

**FEDERAL COMMUNICATIONS COMMISSION**  
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APR 16 2015

Foundation for a Beautiful Life  
830 Stewart Dr., #203  
Sunnyvale, CA 94085

Re: NEW-LP, Cupertino, CA  
Facility ID No. 196541  
Foundation for a Beautiful Life ("FBL")  
File No. BNPL-20131114BFN  
Informal Objection

Dear Applicant:

The staff has under consideration the above-captioned application for a Low Power FM ("LPFM") facility to serve Cupertino, CA, the June 2, 2014 Informal Objection filed by South Bay Public Radio ("SBR"), and the November 14, 2014 Petition for Reconsideration filed by FBL. For the reasons set forth herein, we grant the Informal Objection, dismiss the application and dismiss the Petition for Reconsideration as moot.

An engineering study has revealed that the proposed transmitter site specified in the application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the site proposed is located 52.7 kilometers from the licensed facility for KRZZ (BLH-20110105ABJ) on Channel 227B in San Francisco, CA. The required spacing pursuant to § 73.807 is 67 kilometers. The application supplies a second adjacent short-spacing waiver request that does not adequately demonstrate that no interference will occur. Specifically, the applicant attempts to use the Longley-Rice propagation model to show zero population in the interference area. The use of the U/D method of interference calculation employing the FCC F(50,50) and F(50,10) contour curves has been in use for many years to resolve second adjacent waiver requests for translator stations.<sup>1</sup> When the Commission integrated the necessary provisions of the Local Community Radio Act of 2010<sup>2</sup> into the rules, it permitted the use of this same U/D method while also allowing alternate prediction methods to demonstrate that a proposed LPFM operation will not result in interference.<sup>3</sup> Longley-Rice or other alternate prediction methods may be used in certain situations but have never been authorized for the purpose of reducing the size of the service contour of an FM station in conjunction with a second-adjacent channel waiver request. FBL fails to provide any documentation to the contrary. Furthermore, FBL fails to provide

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<sup>1</sup> *Living Way Ministries, Inc.*, Memorandum Opinion and Order, 17 FCC Rcd 17054, 17056, ¶ 5 (2002), *recon. denied* 23 FCC Rcd 15070 (2008).

<sup>2</sup> Pub. L. No. 111-371, 124 Stat. 4072 (2011).

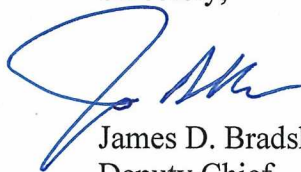
<sup>3</sup> See *Creation of a Low Power Radio Service*, Sixth Order on Reconsideration, 28 FCC Rcd 14489, 14498 (2013).

any information about how it concludes that there is zero population in the interference area. The Informal Objection filed by SBR states that an interference zone of 590 meters is produced in the vicinity of the antenna. Our review of the proposal indicates that the interference area extends approximately 750 meters from the antenna. This zone includes numerous locations that could contain listeners of KRZZ.

Therefore, the waiver request does not adequately demonstrate that no interference will occur. Please note that an adequate demonstration of no interference should contain various items such as a map of the proposed interference area, a tower diagram, a satellite or aerial photograph, the antenna manufacture's vertical radiation pattern, and/or any details about any nearby structures or major roadways.

In light of the above, the Informal Objection filed by South Bay Public Radio IS HEREBY GRANTED. Furthermore, the application BNPL-20131114BFN is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED.<sup>4</sup> IT IS FURTHER ORDERED that the Petition for Reconsideration filed on November 17, 2014, by Foundation for a Beautiful Life is DISMISSED AS MOOT. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: James L. Winston  
Kyle Fisher  
Michael Solari

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<sup>4</sup> Pursuant to the Public Notice entitled "Commission States Future Policy in Incomplete and Patently Defective AM and FM Construction Permit Applications", 56 RR 2d 776, 49 Fed. Reg. 47331, released August 2, 1984, an application dismissed a second time for any reason may not again be reinstated nunc pro tunc.