

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0423 (November 2005)	FOR FCC USE ONLY
Informal Objection / Petition to Deny / Petition for Reconsideration / Application for Review / Opposition / Reply / Supplement		FOR COMMISSION USE ONLY FILE NO.
Read Instructions/FAQ before filling out form		

Section I - General Information

1.	Party Filing Pleading or Appeal LKCM RADIO LICENSES, L.P.	
	Mailing Address 115 W. 3RD STREET	
	City FT. WORTH	State or Country (if foreign address) TX
	Zip Code 76102 - 4116	
	Telephone Number (include area code) 8173323235	E-Mail Address (if available) LICENSES@THERANCHRADIO.COM
2.	Contact Representative GERRY SCHLEGEL	
	Firm or Company Name LKCM RAGIO GROUP	
	Mailing Address 115 W. 3RD STREET	
	City FORT WORTH	State or Country (if foreign address) TX
	Zip Code 76102 -	
	Telephone Number (include area code) 8173320959	E-Mail Address (if available) GERRY@THERANCHRADIO.COM
3.	Purpose:	
	<input type="radio"/> Informal Objection	
	<input checked="" type="radio"/> Petition to Deny	
	<input type="radio"/> Petition for Reconsideration	
	<input type="radio"/> Application for Review	
	<input type="radio"/> Opposition	
	<input type="radio"/> Reply	
	<input type="radio"/> Supplement	
4.	[Enter File Number] File Number: BNPFT - 20180423ABH	Pleading Filed Date : Pleading Filer Name:
5.	Attach pleadings	[Exhibit 1]

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing GERRY SCHLEGEL	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 06/05/2018

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Attachment 1

Description
<u>SUPPLEMENT TO PETITION TO DENY NEW 92.1 MINOR MOD</u>
<u>EXHIBIT 1 MAP AND DECLARATIONS</u>

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

In the Matter of:)
)
Mortenson Broadcasting Company of Texas, Inc) File No. BNPFT-2018423ABH
) Facility ID - 202298
)
Minor Amendment to)
Application for Construction Permit FM Translator)
Channel 221, New 92.1 FM)
Fort Worth, TX)

To: Office of the Secretary
Federal Communications Commission
Attn: Chief, Audio Division, Media Bureau

**LKCM RADIO LICENSES, L.P.'S SUPPLEMENT TO PETITION TO DENY
MORTENSON BROADCASTING COMPANY OF TEXAS, INC.'S AMENDED
APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN AN
FM TRANSLATOR STATION**

On April 23, 2018, Mortenson Broadcasting Company of Texas, Inc. (hereinafter, "Mortenson"), filed an "Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station" (hereinafter, "Original Application") in connection with CH221D. On May 8, 2018, LKCM Radio Licenses, L.P. (hereinafter "LKCM") filed a "Petition to Deny" Mortenson's Original Application. On June 1, 2018, Mortenson filed a "Minor Amendment" (hereinafter, "Amended Application") to its pending Original Application and a "Technical Report Supporting a Form 349 Amendment to an Application for a New FM Translator Station" (hereinafter, "Report"). LKCM now files this Supplement to Petition to Deny Mortenson's Amended Application.

In its Report, Mortenson claims that its “amended operating parameters categorically resolve all 47 C.F.R. Section 74.1204(f) issues raised” (*see* Report, p. 1). This is not true. As fully explained below, although Mortenson did narrow the proposed coverage area of its FM translator station in its Amended Application, the proposed modification still fails to meet the required standards. Accordingly, Mortenson’s Amended Application must be dismissed.

In relevant part, 47 CFR 74.1204(f) provides as follows:

An application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station...if the predicted 1 mV/m field strength contour of the FM translator station will overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second, or third adjacent channel broadcast station,...and grant of the authorization will result in interference to the reception of such signal.
(emphasis added)

Here, the predicted “1 mV/m field strength contour of the FM translator station” **will** overlap a populated area already receiving a regularly used, off-the-air signal—namely, that of KTFW-FM. Additionally, grant of the authorization to Mortenson **will** result in interference to the reception of the signal of KTFW-FM. Therefore, Mortenson’s Amended Application must be denied.

A. Testimonial Evidence Supports Denial of Mortenson’s Amended Application.

Attached in **Exhibit 1** are Declarations from listeners demonstrating they are listeners to KTFW-FM. The listeners have provided addresses from which that listening occurs. As seen in the exhibit, those addresses have been plotted on a map contained within the translator’s 60dBu contour as proposed in both the Original Application and Amended Application. If such Translator is to be granted and commence operations, listeners to KTFW-FM will be subject to destructive co-channel interference from that proposed Translator.

B. The Engineering Analysis Supports Denial of Mortenson's Amended Application

According to Mortenson's "Contour Protection Studies Toward Select Allocations Concern(s) Exhibit 7a" of the Amended Application, the 1 mV/m field strength of proposed Translator will overlap a populated area already receiving a regularly used off-the-air signal of KTFW-FM.

C. Public Policy Supports Denial of Mortenson's Amended Application

In relevant part, the Local Community Radio Act provides as follows:

Sec. 5. Ensuring availability of spectrum for low-power FM stations

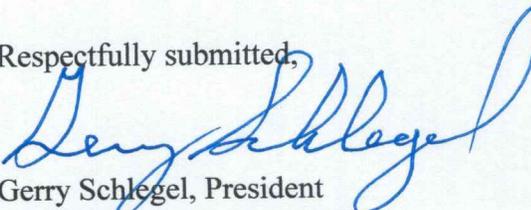
The **Federal Communications Commission**, when licensing new FM translator stations, FM booster stations, and low-power FM stations, **shall ensure** that—

...(3) FM translator stations, FM booster stations, and low-power FM stations **remain** equal in status and **secondary to existing and modified full service FM stations**. (emphasis added)

If the Federal Communication Commission fails to deny Mortenson's Amended Application, it would fly in the face of the plain language of the Local Community Radio Act to ensure that FM translator stations remain secondary to stations such as KTFW-FM. It would also set a dangerous precedent with regard to future filings by other translator stations, as the intent of the law was never to make full service FM stations secondary to the translator stations.

For the foregoing reasons, LKCM respectfully requests that Mortenson's Amended Application be denied and dismissed.

Respectfully submitted,



Gerry Schlegel, President
LKCM Radio Licenses, L.P

CERTIFICATE OF SERVICE

I, Gerry Schlegel, hereby certify that the forgoing "Petition to Deny" is being served by first-class US Mail (and email where noted) to the following:

Albert Shuldiner
Chief, Audio Division, Media Bureau
Federal Communications Commission
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Washington, DC 20554
audiodivisionpleadings@fcc.gov

Jack Mortenson
Mortenson Broadcasting Company of Texas, Inc.
Financial Center- Key Bank Square
Suite 141
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Alliance, OH 44601

Jerrold Miller, ESQ
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Wiley Rein, LLP
1776 K Street NW
Washington, DC 20006



Gerry Schlegel
President

LKCM Radio Licenses, LP
115 West Third St.
Fort Worth, TX 76102

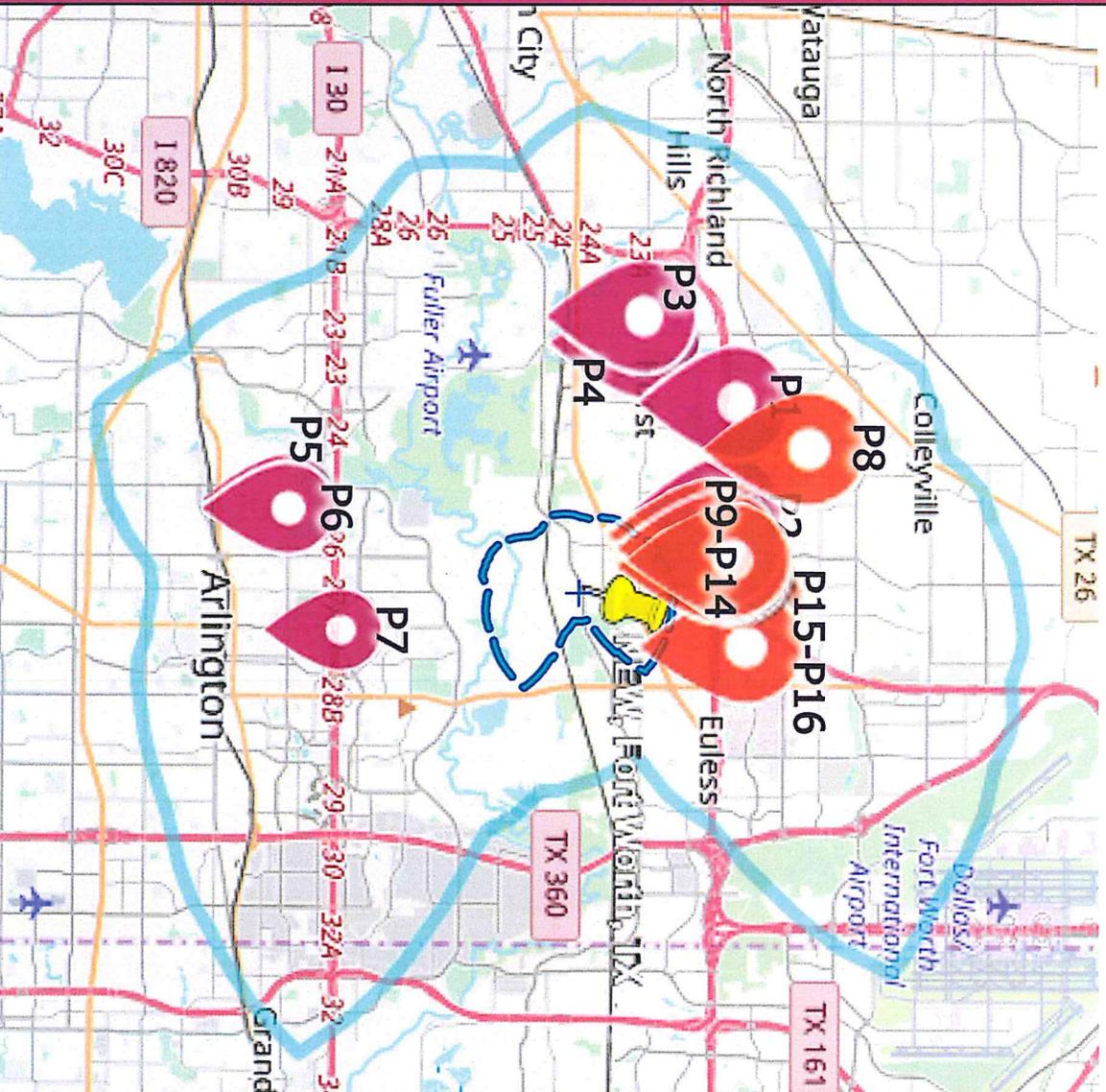
Exhibit 1 - Map Showing Listener Declaration Locations Within Proposed BNPFT 20180423ABH Channel 221D 60 dBu F50, 50 Contour



60 dBu Service Contour for NEW, Fort Worth, TX, 92.1 MHz BNPFT-20180125AFJ

Original Coverage

- P1 172 W Oak Dr
Hurst, TX 76053
- P2 1209 Sotogrande Blvd, Euless, TX 76040
- P3 8617 Mystic Trail
Fort Worth, TX 76118
- P4 2964 Timber Creek
Trail Fort Worth, TX 76118
- P5 2408 W Abram St
Arlington, TX 76013
- P6 501 Sandpiper Dr
Arlington, TX 76013
- P7 712 Scott Dr
Arlington, TX 76012



Amended Coverage

- P8 161 Ravenswood Dr,
Bedford, TX 76022
- P9 3801 W Euless Blvd,
Euless, TX 76040
- P10 3100 W Euless Blvd,
Euless, TX 76040
- P11 2801 W Euless Blvd,
Euless, TX 76040
- P12 2750 W Euless Blvd,
Euless, TX 76040
- P13 2750 W Euless Blvd,
Euless, TX 76040
- P14 1103 Princeton Pl,
Euless, TX 76040
- P15 2206 W Euless Blvd,
Euless, TX 76040
- P16 1100 Pamela Dr,
Euless, TX 76040

DECLARATION

I, Steve Cidlik declare under penalty of perjury, as follows:

1. My address is 161 Ravenswood Dr Belford, TX

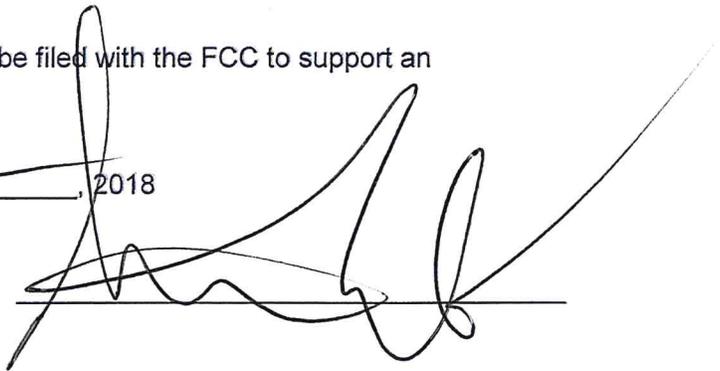
2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 3 day of June, 2018



A handwritten signature in black ink, appearing to read 'Steve Cidlik', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

DECLARATION

I Kelly Whitaker declare under penalty of perjury, as follows:

1. My address is 3801 W Endless Blvd

2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 4 day of June, 2018 

DECLARATION

I Krishna sharma declare under penalty of perjury, as follows:

1. My address is 3100 W entless Blvd.

2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 06 day of 06, 2018



DECLARATION

I Debbie Samuel declare under penalty of perjury, as follows:

1. My address is 2801 W. Euless Blvd. Euless TX
76040

2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 4 day of June, 2018

Debbie Samuel

DECLARATION

I Hayden Lassnoe declare under penalty of perjury, as follows:

1. My address is 2750 W Eufless Blvd
2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.
3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.
4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.
5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 4 day of June, 2018

Hayden Lassnoe

DECLARATION

I Tyler Orr declare under penalty of perjury, as follows:

1. My address is 2750 W. Eakess Blvd

2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 4 day of June, 2018

Tyler Orr

DECLARATION

I Fred E. Williams declare under penalty of perjury, as follows:

1. My address is 1103 ^{PRINCETON} ~~PRESTON~~ PLACE

2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 4 day of June, 2018

Fred E. Williams

DECLARATION

I JERRY DOENWAN declare under penalty of perjury, as follows:

1. My address is 2206 W. EUCRAS BLVD. EUCRAS TX
76090

2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 4 day of JUNE, 2018



DECLARATION

I Carl W. Jones declare under penalty of perjury, as follows:

1. My address is 1100 Pamela Drive Euless TX 76039

2. I am a regular listener of Station KTFW-FM (Hank 92.1) at that address and in my car.

3. I have been informed that a new FM translator is planning to go on the air on the same frequency, 92.1, as the station I listen to in the general vicinity of my residence or work and that the station may interfere with my reception of KTFW-FM on 92.1 in the area where I listen to the station. I do not want my reception to be interfered with.

4. Neither I nor any member of my family is an employee or volunteer with the owner of KTFW-FM.

5. I understand that this Declaration may be filed with the FCC to support an objection to the FM translator application.

Executed this 21 day of June, 2018

