



**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF AN
APPLICATION FOR CONSTRUCTION PERMIT
KXOL-FM, LOS ANGELES, CALIFORNIA
CHANNEL 242B, 22.5 kW (DA-MAX), 229 m HAAT
FACILITY ID NUMBER: 28848**

Licensee: KXOL Licensing, Inc.

I am a Radio Engineer in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission (FCC).

This office has been authorized by KXOL Licensing, Inc., licensee of KXOL-FM, Los Angeles, California, to prepare this statement, FCC Form 301 Section III-B and the associated exhibits in support of an Application for Construction Permit to relocate KXOL-FM to an existing tower on Flint Peak in Glendale, California.

ALLOCATION CONSIDERATIONS

The instant application requests 8.8 kilometer transmitter site change for KXOL-FM. The KXOL-FM [Channel 242B] transmitter site specified herein eliminates an existing pre-1964 grandfathered short-spacing with respect to KYXY(FM), San Diego, CA [Channel 243B] and slightly increases an existing pre-1964 grandfathered short-spacing with respect to KKXX-FM, Bakersfield, CA [Channel 243B]. A new short-spacing to the allocation reference site for a vacant allotment at Mojave, CA [Channel 241A] will be protected

pursuant to Section 73.215 of the FCC Rules. Existing pre-1964 short-spacings to second-adjacent channel stations KFSH-FM, Anaheim, CA, [Channel 240A] and KWIZ(FM), Santa Ana, CA, [Channel 244A] are of no concern.

1. Section 73.215 Short-Spacing

The proposed 8.80 kilometer KXOL-FM transmitter site relocation will create a new 8.8 kilometer short-spacing to the allocation reference site for a vacant cochannel Class A allotment at Mojave, California (Channel 241A). It is submitted that this short-spacing is permitted under Section 73.215 of the FCC Rules and satisfies the minimum distance spacing requirements set forth in Section 73.215(e).

The proposed KXOL-FM technical facility is predicted to receive contour overlap from a maximum Class A facility at Mojave. It is submitted that this overlap is permitted because the instant proposal will decrease existing received contour overlap with respect to the Mojave allotment.

Exhibit 1A depicts the proposed KXOL-FM protected and interfering contours as well as the protected and interfering contours resulting from a maximum Class A operation at Mojave in accordance with Section 73.215. As shown in Exhibit 1A, the proposed KXOL-FM facility causes no overlap to Mojave, but receives slight overlap within the proposed KXOL-FM 54 dBu protected contour.

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Exhibit 1B shows the present and proposed areas of KXOL-FM overlap received from Mojave. The presently licensed KXOL-FM facility receives 48 dBu F(50,10) overlap to a land area of 92 km² within the KXOL-FM licensed 54 dBu F(50,50) protected contour. The proposed KXOL-FM facility will reduce this area of received overlap to 90 square kilometers.

Radio station KXOL-FM, with existing contour overlap to another station, is seeking authority for a slight transmitter site relocation. In accordance with the Commission's decision and discussion in MM Docket No. 87-121 which established Section 73.215 of the FCC Rules, KXOL-FM should not be required to eliminate the existing Section 73.215 contour overlap and "forfeit service already established in some directions where some overlap exists". Further, the discussion went on to state, "we [the FCC] will permit such facility re-location provided the current overlap is not increased".¹ Although paragraph 54 of the Order specifically extends the "entitlement to existing service" policy to short-spaced stations, it is believed that the Audio Division also applies this policy to fully-spaced stations such as KXOL-FM which have existing contour overlap.

Because the instant proposal would reduce the existing overlap area, the KXOL-FM technical facility proposed herein is compliant with the underlying policy and intent of Section 73.215 of the FCC Rules.

¹ See *Amendment of Part 73 of the Commission's Rules to Permit Short-Spaced FM Station Assignments by Using Directional Antennas*, Memorandum Opinion and Order, MM Docket No. 87-121, 6 FCC Rcd 5356, 1991, paragraph 54.

2. Grandfathered Short-Spaced Stations (pre-1964)

(A) Second-adjacent channel stations: KFSH-FM and KWIZ(FM)

Radio station KXOL-FM and second-adjacent channel Class B stations KFSH-FM and KWIZ(FM) have been authorized at short-spaced transmitter locations continuously from prior to November 16, 1964, to the present time. As a result, KXOL-FM, KFSH-FM and KWIZ(FM) are considered to be pre-1964 grandfathered short-spaced stations. Pursuant to Section 73.213(a)(4) of the FCC Rules, there are no distance separation or interference protection requirements for second-adjacent channel related, pre-1964, grandfathered short-spaced stations.

(B) First-adjacent channel stations: KKXX-FM and KYXY(FM)

As stated above, two first-adjacent channel related FM stations have been short-spaced to KXOL-FM continuously from prior to November, 1964, to the present time. These stations are considered to be pre-1964 grandfathered short-spaced stations and any modifications to KXOL-FM are governed by Section 73.213(a) of the FCC Rules with respect to both of these stations: KKXX-FM, Bakersfield, CA, [Channel 243B] and KYXY(FM), San Diego, CA [Channel 243B]. The currently licensed KXOL-FM transmitter site is 1.4 kilometers short-spaced to KKXX-FM and 4.75 km short-spaced to KYXY(FM).

The KXOL-FM transmitter site proposed herein eliminates the KYXY(FM) short-spacing. Because KXOL-FM satisfies the full spacing requirements of Section 73.207 of

the FCC Rules with respect to KYXY(FM), no further protection criteria need be addressed with respect to KYXY(FM).

The KXOL-FM transmitter site proposed herein increases the KKXX-FM short-spacing from 4.75 kilometers to 9.28 kilometers. As demonstrated below, the proposed KXOL-FM technical facility protects KKXX-FM in accordance with Section 73.213(a) of the FCC Rules.

Exhibit 2 depicts the present and proposed KXOL-FM protected and interfering contours with respect to the appropriate protected and interfering contours at KKXX-FM. As shown on Exhibit 2, the proposed KXOL-FM facility is predicted to cause no interference to KKXX-FM because the proposed KXOL-FM interfering contour does not overlap the presently licensed KKXX-FM protected contour. However, KXOL-FM is predicted to receive a small amount of interference from KKXX-FM.

Presently, 1,158 persons within an area of 21 km², within the licensed KXOL-FM protected contour, are predicted to receive interference from the licensed KKXX-FM facility. This present area of predicted interference received, calculated in accordance with Section 73.213(a)(1)(ii) of the FCC Rules, is the red area shown on Exhibit 2.

The proposed KXOL-FM facility is predicted to receive interference from KKXX-FM to an area of 16 km² affecting a population of 9 persons within the proposed KXOL-FM protected contour. This proposed area of predicted interference received, calculated in accordance with Section 73.213(a)(1)(ii) of the FCC Rules, is the green area shown on Exhibit 2.

Therefore, the proposed KXOL-FM facility will cause no interference to KKXX-FM, will reduce the present area of interference by 5 km², and will reduce the population subject to interference received from KKXX-FM by 1,149 persons. Further, all areas of predicted interference are served by at least five remaining aural services and are considered well served.²

Accordingly, the proposed KXOL-FM facility complies with Section 73.213(a)(2) of the FCC rules with respect to pre-1964 grandfathered short-spaced station KKXX-FM. The proposed KXOL-FM facility complies with Section 73.207 with respect to KYXY(FM).

3. International Allocation Considerations

The proposed KXOL-FM transmitter site is within 320 kilometers of the common border between the United States and Mexico. As a result, the instant proposal is subject to the terms and conditions of 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 (hereinafter, "Agreement"). The KXOL-FM transmitter site satisfies the minimum distance separations contained in Section 1.2.1 of the Agreement with all Mexican assignments, applications and allotments.

² See Section 73.213(a)(2) of the FCC Rules. A small sample of the remaining aural services (all licensed to serve Los Angeles, CA) available to the areas of predicted interference are: (1) KFI(AM), 640 kHz; (2) KNX(AM), 1070 kHz; (3) KKHT(FM), Channel 222B; (4) KCBS-FM, Channel 226B; (5) KLOS(FM), Channel 238B; (6) KYSR(FM), Channel 254B; (7) KBIG-FM, Channel 282B.

TECHNICAL FACILITIES

The applicant proposes to use a new directional transmitting antenna at the antenna height proposed herein. A type-accepted transmitter of adequate power for the required Transmitter Power Output (TPO) will be used.

PREDICTED COVERAGE CONTOURS

The predicted coverage contours were calculated in accordance with the method described in Section 73.313 of the Rules utilizing the appropriate F(50,50) propagation curves from the Rules (Section 73.333, Figure 1), effective radiated power, and antenna height above average terrain as determined for each profile radial. The average terrain on the eight cardinal radials from 3.2 kilometers to 16.1 kilometers from the proposed site was obtained from a National Geophysical Data Center Thirty Second Point Topographic Database (TGP-0050).

The 3.16 mV/m (70 dBu) city-grade contour completely encompasses the principal community to be served, as required by Section 73.315(a) of the Commission's Rules.

BLANKETING AND INTERMODULATION INTERFERENCE

In the event that blanketing interference occurs, the applicant will take appropriate steps to minimize the interference within the blanketing contour. Further, the applicant accepts the responsibility to alleviate any new intermodulation interference, including receiver induced, resulting from the instant proposal combined with a broadcast facility located within 10 kilometers of the proposed site as required by FCC rules.

In accordance with Commission precedent (See WKLY, Inc., 6 FCC Rcd 225 (1991)), the applicant will exclude both mobile and battery-powered receivers from Receiver Induced Third Order Intermodulation and Blanketing Interference Resolution Requirements. In the event any type of intermodulation interference occurs with any other facilities which have not been identified, the applicant will take appropriate steps (i.e., install and maintain traps or filters) to minimize the interference in fixed receivers. The applicant will respond to complaints of blanketing interference for a period of one year in compliance with Section 73.318(b) of the Commission's Rules.

FAA NOTIFICATION AND TOWER REGISTRATION

The KXOL-FM directional antenna will be side-mounted on an existing tower such that the overall height of the tower is not altered. The existing tower is not registered with the FCC. The tower height is only 44 meters above ground level and FCC tower registration is not necessary.

ENVIRONMENTAL CONSIDERATIONS

RADIOFREQUENCY IMPACT

The proposed KXOL(FM) facility will operate from an existing tower on Flint Peak, a long-established communications site located in a remote area in the San Rafael Hills. There is only one road, restricted by a locked gate, which provides access to the mountaintop site. The Flint Peak transmission facilities are not accessible to the general public and only authorized personnel can gain access to the site.

During times of service or maintenance at the site, the applicant will fully cooperate with the other users on Flint Peak to ensure the protection of workers in the vicinity of the KXOL(FM) transmitting antenna. The applicant will reduce power and/or cease operation during these times as necessary to avoid potentially harmful exposure to personnel.

In light of the above, the proposed facility should be categorically excluded from RF environmental processing under Section 1.1307(b) of the Commission's Rules.

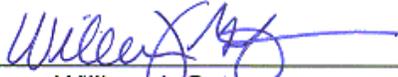
SUMMARY

It is submitted that the proposal described herein complies with the Rules and Regulations of the Federal Communications Commission. This statement, FCC Form 301,

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Section III-B, and the supporting exhibits were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: November 5, 2003



William J. Getz