



**STATEMENT OF WILLIAM J. GETZ  
IN SUPPORT OF AN  
APPLICATION FOR CONSTRUCTION PERMIT  
KXOL-FM, LOS ANGELES, CALIFORNIA  
CHANNEL 242B, 7.0 kW (DA-MAX), 388 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 in the Verdugo Hills in Glendale, California. Radio station KXOL-FM is presently licensed to operate from a site on Montecito Drive in Los Angeles, CA (BLH-4911). On October 20, 2004, the applicant filed a application license (BLH-20041020ABN) to cover an outstanding construction permit (BPH-20031106ACU) to relocate KXOL-FM to Flint Peak. The applicant is now in danger of losing its lease at Flint Peak and is filing the instant application to obtain permanent authority to relocate to the Verdugo Hills site specified herein.

## **ALLOCATION CONSIDERATIONS**

The instant application requests 13.4 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 increases an existing pre-1964 grandfathered short-spacing with respect to KBKO-FM, Bakersfield, CA [Channel 243B]. A new short-spacing to the allocation reference sites for Channel 241A at Mojave, CA, and a pending application at Mojave, CA, (BNPH-20041230ACX) 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 13.4 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).

Exhibit 1 depicts the proposed KXOL-FM protected and interfering contours as well as the actual protected and interfering contours proposed in the pending application for a new FM facility to serve Mojave, CA (FCC File No. BNPH-20041230ACX). Because the Mojave applicant requests processing pursuant to Section 73.215 of the FCC Rules, the

STATEMENT OF WILLIAM J. GETZ  
PAGE 3

Mojave application is protected to its actual service contours rather than maximum Class contours pursuant to Section 73.215(b)(2)(iv) of the FCC Rules. As illustrated in Exhibit 1, the proposed KXOL-FM facility will neither cause nor receive prohibited overlap to the facility proposed in the pending Mojave application.

Because the Mojave application is not yet granted, KXOL-FM must still protect a maximum Class A allotment at Mojave. Neither the present KXOL-FM facility nor the KXOL-FM facility proposed herein is predicted to cause overlap to the Mojave allotment under Section 73.215 of the FCC Rules. However, the proposed KXOL-FM technical facility is predicted to receive contour overlap from a maximum Class A facility at each of the two allocation reference sites for Channel 241A at Mojave. It is submitted that this overlap received is permitted because the instant proposal will maintain or decrease existing received contour overlap with respect to the Mojave allotment.

Exhibit 1A depicts the present KXOL-FM protected contour as well as the interfering contours resulting from a maximum Class A operation at each of the Mojave allocation reference sites. As shown in Exhibit 1A, the presently licensed KXOL-FM is predicted to receive overlap to an area of 347 km<sup>2</sup> from "Mojave Reference Site 1" and to an area of 92 km<sup>2</sup> from "Mojave Reference Site 2".

Exhibit 1B shows the proposed areas of KXOL-FM overlap received from Mojave. The proposed KXOL-FM facility will reduce this area of received overlap from Mojave Reference Site 1 and maintain the overlap area to Mojave Reference Site 2.

STATEMENT OF WILLIAM J. GETZ  
PAGE 4

Radio station KXOL-FM, with existing contour overlap to another station, is seeking authority for a 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 relocation provided the current overlap is not increased".<sup>1</sup> 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 maintain or 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.

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<sup>1</sup> 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: KBKO-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: KBKO-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 KBKO-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 KBKO-FM short-spacing from 1.4 kilometers to 14.79 kilometers. The applicant chooses to protect KBKO-FM pursuant to Section 73.215 of the FCC Rules. The distance between the proposed KXOL-FM transmitter site and KBKO-FM is 154.21 kilometers. This distance satisfies the Section 73.215(e) spacing requirement of 145 kilometers.

Exhibit 2 depicts the proposed KXOL-FM protected and interfering contours as well as the maximum Class B protected and interfering contours from KBKO-FM. As illustrated in Exhibit 2, the proposed KXOL-FM facility will neither cause nor receive prohibited overlap to a maximum Class B facility at KBKO-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.

### **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 164 feet 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 in the Verdugo Hills. Radio station KROQ-FM, Pasadena, CA, and an auxiliary facility for KRTH-FM, Los Angeles, CA, are also located at the site at a location approximately 350 feet from the proposed location of KXOL-FM. Consequently, the proposed site is considered a multiple use transmitter site.

The current FCC MPE level for “uncontrolled” environments is 0.2 milliwatt per centimeter squared ( $\text{mW}/\text{cm}^2$ ) or  $200 \mu\text{W}/\text{cm}^2$  for FM facilities. The MPE level for FM facilities in a “controlled” environment is  $1.0 \text{mW}/\text{cm}^2$ .

The proposed KXOL-FM facility will operate with a circularly polarized ERP of 7.0 kW using a directional transmitting antenna with its center of radiation at 24 meters AGL. A protective fence, of the type which would preclude casual public access to the site, presently surrounds the property which contains towers and transmission facilities of KROQ-FM, KRTH-FM and the proposed KXOL-FM facility. The fence will be extended as necessary to ensure that all publically accessible areas outside the fence are below the FCC MPE level for uncontrolled environments. Areas within the protective fence, where the occupational limits are exceeded, will be clearly marked. The fence distance will be determined by detailed calculations considering all the site users and will be verified by on-site RFR measurements.

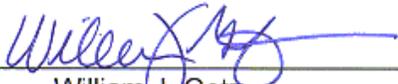
STATEMENT OF WILLIAM J. GETZ  
PAGE 10

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, 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: June 1, 2005

  
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William J. Getz