

FEDERAL COMMUNICATIONS COMMISSION

**445 12th Street, SW
Washington, DC 20554**

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

**ENGINEER: WILLIAM H. WILSON, JR.
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JUL 21 2005

Andrew Kersting, Esq.
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, NW
Washington, DC 20037-1526

In Re: PETITION FOR RECONSIDERATION
FM Translator K210CL, Lemon Grove, CA
Santa Monica Community College District
BPFT-20020328AAT
Facility ID: 90642

Dear Mr. Kersting:

The staff has under consideration: (1) the above captioned minor Application filed March 28, 2002, by Santa Monica Community College District ("SMCCD") to change the antenna system and effective radiated power; (2) the July 10, 2002, first dismissal of the above captioned application for prohibited overlap (Attachment A); (3) the August 6, 2002, Petition for Reconsideration by SMCCD requesting reconsideration *nunc pro tunc* of the July 10th dismissal; (4) the November 6, 2002, referral to Mexico because the proposal is located within 125 kilometers of the common border with Mexico; (5) the November 10, 2003, objection by Mexico based on lack of protection to TV Channel 6, Tijuana, Mexico; (6) the March 17, 2005, second dismissal as a result of Mexico's objection (Attachment B); and (7) the April 13, 2005, Petition for Reconsideration by SMCCD requesting reconsideration *nunc pro tunc* of the March 17th dismissal.

Pursuant to the *Public Notice* entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications", 56 RR 2d 776, 49 Fed. Reg. 47331, released August 2, 1984, an application returned a second time for any reason may not again be reinstated *nunc pro tunc*. The Commission staff's March 17, 2005, dismissal is considered to be a "second time" return.

Accordingly, SMCCD's Petition for Reconsideration IS HEREBY DENIED, and Application BPFT-20020328AAT REMAINS DISMISSED. See 47 C.F.R. Section 1.106. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



George H. Gwinn
Supervisory Engineer
Audio Division
Media Bureau

cc: Santa Monica Community College District

Attachments

BHW 2-A320

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, SW
Washington, DC 20554

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JUL 12 2002
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JUL 10 2002

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
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PROCESSING ENGINEER: WILLIAM H. WILSON, JR.
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Harold K. McCombs, Jr., Esq.
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street NW
Washington, DC 20037-1526

In re: K210CL Translator, Lemon Grove, CA
Santa Monica Community College District
BPFT-20020328AAT
Facility ID: 90642

Dear Mr. McCombs:

This refers to the above-captioned minor application to change antenna type and increase the effective radiated power.

Our engineering study of the application reveals that it is in violation of 47 C.F.R. § 74.1204(a) with respect to the second-adjacent authorized facilities of KPBSFM, San Diego, CA, (License: BLED-19841121LZ and Construction Permit: BPED-19970211IA). Section 74.1204(a) states that an application for an FM translator station will not be accepted if the proposed operation would involve prohibited overlap of predicted field strength contours with any other authorized station. The proposed 100 dBu interference contour overlaps the protected 60 dBu contours of KPBSFM, (see attachments). Applicant recognizes this violation and requests a waiver on the basis that the site is mountainous and unpopulated. To comply with Section 74.1204(d), the applicant must demonstrate that no actual interference will occur to the overlapped station.

In reviewing the submitted study for interference, we find that the terrain roughness study is insufficient for further processing. In cases where irregular terrain causes the predicted contour distances to differ from the distances using the Commission's standard method, Section 73.313(e) of the Commission's rules allows for use of supplemental methods to predict contour distances. Pursuant to Section 73.313(e), "[s]uch supplemental showings should describe the procedure used and should include sample calculations." The applicant must also submit coverage maps containing predicted contour plots using both the standard and supplemental method. The application failed to contain these showings.

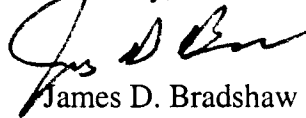
We cannot rely on this simple assertion of no potential interference as the basis of grant of the application. The burden of proof lies on the applicant to establish that the supplemental method is valid. Acceptance of supplemental showings involve complicated and extensive engineering reviews by signal propagation experts. In order for us to verify the applicant's contention, the applicant must outline the procedure used to determine the absence of contour

(A)

overlap and provide sample calculations of the signal loss claimed. Given the limited data supplied in the application, we can not confirm compliance with the rule section and the showing will not be further considered. Therefore, we find that the exhibits are not sufficient to convincingly show that the proposal would not cause interference to the service area of Station KPBSFM.

In light of the above, Application BPFT-20020328AAT is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw
Associate Chief
Audio Division
Office of Broadcast License Policy
Media Bureau

Attachments

cc: Santa Monica Community College District
John J. Davis, Consulting Engineer



THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP

BOTTOM LATITUDE: 32.15 TOP LATITUDE: 33.24 LEFT LONGITUDE: -117.71 RIGHT LONGITUDE: -116.28
 MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 32.69 LONG: -117.00 GRID SPACING: 0.50
 KILOMETERS / INCH = 19.77
 PLOT MADE ON : 19 June, 2002 17:35 HOURS

call	serv	city,state	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1	A7
K210CL	FX	LEMON GROVE,CA	BPFT-20020328AAT	100.0 dBu (50,10)	210D	0.010	552.6	797.0	0.0 sq km	72	0
KPBS-F	FM	SAN DIEGO,CA	BLED-19841121LZ	60.0 dBu (50,50)	208B	1.750	580.0	807.0	7385.1 sq km	0	0

A1 - Number of radials where free space equation was used for field strength calculations.
 A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.



LAMBERT EQUAL AREA MAP



KILOMETERS

ENGINEER

DATE

wwilson

06/20/02

THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP

BOTTOM LATITUDE: 32.25 TOP LATITUDE: 33.42 LEFT LONGITUDE: -118.06 RIGHT LONGITUDE: -116.52

MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 32.84 LONG: -117.29 GRID SPACING: 0.50

KILOMETERS / INCH = 21.29

PLOT MADE ON : 20 June, 2002 9:42 HOURS

call	serv	city,state	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1	A7
K210CL	FX	LEMON GROVE,CA	BPFT-20020328AAT	100.0 dBu (50,10)	210D	0.010	552.6	797.0	0.0 sq km	72	0
KPBS-F	FM	SAN DIEGO,CA	BPED-199702111A	60.0 dBu (50,50)	208B	26.000	206.0	276.0	9307.1 sq km	0	0

A1 - Number of radials where free space equation was used for field strength calculations.

A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.

BHP 2-A320

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MAR 17 2005

Santa Monica Community College District
1900 Pico Blvd.
Santa Monica, CA 91405-1628


In re: K210CL Translator, Lemon Grove, CA
Santa Monica Community College District
BPFT-20020328AAT
Facility ID: 90642

Dear Applicant:

This refers to the above-captioned minor application to change effective radiated power.

Mexican Interference. Our study of the application reveals that the proposal is located 16.1 kilometers from the common border with Mexico. The *Agreement Between the Government of the United States of America and the Government of the United Mexican States Relating to the FM Broadcasting Service in the Band 88-108 MHz* requires that translators located within 125 kilometers of the common border must be notified to Mexico, (Paragraph 2.1.4). Therefore, notice of this proposal was given to Mexico. We have since been advised that Mexico objects to this proposal based on lack of protection to TV Channel 6, Tijuana, Mexico. Accordingly, the application will be dismissed.

Application Dismissed. In light of the above, Application BPFT-20020328AAT is unacceptable for filing pursuant to 47 C.F.R. § 73.3566 and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

George H. Gwinn
Supervisory Engineer
Audio Division
Media Bureau

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