

MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

MAY 6 2 50 PM '93

4 MAY 1993

IN REPLY REFER TO:
1800B3-DEB

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DISPATCHED BY

North Star Communications, Inc.
Radio Station KQEX (FM)
P.O. Box 81
Fortuna, CA 95540

In re: KQEX; Fortuna, CA
Shasta Cascade Broadcasting Corp.
Request to remain Class A

Gentlemen:

This letter is in reference to your attorney's letter dated January 15, 1993 requesting that KQEX, Fortuna, CA be permitted to remain a Class A station licensed to Rohnerville, CA. KQEX was required to change from Channel 263A to Channel 262C2 as the result of the Report and Order in MM Docket No. 91-176, 6 FCC Rcd 6480, released November 4, 1991. The Report and Order deleted the old channel 263A from the Table of Allotments (47 CFR § 73.202) and substituted Channel 262C2. This docket also changed the community of license for KQEX from Rohnerville, CA to Fortuna, CA. KQEX was afforded a period of 90 days from the December 23, 1991 effective date to file a construction permit application on FCC Form 301 for Class C2 facilities. Although the old Class A allotment was deleted, KQEX was permitted to remain on the old channel [263] pending the grant of a Class C2 construction permit and the implementation of Class C2 operation.

Your attorney's letter indicates that KQEX will not implement this change due to local economic conditions. However, KQEX cannot undo the changes ordered by a rulemaking docket simply by filing a letter indicating that does not wish to comply with the same.¹ Docket 91-176 permanently changed the Table of Allotments (47 CFR § 73.202), adding Channel 262C2 for KQEX in Fortuna, CA and deleting KQEX's old channel 263A in Rohnerville, CA. KQEX is required, at a minimum, to file FCC Form 301 for a construction permit (with the required rulemaking fee and minor change application fee) to change frequency to Channel 262, change community of license to Fortuna, CA, and demonstrate that its present Class A operation provides the required 70 dBu coverage of the city of Fortuna, CA under 47 CFR § 73.315. Consequently, KQEX IS DIRECTED TO FILE AN APPLICATION ON FCC FORM 301 to specify operations on Channel 262.²

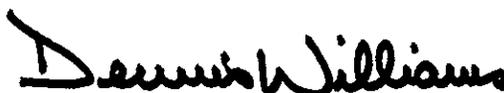
¹ This would require another rulemaking proceeding to reverse the first.

² Provided that 70 dBu coverage of Fortuna, CA is achieved in compliance with 47 CFR § 73.315, KQEX need not specify maximum Class C2 facilities on Channel 262 if it does not so desire. KQEX could specify Class C2 operation from its presently licensed site with an ERP between 0.77 kW and 3.1 kW, or

Continued operation by KOEX on Channel 263A will be permitted so long as such operation does not impede the institution of new or upgraded service to the public. However, KOEX is hereby warned that the Commission will consider proposals which conflict with KOEX's Channel 263A operation. If granted, KOEX will be required to terminate its operations on Channel 263A at such time as the conflicting facility is ready to commence program test operations. Consequently, it is in KOEX's best interest to implement the channel change as soon as possible.

I urge you to consult with your engineering and legal counsel on this matter as soon as possible.

Sincerely,



Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

cc: Cohn & Marks

request to be downgraded to one of the following station classes: Class C3 operation with an ERP between 0.21 kW and 0.76 kW; or Class A, with an ERP of 0.2 kW (as presently authorized). Any of these station classes will fully meet the spacing requirements of 47 CFR § 73.207 from KOEX's presently licensed transmitter site. (The Channel 262C2 allotment reference coordinates are identical to those presently authorized for KOEX in permit BPH-880126NQ).