

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 955-6631

E-Mail Address: KerstingA@dsmo.com

April 13, 2005

By Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
c/o 236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

Re: Application to Make Minor Changes in the Licensed Facilities of FM
Translator Station K210CL, Lemon Grove, California (Facility ID 90642)
(File No. BPFT-20020328AAT)

Dear Ms. Dortch:

Transmitted herewith on behalf of Santa Monica Community College District, licensee of FM translator station K210CL, Lemon Grove, California, are an original and four copies of a Petition for Reconsideration filed in connection with the above-referenced application.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP

Attorneys for
Santa Monica Community College District

By: 

Andrew S. Kersting

Enclosure

cc: Certificate of Service (w/ encl.) (by hand)

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

www.DicksteinShapiro.com

Marlene H. Dortch
April 13, 2005
Page 2

bc: Steve Herbert (w/ encl.)
Lew Paper (w/ encl.)

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

In re Application of)

SANTA MONICA COMMUNITY)
COLLEGE DISTRICT)

File No. BPFT-20020328AAT
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 George H. Gwinn, Audio Division, Media Bureau, to Santa Monica Community College District (March 17, 2005) (the "Letter"). The dismissal is based on *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*, which requires that Mexico be notified of proposals that are located within 125 kilometers of the common border between the United States and Mexico. The *Letter* states that Mexico objected to the Application because, in its view, the Application does not afford adequate protection to TV Channel 6, Tijuana, Mexico. The *Letter* therefore dismissed the Application as unacceptable for filing.

SMCCD hereby requests reconsideration of the Letter. In support of this request, the following is stated:

K210CL is a licensed FM translator station which currently operates with an effective radiated power ("ERP") of one (1) watt and an antenna radiation center above ground of 20 meters. Its transmitter site is located at North Latitude: 32° 41' 46"; West Longitude: 116° 56' 08". See File No. BLFT-2000508AAZ. In its Application, SMCCD proposed to increase K210CL's ERP to 10 watts at the same antenna height and continue operating from the same transmitter site at San Miguel Mountain. Thus, due to its relatively minimal technical parameters, K210CL would continue to have an extremely limited coverage area.

SMCCD requests reconsideration of the dismissal of its Application because the facilities proposed in its Application will reduce radiation in the direction of the Channel 6 television station in Tijuana and thereby reduce potential interference to the Mexican television station. As demonstrated in the Engineering Statement of John J. Davis annexed hereto ("Engineering Statement"), K210CL's licensed facility has its main lobe of radiation at an azimuth of 240 degrees, while the main lobe of radiation in K210CL's Application is at an azimuth of 295 degrees. The 55-degree clockwise rotation of the main transmitting lobe in the K210CL Application is away from Tijuana, and, therefore, will reduce radiation in the direction of Tijuana. Engineering Statement at 1.

The Engineering Statement also shows that the radiation in the direction of Mexico, as proposed in K210CL's Application, will always be less than that caused by the translator station's existing licensed facility. In evaluating the potential interference to XETV, Channel 6, Tijuana, Mexico, the area of interest is the populated area around Tijuana. In utilizing the K210CL transmitter site as a reference point, the relevant area begins with an azimuth of 180 degrees, which is an unpopulated area east of Tijuana, and continues through 225 degrees which extends west to the edge of the Pacific Ocean. As shown in Table 1 of the Engineering Statement annexed hereto, the radiation proposed in the Application is always less than

K210CL's current licensed operation and the maximum radiation toward Tijuana is always less than 0.4 watts. Engineering Statement, Table 1 at 3.

The amount of radiation proposed by the K210CL Application in the direction of XETV, Channel 6, Tijuana, is so negligible that it is worth comparing its operation to that of full-power station KPBS(FM), San Diego, California (Facility ID 6124). KPBS operates on Channel 208B, with an ERP of 1.75 kW, at an HAAT of 673 meters and a radiation above mean sea level of 807 meters. Like K210CL, KPBS operates from San Miguel Mountain. Channel 208 is two channels closer to TV Channel 6 which could cause potentially more interference to XETV's operation than the K210CL translator. Moreover, KPBS radiates 1,750 watts toward Mexico while the K210CL Application radiates less than 1/2 watt toward Tijuana. Therefore, if XETV is going to experience *any* interference from a U.S. noncommercial FM radio or translator station, it is much more likely that it will receive such interference – if at all – from a station that is operating with *3,500 times more power* and operating on a channel two channels closer to Channel 6, than the K210CL translator.

Conclusion

As demonstrated herein, the K210CL Application will substantially reduce radiation in the direction of XETV, Channel 6, Tijuana, from K210CL's licensed operation, and therefore will reduce the possibility that the Tijuana television station will receive any potential interference from the U.S. FM translator station. Moreover, considering the magnitude of the operation of other full-power FM stations in this country, including KPBS, San Diego, which operates two channels closer to the Channel 6 television station and radiates substantially more power in the direction of Mexico, it is unlikely that the less than 1/2 watt of power radiated by K210CL – as proposed in its Application – could even be detected by XETV and viewers in its surrounding service area.

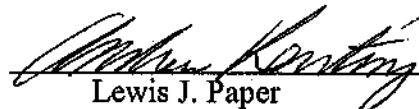
WHEREFORE, in light of the foregoing, it is respectfully requested that the Bureau reconsider its dismissal of the Application, and upon reconsideration, reinstate SMCCD's Application *nunc pro tunc*, resubmit SMCCD's proposal to Mexico, and upon obtaining Mexican concurrence, expeditiously grant the Application.

Respectfully submitted,

Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, NW
Washington, DC 20037-1526
202-785-9700 (Voice)
202-887-0689 (Fax)
paperl@dsmo.com

Attorneys for
Santa Monica Community College District

By:



Lewis J. Paper
Andrew S. Kersting

ENGINEERING EXHIBIT

ENGINEERING EXHIBIT

PETITION FOR RECONSIDERATION
REGARDING THE DISMISSAL
OF MINOR CHANGE APPLICATION
K210CL TRANSLATOR, LEMON GROVE, CA
FCC FILE NO. BPFT-20020328AAT
FACILITY ID: 90642

PREPARED FOR:

SANTA MONICA COMMUNITY COLLEGE DISTRICT
1900 PICO BOULEVARD
SANTA MONICA, CALIFORNIA 91405

APRIL 6, 2005

PREPARED BY:

JOHN J. DAVIS
CONSULTING ENGINEER
PO BOX 128
SIERRA MADRE, CALIFORNIA 91025-0128
(626) 355-6909; FAX: (626) 355-4890
E-mail: JohnJDavis@adelphia.net

1.0 INTRODUCTION:

This Engineering Exhibit was prepared for SANTA MONICA COMMUNITY COLLEGE DISTRICT ("SMCCD"), licensee of FM Translator Station K210CL, Lemon Grove, California. In 2002, SMCCD filed a minor change application to increase the effective radiated power of K210CL from one watt to ten watts and to change the antenna system. On March 17, 2005, the Audio Division of the Media Bureau, notified SMCCD that it was dismissing SMCCD's application because of the objections of Mexico regarding protection to Mexican TV Station, XETV, Channel 6, Tijuana, Baja California.

In this Exhibit, we will show that under the proposed changes set forth in SMCCD's application, that the radiation from the K210CL transmitter, toward Mexico, is actually reduced over the present licensed operation, and therefore, is a benefit to XETV.

2.0 RADIATION TOWARD MEXICO:

The K210CL translator minor change application results in less signal being radiated toward Mexico than the current K210CL licensed operation. The licensed K210CL transmitting antenna has its main lobe of radiation at an azimuth of 240 degrees, while in SMCCD's application the main lobe of radiation is at an azimuth of 295 degrees. The clockwise 55 degree rotation of the main transmitting lobe in the SMCCD application is away from the direction of Mexico, thereby reducing the K210CL signal toward Mexico.

Table 1 shows the radiation toward Mexico for the licensed operation compared to the radiation proposed in the SMCCD's application. In evaluating the radiation toward Mexico, the area of interest is the populated area of Tijuana. This area begins with an azimuth of 180

1.0 INTRODUCTION:

This Engineering Exhibit was prepared for SANTA MONICA COMMUNITY COLLEGE DISTRICT ("SMCCD"), licensee of FM Translator Station K210CL, Lemon Grove, California. In 2002, SMCCD filed a minor change application to increase the effective radiated power of K210CL from one watt to ten watts and to change the antenna system. On March 17, 2005, the Audio Division of the Media Bureau, notified SMCCD that it was dismissing SMCCD's application because of the objections of Mexico regarding protection to Mexican TV Station, XETV, Channel 6, Tijuana, Baja California.

In this Exhibit, we will show that under the proposed changes set forth in SMCCD's application, that the radiation from the K210CL transmitter, toward Mexico, is actually reduced over the present licensed operation, and therefore, is a benefit to XETV.

2.0 RADIATION TOWARD MEXICO:

The K210CL translator minor change application results in less signal being radiated toward Mexico than the current K210CL licensed operation. The licensed K210CL transmitting antenna has its main lobe of radiation at an azimuth of 240 degrees, while in SMCCD's application the main lobe of radiation is at an azimuth of 295 degrees. The clockwise 55 degree rotation of the main transmitting lobe in the SMCCD application is away from the direction of Mexico, thereby reducing the K210CL signal toward Mexico.

Table 1 shows the radiation toward Mexico for the licensed operation compared to the radiation proposed in the SMCCD's application. In evaluating the radiation toward Mexico, the area of interest is the populated area of Tijuana. This area begins with an azimuth of 180

degrees (referenced from the K210CL translator site) which is an unpopulated area east of Tijuana, and ends at 225 degrees, at the edge of the Pacific Ocean. It can be seen that the radiation in the application is always less than the current licensed operation, with the maximum radiation toward Mexico never exceeding 0.4 watts.

3. CONTRIBUTION OF KPBS-FM:

Full service NCE-FM Station KPBS-FM, San Diego, operates on Channel 208B, with an ERP of 1.75 kW, and a HAAT of 673 meters (RCAMSL = 807 meters). KPBS-FM operates from San Miguel Mountain, the same location as the K210CL translator.

Channel 208 is two channels closer to TV Channel 6, than the translator operation on Channel 210, which, in it self, would cause greater potential interference to Channel 6 than the K210CL translator.

KBPS-FM radiates 1,750 watts toward Mexico, while the K210CL application proposed less than ½ watt toward Mexico. If XETV is going to experience any interference from a USA non-commercial FM station (or translator), it is certainly going to be from one with 3,500 times more power, and two channels closer to TV Channel 6, than from the K210CL translator.

4. SUMMARY

It has been shown that the proposed change to the K210CL translator will not cause interference to XETV, Channel 6, in Tijuana, over the presently licensed operation. It is doubtful that considering the magnitude of the signal contributed by KPBS-FM, that any contribution to Channel 6 interference for the K210CL translator could even be detected.

TABLE 1

**COMPARISON BETWEEN PRESENT & PROPOSED FM TRANSLATOR
K210CL WITH RESPECT TO INTERFERENCE TOWARD MEXICO**

K210CL LICENSED: BLFT-20000508AAZ
32° 41' 46" - 116° 56' 08"
ERP = 1 Watt @ 240 Degrees
RCAMSL: 797 Meters

K210CL APPLICATION: BPFT-20020328AAT
32° 41' 46" - 116° 56' 08"
ERP = 10 Watts @ 295 Degrees
RCAMSL: 797 Meters

AZIMUTH TOWARD TIJUANA, MEXICO	LICENSED ERP		APPLICATION ERP	
	Watts	dBk	Watts	dBk
Degrees				
180	0.036	-44.42	0.018	-47.54
185	0.067	-41.72	0.014	-48.52
190	0.108	-39.66	0.011	-49.63
195	0.184	-37.36	0.010	-49.90
200	0.279	-35.55	0.010	-50.17
205*	0.388	-34.11	0.010	-50.03
210	0.515	-32.88	0.010	-49.90
215	0.627	-32.03	0.040	-43.94
220	0.750	-31.25	0.090	-40.45
225	0.826	-30.83	0.374	-34.27

NOTES:

* Azimuth toward XETV, Channel 6, Tijuana

PETITION FOR RECONSIDERATION
REGARDING THE DISMISSAL OF MINOR CHANGE APPLICATION
K210CL TRANSLATOR, LEMON GROVE, CA
FCC FILE NO. BPFT-20020328AAT

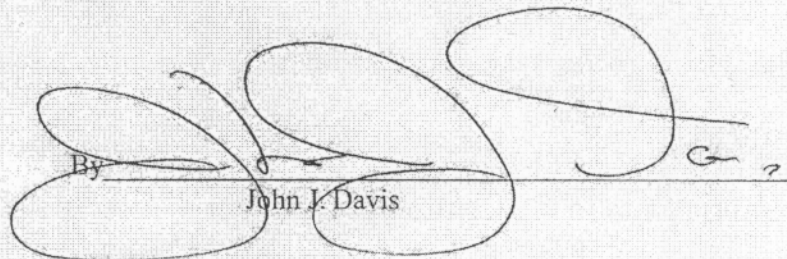
5.0

AFFIDAVIT

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

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 prepared under his direction, he verily believes them to be true and correct.

By _____
 John J. Davis



April 6, 2005

CERTIFICATE OF SERVICE

I, Nancy Washington, hereby certify that I have this 13th day of April 2005, caused a copy of the foregoing Petition for Reconsideration to be hand-delivered to the following persons:

Peter H. Doyle, Chief
Audio Division
Media Bureau
Federal Communications Commission
Room 2-A267
The Portals II
445 Twelfth Street, S.W.
Washington, DC 20554

James Ballis, Chief
Strategic Analysis and Negotiations Division
Cross Border, Negotiations & Treaty Compliance Branch
International Bureau
Federal Communications Commission
Room 6-C461
The Portals II
445 Twelfth Street, S.W.
Washington, DC 20554

William H. Wilson, Jr.
Audio Division
Media Bureau
Federal Communications Commission
Room 2-A222
The Portals II
445 Twelfth Street, S.W.
Washington, DC 20554



Nancy Washington