

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Application of)	
)	
SANTA MONICA COMMUNITY)	File No. BPFT-20020328AAT
COLLEGE DISTRICT)	Facility ID No. 90642
)	
For a Minor Change in the Licensed)	
Facilities of FM Translator Station)	
K210CL, Lemon Grove, California)	
To: Chief, Audio Division		
Media Bureau		

PETITION FOR RECONSIDERATION

Santa Monica Community College District ("SMCCD"), acting pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. §1.106, hereby requests reconsideration of the decision by the Media Bureau (the "Bureau") to dismiss the above-captioned application (the "Application") to make minor changes in the licensed facilities of FM translator station K210CL, in Lemon Grove, California. Letter from James D. Bradshaw, Audio Services Division, to Harold K. McCombs, Jr. (MB July 10, 2002) (the "*Letter*"). The dismissal is based on a misreading of the Application and applicable rules and, for that reason, should be reversed. In support of that conclusion, the following is stated:

1. Station K210CL currently operates with an ERP of one (1) watt and an antenna radiation center above ground of 20 meters. *See* File No. BLFT-2000508AAZ. In its Application, SMCCD proposed to increase its ERP to 10 watts at the same antenna height. Thus, due to its relatively minimal technical parameters, K210CL would continue to have an extremely limited coverage area.
2. The *Letter* dismissed SMCCD's Application because, according to the Bureau, the Application does not comply with Section 74.1204(a) of the Commission's rules with respect to

the authorized facilities of second-adjacent channel station KPBS-FM, San Diego, California.¹ Specifically, the *Letter* states that the proposed 100 dBu interfering contour of K210CL overlaps the protected 60 dBu contour of KPBS-FM. Although the Application acknowledged that contour overlap and requested a waiver of Section 74.1204(d) of the Commission's rules, the Bureau found that SMCCD had failed to demonstrate that K210CL's proposed operation would not cause interference to KPBS-FM. *Letter* at 1.

3. The Bureau's dismissal of the Application cannot be squared with the representations in the Application or with Commission rules. Indeed, it appears that the Bureau either misunderstood the nature of SMCCD's waiver request or confused SMCCD's Application with some other application.

4. The *Letter* states that "the terrain roughness study in the Application is insufficient for further processing." *Letter* at 1. The *Letter* explained that, where an applicant seeks to demonstrate that predicted interference will not occur due to intervening terrain, the applicant must "submit coverage maps containing predicted contour plots using both the standard and supplemental method." The *Letter* concludes that the Application "failed to contain these showings." *Id.* The *Letter* further faults SMCCD for failing to provide other data with respect to its alleged supplemental showing:

Acceptance of supplemental showings involves 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 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.

Id. at 1-2.

¹ Station KPBS-FM is a Class B FM station licensed to operate on Channel 208 with 1.75 kW ERP at an antenna height above average terrain of 580 meters. See File No. BLED-19841121LZ. A construction permit has been issued authorizing KPBS-FM to move to a new transmitter site and operate with 26 kW ERP at a height above average terrain of 206 meters. See File No. BPED-19970211IA.

5. The *Letter* appears to ignore the showing actually made by SMCCD in its Application. The Application makes clear that “[t]he KPBS 60 dBu contour completely encloses the K210CL translator site” See Application, Engineering Exhibit at 2. For that reason, it would have been impossible for SMCCD to demonstrate that there is no contour overlap between K210CL’s interfering contour and the protected service contour of KPBS-FM. SMCCD therefore requested a waiver of the Commission’s rules because the transmitters of Stations K210CL and KPBS-FM are located in a remote mountainous area where there is no population. *Id.*

6. The absence of any population around the transmitters is of critical significance in evaluating SMCCD’s Application. Section 74.1204(d) of the Commission’s rules provides as follows:

The provisions of this section concerning prohibited overlap will not apply where the area of such overlap lies entirely over water. In addition, an application otherwise precluded by this section will be accepted if it can be demonstrated that no actual interference will occur due to intervening terrain, *lack of population* or such other factors as may be applicable.

74 C.F.R. §1204(d) (emphasis added).

7. The foregoing section is directly applicable to SMCCD’s Application. The Engineering Exhibit annexed hereto explains in more detail that the transmitters of Stations K210CL and KPBS-FM are located approximately 40 meters (131 feet) apart in a remote area on San Miguel Mountain, which is an antenna farm for several San Diego-area broadcast stations as well as numerous private and public safety two-way radio systems. See Engineering Exhibit at 1, 3. There is no population anywhere within K210CL’s 100 dBu interfering contour. The closest population to K210CL’s transmitter is over three (3) kilometers away, which is far beyond the translator station’s 100 dBu interfering contour. That contour extends only 0.22 kilometers (220 meters) in the main lobe. *Id.* at 4. In short, SMCCD’s Application satisfies

Section 74.1204(d) because there are no people either residing or working within K210CL's interfering contour.

8. The attached Engineering Exhibit also demonstrates that K210CL's proposed power increase would not cause any interference to KPBS-FM. Section 74.1204(a) of the rules provides that the required desired-to-undesired ("D/U") signal ratio between the second-adjacent channel FM stations in this case is 40 dBu. *See* 47 C.F.R. §74.1204(a)(3). As stated above, the transmitters of K210CL and KPBS-FM are located only 40 meters apart and are essentially co-located. The Application proposes an ERP of 0.01 kW (-20.0 dBk), while KPBS-FM operates with an ERP of 1.75 kW (+2.43 dBk). As a result, KPBS-FM would operate with a signal strength 22.4 dB greater than K210CL's throughout the translator station's *entire* 100 dBu interfering contour. Engineering Exhibit at 3. Therefore, based on the D/U ratios contained in Section 74.1204(a)(3) of the Commission's rules, the proposed operation of K210CL would not cause interference to KPBS-FM. *Id.*

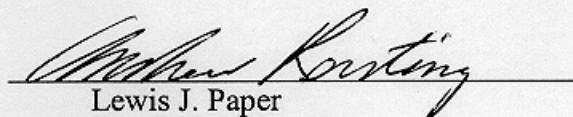
WHEREFORE, in view of the foregoing, it is respectfully requested that the Bureau reconsider its dismissal of the Application, and, upon such reconsideration, reinstate SMCCD's Application *nunc pro tunc* and expeditiously grant the Application.

Respectfully submitted,

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By:



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ENGINEERING EXHIBIT

ENGINEERING EXHIBIT

ADDITIONAL INFORMATION RELATED TO THE
REQUEST FOR WAIVER OF SECTION 74.1203

FM TRANSLATOR STATION K210CL
LEMON GROVE, CALIFORNIA
CHANNEL 210D, 89.9 MHz

FCC FILE NUMBER: BPFT-20020328AAT

PREPARED FOR:

SANTA MONICA COMMUNITY COLLEGE DISTRICT
1900 PICO BOULEVARD
SANTA MONICA, CALIFORNIA 90405

JULY 23, 2002

PREPARED BY:

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1.0 INTRODUCTION

The Commission has requested that Santa Monica Community College District (“SMCCD”), licensee of FM translator station K210CL, supply additional information related to its request for waiver of Section 74.1204 of the Rules, dealing with second adjacent interference to KPBS-FM in San Diego. This exhibit will address those questions.

2.0 CO-LOCATION:

K210CL is located on San Miguel Mountain, which is an antenna farm from which a large number of the FM and television stations in San Diego transmit, as well as numerous private and public safety two-way radio systems. Listed below are the FM and TV stations that transmit from San Miguel Mountain:

<u>Station</u>	<u>Channel</u>	<u>City</u>	<u>Distance from K210CL</u>
KPBS-FM	208B	San Diego	0.04 km
K210CL	210D	Lemon Grove	0.00
KHTS	227B	El Cajon	0.08
KLVQ (AUX.)	275B	San Diego	0.08
KPBS-TV	15	San Diego	0.25
KUSI-TV	18	San Diego	0.16
KSWB-TV	19 DT	San Diego	0.04
KSDX-LP	29	San Diego	0.24
KPBS	30 DT	San Diego	0.25
K31FC	36	San Diego	0.04
KNSD	39	San Diego	0.08
KNSD	40 DT	San Diego	0.08
KBOP-LP	43	San Diego	0.24
KUSI-TV	51	San Diego	0.12
KSWB-TV	69	San Diego	0.04

3.0 POPULATION

Section 74.1204(d), of the Commission's Rules, states:

The provisions of this section concerning prohibited overlap will not apply where the area of such overlap lies entirely over water. In addition, an application otherwise precluded by this section will be accepted if it can be demonstrated that no actual interference will occur due to intervening terrain, *lack of population* or such other factors as may be applicable (emphasis added).

A population study was done to determine if there was any population within the K210CL 100 dBu contour. The results of that study showed that there was zero population, and no housing units within the proposed interfering contour of K210CL. See Attachment #1. The only buildings of any kind within the K210CL's interfering contour are the transmitter buildings of the various radio and television stations whose transmitters are located on the mountain.

Figure 1 shows the Jamul Mountain 7-1/2 minute USGS topographic quadrangle (50% reduction). The K210CL translator's 100 dBu interference location is plotted on this map. It is evident from this map that the area, for a considerable distance from the translator site, is mountainous and unpopulated.

4.0 CO-LOCATED FM STATIONS BLANKING INTERFERENCE AREA

The Commission was concerned that K210CL, being second adjacent to KPBS-FM, might cause interference to persons trying to receive KPBS-FM close to the K210CL tower, since K210CL and KPBS are within 40 meters (131 feet) of each other. However, the 115 dBu blanking interference contour of the other FM stations located at the San Miguel Mountain antenna farm completely encloses the K210CL 100 dBu interference contour. Therefore, there is a much greater likelihood of blanking interference from other co-located FM stations than there is from K210CL FM translator.

5.0 INTERFERENCE RATIO CONSIDERATIONS

The Commission's definition for when interference will exist between second adjacent channel stations is a 40 dB ratio between the desired and undesired signals. Since the K210CL translator and KPBS-FM are co-located, and the proposed translator operates at 0.01 kW (-20.0 dBk) ERP and KPBS-FM operates with 1.75 kW (+2.43 dBk) ERP, KPBS-FM has a 22.5 dB greater signal strength over that of K210CL everywhere within the K210CL 100 dBu interference contour (or anywhere within the KPBS-FM 60 dBu contour for that matter). Therefore, it would be impossible for the translator to cause interference to KPBS as the translator signal strength can never be greater than the KPBS signal.

6.0 SUMMARY

SMCCD has shown several different methods to determine that there will be no interference to KPBS-FM as a result of SMCCD's proposed modification. The most important thing to consider: Is there any anyone living within the translator's interference area? SMCCD has shown that there is no population within the K210CL 100 dBu contour. In fact the closest population is over 3 km distant from the translator site.

Based upon the above, SMCCD's request for waiver of Section 74.1204 should be approved and SMCCD's application granted.

APPLICATION FOR MINOR MODIFICATION OF
FM TRANSLATOR STATION, K210CL
LEMON GROVE, CALIFORNIA

PREPARED FOR:

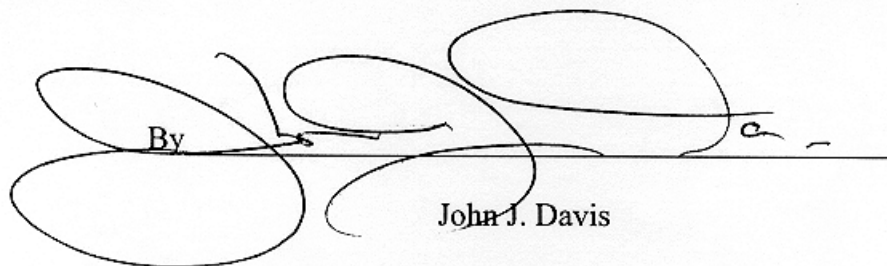
SANTA MONICA COMMUNITY COLLEGE DISTRICT
1900 PICO BOULEVARD
SANTA MONICA, CALIFORNIA

7.0

AFFIDAVIT

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) ss:

JOHN J. DAVIS, does hereby swear that he is a consulting electronics engineer with offices in Sierra Madre, California; that he is a Registered Professional Engineer in the State of California; that his qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission; that the foregoing engineering statement was prepared by him or under his direction; and that the statements contained therein are true of his own knowledge and belief, and as to those statements, he verily believes them to be true and correct.

By  _____
John J. Davis

July 23, 2002

Attachment 1

Population Study Results

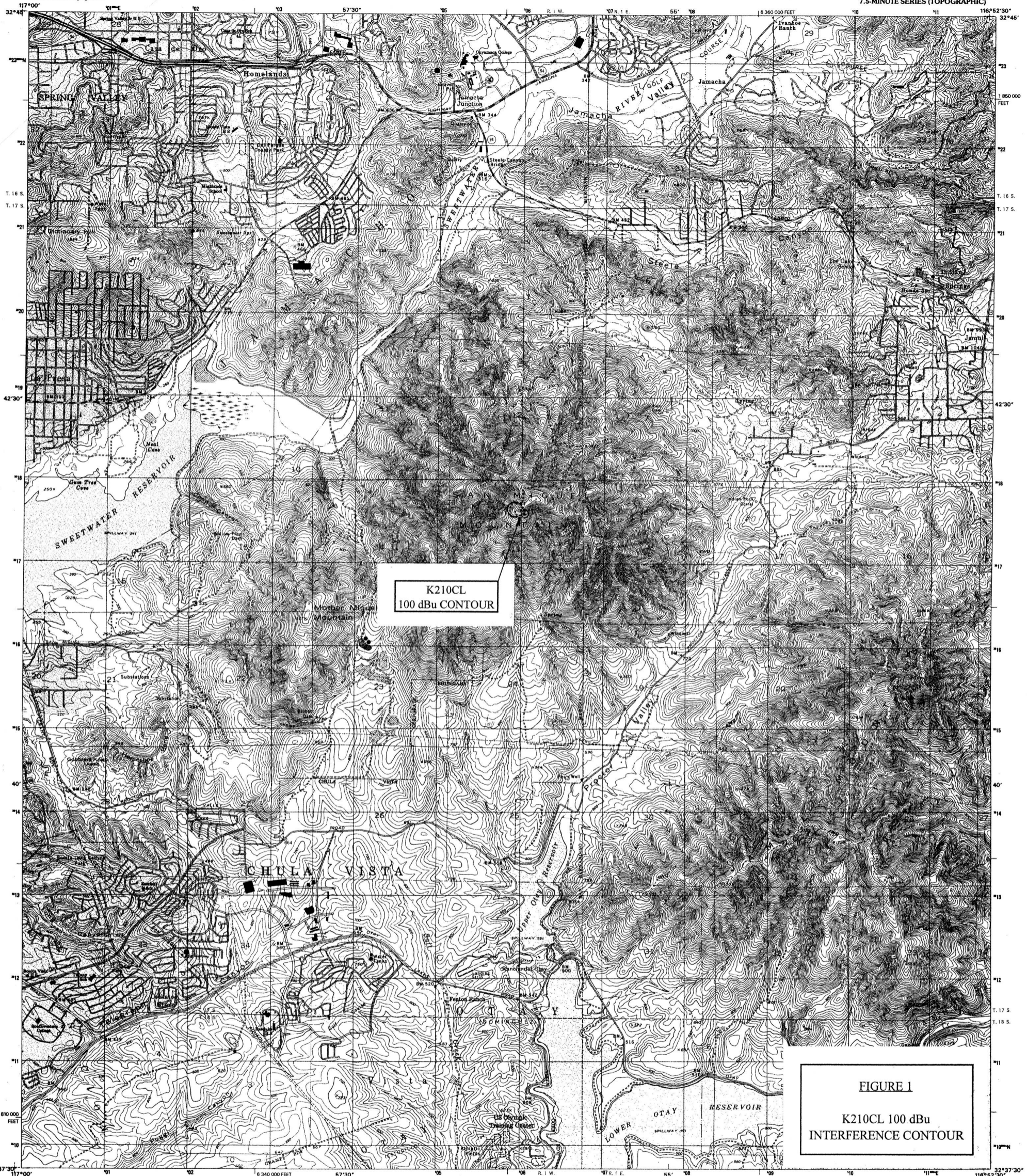
John J. Davis & Associates
Sierra Madre, CA

Page 6
Thursday, July 18, 2002

Population within coverage area

Title: K210CL 100 dBu
Coordinates: N 32° 41' 46.0" W 116° 56' 08.0"

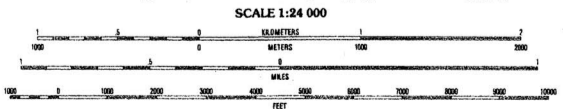
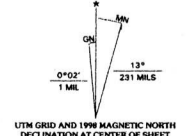
<u>Place name</u>	<u>Population</u>	<u>Housing Units</u>
Total (1990 Census)	0	0
Popcount area 2.880197E-02 square km		
Total (2000 Census SF1)	0	0
Popcount area 2.880197E-02 square km		



K210CL
100 dBu CONTOUR

FIGURE 1
K210CL 100 dBu
INTERFERENCE CONTOUR

Produced by the United States Geological Survey
Topography compiled 1949 and 1953. Planimetry derived from imagery taken 1994. Public Land Survey System and Survey control control as of 1955.
North American Datum of 1983 (NAD 83). Projection and 1000-meter grid: Universal Transverse Mercator, zone 11 19 1000-foot ticks: California Coordinate System of 1983 (zone 6)
North American Datum of 1987 (NAD 87) is shown by dashed corner ticks. The values of the ticks between NAD 83 and NAD 87 for 7.5-minute intersections are obtainable from National Geodetic Survey NADCON software
Dashed land lines indicate approximate locations
Dotted land lines were established by private surveys
Landmark buildings verified 1955

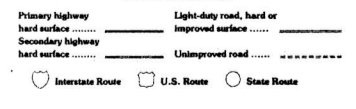


CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
TO CONVERT FROM FEET TO METERS, MULTIPLY BY 0.3048



1	2	3
4	5	6
7	8	

1 La Mesa
2 El Cajon
3 Alpine
4 National City
5 Dulans
6 Imperial Beach
7 Otay Mesa
8 Otay Mountain



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, P.O. BOX 25286, DENVER, COLORADO 80225
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

JAMUL MOUNTAINS, CA
1994

NINA 2649 III NW-SERIES V895



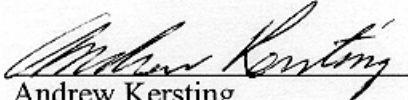
CERTIFICATE OF SERVICE

I, Andrew Kersting, hereby certify that I have this 6th day of August 2002, caused a copy of the foregoing Petition for Reconsideration to be hand-delivered to the following persons:

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Andrew Kersting