station KPIG(AM), Piedmont, California (the "KPIG Application" and, together with the KGA Application, the "Applications").<sup>2</sup> The KGA Application seeks to modify the licensed KGA(AM) facility by reducing nighttime power and changing its nighttime pattern. The mutually contingent KPIG Application seeks an increase in nighttime power. On June 17, 2008, Mr. Ray O'Russa filed an informal objection to both Applications, citing the projected loss of the

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<sup>1</sup> Mapleton Communications, LLC is the sole member and manager of both Mapleton License of Spokane, LLC and Mapleton License of San Francisco, LLC, the licensees, respectively, of the captioned stations. *See* Ownership Report, FCC File No. BOS-20080201AHU.

<sup>2</sup> The parties amended the Applications at the request of Commission staff on April 14, 2008 and on May 23, 2008. At the time of the original filing, an application for consent to the assignment of license of KGA(AM) from Citadel Broadcasting Company ("Citadel") to Mapleton was pending. The KGA Application included Citadel's written consent for Mapleton to file the KGA Application as the proposed assignee of KGA(AM). Following the consummation of the assignment of license from Citadel to Mapleton, a Form 316 application for consent to assign the KGA(AM) license to Mapleton License of Spokane, LLC was filed. The parties consummated this assignment on December 3, 2007.

KGA(AM) protected nighttime skywave service area.<sup>3</sup> Mapleton responded to the Objection by letter dated July 7, 2008.<sup>4</sup> For the reasons set forth below, we deny the Objection and grant the Applications.

**Background.** Mapleton included with each Application a statement from its consulting engineer, Hammett & Edison, Inc. (the “Statement”). The Statement indicates that KGA(AM) currently operates non-directionally during daytime hours at 50 kW and, during nighttime hours, directionally, utilizing three towers, at 50 kW. Mapleton proposes to reduce KGA(AM)’s nighttime power to 15 kW and to modify the nighttime pattern using four antenna towers. This power reduction would automatically cause KGA(AM) to relinquish its Class A status and operate as a Class B AM station.<sup>5</sup>

The Statement also indicates that KPIG(AM) operates with a daytime power of 8.0 kW from a four-tower directional array and with a nighttime power of 0.230 kW from a five-tower directional array. Mapleton proposes to increase its nighttime power to 2.4 kW utilizing four towers. Neither proposal involves a change of transmitter site.

The Objection argues that KGA(AM), a Class A facility since 1948, will “lose much of its great historical West Coast nighttime service area” if the station’s nighttime power is reduced as proposed.<sup>6</sup> The Objection argues that all clear channel AM stations could lose their status if the Commission does not reject these “hostile takeovers” of clear channel stations.<sup>7</sup> In its Response, Mapleton argues that the Applications will serve the Commission’s goal of reducing overall AM interference. With respect to KGA(AM) in particular, the Response argues that the station will maintain its current daytime service and will maintain a fully adequate “local service floor” for nighttime service. The Response also notes that the predicted loss of the station’s protected skywave service does not implicate the Commission’s “loss area” policies.

**Discussion.** Section 73.3517 of the Rules generally prohibits the filing of contingent applications for new stations or for the modification of existing stations. It does, however, provide an exception for contingent applications whose grant would “reduce interference to one or more AM stations or otherwise increase the area of interference-free service.”<sup>8</sup>

The statutes and policy governing contingent agreements that propose a deletion or modification of existing AM stations require review based on a case-by-case public interest determination.<sup>9</sup> The parties must demonstrate that a “local service floor” will remain in the community losing all or part of a local transmission service as a result of the proposed agreement.<sup>10</sup> While the Commission did not choose to “establish a quantifiable service floor that can uniformly be applied with respect to the replacement of deleted facilities,” it did specify that, at a minimum, an agreement that resulted in the deletion of a station could not create a “white” or “gray” area.<sup>11</sup>

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<sup>3</sup> See Letter from Ray O’Russa to FCC dated June 10, 2008 (the “Objection”).

<sup>4</sup> See Letter from Kevin Latek to Tom Hutton, Deputy Chief, Audio Division, Media Bureau, dated July 7, 2008 (the “Response”).

<sup>5</sup> Section 73.182 of the Commission’s Rules (the “Rules”) states that mainland U.S. Class A AM stations “shall operate at 50 kW.” See 47 C.F.R. §73.182(a)(1)(i).

<sup>6</sup> Objection at 1.

<sup>7</sup> *Id.*

<sup>8</sup> 47 C.F.R. §73.3517(c).

<sup>9</sup> *Policies to Encourage Interference Reduction between AM Broadcast Stations*, Report and Order, 5 FCC Rcd 4492 (1990) (“*Interference Reduction*”).

<sup>10</sup> *Id.* at 4494.

<sup>11</sup> A “white” area is one which does not receive interference-free primary service from an authorized AM station or a signal strength of at least 1 mV/m from an authorized FM station. A “gray” area receives only one such aural service. Secondary service areas such as the KGA(AM) skywave service area are not part of this analysis. 47 C.F.R. §73.14; see also *Interference Reduction*, 5 FCC Rcd at 4494 n.14.

When undertaking the case-by-case analysis, we generally consider four factors: the amount of AM interference that will be eliminated; the areas and populations that will gain service as a result of the proposed change; whether the proposal will create any white or gray areas; and the availability of AM and FM service remaining in the area(s) that will experience a reduction in service due to the proposed contingent facilities changes.<sup>12</sup> We will therefore examine the Applications in light of these four factors, noting that the Commission has specifically recognized that Class A clear channel stations, such as KGA(AM), may propose a power reduction in connection with an interference reduction agreement.<sup>13</sup>

With respect to each factor below, our independent engineering study of the Applications confirms the assertions made in the Statement and its supporting exhibits. The Objection does not challenge any portion of the Statement or the supporting exhibits. Accordingly, there are no facts in dispute here.

*Reduction in Interference.* The Statement and supporting exhibits show that the proposed KGA(AM) modifications would significantly reduce KGA(AM)'s contribution to the 50% Root-Sum-Square value for KPIG(AM). Specifically, the KPIG(AM) nighttime interference-free contour level would improve from 16.6 mV/m to 4.0 mV/m.

*Increased Service.* The contingent KPIG(AM) power increase would enlarge its nighttime coverage area from 214,000 persons to 2,100,000 persons, an increase of 1,886,000 persons. In addition to the considerable enlargement of KPIG(AM)'s nighttime coverage area, the KGA(AM) reduction in power would also yield nighttime coverage improvements for two other licensed AM stations: KSPA(AM), Ontario, California and KGDD(AM), Oregon City, Oregon. Approximately 557,000 additional persons would receive nighttime interference-free service from KSPA(AM) and 67,000 additional persons from KGDD(AM). The Statement also indicates that two new stations with pending license applications and four other existing Class D stations could potentially benefit from the modifications to KGA.<sup>14</sup>

*Creation of Gray/White Area.* Mapleton states that no new white or gray areas will be created if the Applications are granted. Our analysis corroborates this claim.

*Local Service Floor.* With respect to KGA(AM)'s primary service area, the Statement provides a population analysis for KGA(AM) showing that approximately 136,000 persons are predicted to lose its nighttime interference-free groundwave service. To determine the predicted loss, Mapleton compared the calculated 1.1 mV/m nighttime interference-free contour of the licensed KGA(AM) facilities with the calculated normally protected<sup>15</sup> 2.0 mV/m nighttime interference-free contour of the proposed facilities.

Mapleton has submitted evidence demonstrating that fourteen (14) full-power AM and/or FM stations provide service to the communities encompassed by KGA(AM)'s Class A nighttime interference-free groundwave contour. Because of the coverage provided by these other stations, no persons within the station's nighttime interference-free contour would lose first, second or third aural service and only approximately 20 persons would lose their fourth aural service.

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<sup>12</sup> *Interference Reduction*, 5 FCC Rcd at 4494.

<sup>13</sup> See *Letter, Dennis Williams, Assistant Chief, Audio Division, to Arthur B. Goodkind, Esq. et al.*, ref. 1800-B2 (rel. Oct. 18, 1995), citing *Review of Technical Assignment Criteria for the AM Broadcast Service*, Memorandum Opinion and Order, 8 FCC Rcd 3250, 3258 (1993).

<sup>14</sup> The nighttime interference-free contour for new station (Facility ID: 160837), Las Vegas, NV would improve from 6.9 mV/m to 3.7 mV/m. The nighttime interference-free contour for new station (Facility ID: 160432), Delta Junction, AK would improve from 1.75 mV/m to 0.95 mV/m. Additionally, the Class D AM stations KIRV, KFNN, KMSD, and KLLB would become eligible for protected nighttime service.

<sup>15</sup> See 47.C.F.R. §73.182 (a)(2).

*Objection to Loss of Skywave Service.* Section 73.14 of the Rules defines an AM secondary service area as the area served by the station’s skywave signal.<sup>16</sup> Class A stations provide nighttime secondary service entitled to protection from co-channel station interference, but Class B stations provide only primary service.<sup>17</sup> Accordingly, as a result of KGA(AM)’s proposed change in status from Class A to Class B, it would no longer have protected 0.5 mV/m skywave secondary service.

As a result of nighttime skywave propagation, the signals of powerful clear channel stations, such as KGA(AM), can extend for hundreds of miles. However, due to innate variations in signal strength, service may be intermittent at any given point within the protected contour.<sup>18</sup> Skywave service is subject to a lower level of interference protection than a primary service.<sup>19</sup>

The data in the Statement and its supporting exhibits assumes no service from the KGA(AM) skywave signal at all after the proposed modification. Mapleton, proffering a “worst-case scenario,” predicts that up to 250 persons could lose their only aural service at night and, at most, 8,800 persons could lose their second aural service at night. Approximately 135,000 persons would lose KGA(AM) skywave service overall.

The Objection argues that this loss of historic skywave service by KGA(AM) overrides any potential benefits in interference reduction for KPIG(AM) and other stations. However, neither our Rules nor our policies require that KGA(AM) remain a Class A station. Moreover, the Commission has not considered such service losses in evaluating applications filed pursuant to Section 73.3517(c). For the reasons outlined above, the Applications comply with our policy on interference reduction and will provide significant public interest benefits that override the loss of skywave service by KGA(AM).

**Conclusion.** We have examined the Applications and conclude that they comply with all pertinent statutory requirements and our Rules. The expected gains to KPIG(AM), KSPA(AM), and KGDD(AM), as well as potential service improvements for the noted additional stations, would significantly increase the number of persons receiving primary service. Because the resulting gains in service more than offset predicted loss of nighttime skywave service and the changes will reduce total interference in the AM band, the relevant public interest factors weigh in favor of granting the Applications. Therefore, Mr. O’Russa’s Objection IS DENIED, and the Applications ARE GRANTED.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Mapleton Communications, LLC  
Mr. Ray O’Russa

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<sup>16</sup> 47 C.F.R. §73.14.

<sup>17</sup> See 47 C.F.R. §§73.21(a)(1) and (2).

<sup>18</sup> See *id.*

<sup>19</sup> Unlike the primary service area, the secondary service area is protected from interference only from co-channel stations, not adjacent channel stations. See 47 C.F.R. 73.21(a)(1).