

REP. SUZAN K. DELBENE
1ST DISTRICT, WASHINGTON

318 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6311

22121 17TH AVE SE, STE 220
BOTHELL, WA 98021
(425) 485-0085

204 W. MONTGOMERY ST.
MOUNT VERNON, WA 98273
(360) 416-7879

WWW.DELBENE.HOUSE.GOV

Congress of the United States

House of Representatives

October 14, 2014

JUDICIARY COMMITTEE
SUBCOMMITTEE ON COURTS, INTELLECTUAL
PROPERTY AND THE INTERNET
SUBCOMMITTEE ON REGULATORY REFORM,
COMMERCIAL AND ANTITRUST LAW

AGRICULTURE COMMITTEE
SUBCOMMITTEE ON HORTICULTURE,
RESEARCH, BIOTECHNOLOGY AND FOREIGN
AGRICULTURE
SUBCOMMITTEE ON CONSERVATION, ENERGY
AND FORESTRY

Michael Bobbink, Hearing Examiner
Whatcom County
311 Grand Avenue
Bellingham, WA 98255-4038

Dear Mr. Bobbink:

Over one hundred of my constituents in Point Roberts have contacted my office to express concerns regarding the BBC Broadcasting, Inc. (BBC) proposal to move their broadcasting towers to Point Roberts, WA. I share their concerns about the potential for these towers to negatively impact the quality of life for residents in this community, and as Whatcom County considers BBC's request regarding whether to grant approval of a conditional use permit (CUP) to build a 150-foot tall five tower AM radio array in Point Roberts, I wanted to make you aware of my efforts to ensure that all of the relevant data regarding potential concerns is available for consideration as part of this process.

As you are aware, the U.S. Customs and Border Protection (CBP) operates the land port of entry (POE) at the U.S.-Canadian border, located within 1,100 feet of the location of the proposed towers. As a result of Point Roberts' unique geographical situation, this POE is heavily relied upon by residents of the peninsula as well as the frequent visitors there. While Point Roberts is a small community, the POE in Point Roberts is the 12th busiest U.S.-Canadian border crossing of the 88 along the entire northern border. The CBP's role in the facilitation and security of travel at the POE is critically important for this community, and I am concerned about making sure that this POE operates efficiently and without any disruption to its communications as a result of interferences from the proposed towers.

I commend the Whatcom County Planning Services Department for its outreach to the Department of Homeland Security (DHS) on the project proposal being considered; however, I was disappointed to learn that DHS did not provide a comment to the County on the potential impact on the Point Roberts POE. In light of this, I wanted to make you aware that my office has also been in contact with DHS and CBP to express concerns about the potential for interference at the Point Roberts POE. In response to my initial inquiry last year, CBP provided a response in November 2013 that the U.S. Customs and Border Protection (CBP) Wireless Systems Program Division (WSPD) had undertaken initial studies and made an initial determination that "the power of the site and its location has the *significant potential to interfere with communications* including: LMR radios, wireless phone systems, security monitors and scanners and may cause anomalous auditory events in speaker systems and other host objects." (emphasis added)

Most recently, in May 2013, my office was provided with the following information by CBP:

"Since the November 2013 communication regarding the AM transmitter build in Point Roberts, WA, the CBP Office of Information and Technology (OIT) has contacted the

Federal Communications Commission (FCC) for guidance on rules and regulations for building AM broadcast towers. The FCC cited 47 CFR 73.88 - BLANKETING INTERFERENCE, which places on the broadcaster the obligation to resolve ‘... blanketing interference...’ complaints regarding affected devices at locations within the blanketing contour, when such complaints are filed within the first year of station operation for new or modified facilities. ‘Blanketing Interference’ is a form of interference to electronic devices that utilize radio frequency (RF) capabilities to operate (such as radios and televisions) that are located near the broadcast station transmitter site. The area is determined via a mathematical formula to determine the ‘blanketing contour,’ or the boundary of the area of operation.

“To establish a baseline of the noise levels in the area, CBP/OIT conducted interference measurements at the existing KRPI site in Ferndale, the Bellingham Border Patrol Station, and the Point Roberts POE. These measurements will be utilized in future comparisons to determine possible interference issues. The comparisons will need to be properly analyzed for measurement fluctuations that can occur naturally based on time, location, and other external factors. It should be noted that the measurements taken at the KRPI site are higher than levels measured at other locations, but as this was only an initial reading there is not yet enough data to determine statistical significance.

“CBP/OIT plans to make a more comprehensive sampling of measurements in Point Roberts within the first two months of KRPI’s AM array becoming operational. In the event that radio communications or other equipment is degraded by the new AM array, CBP/OIT will work with the licensee, per FCC rules, to mitigate any problems.

Please know that I stand ready to provide further assistance to the County in any way possible as this application is considered. Please do not hesitate to contact Lisa Kohn on my staff at lisa.kohn@mail.house.gov or 202-225-0450, or feel free to contact me directly at 425-485-0085.

Sincerely,



Suzan K. DelBene

Member of Congress