

Exhibit 1
Section II, Item 2
Compliance with Terms and Conditions
on Underlying Construction Permit

Special Operating Condition 2 (“SOC 2”) appearing on the underlying construction permit of KDLDFM), Santa Monica, California (Facility ID 33902) (“KDLDFM”) requires, *inter alia*:

Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commission’s rules, shall be conducted to establish that the AM array [of stations KTYM(AM), KABC(AM), and KHJ(AM) (collectively, the “AM Stations”)] has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission. (Revised March 14, 1983).¹

Permittee Entravision Holdings, LLC (“Entravision”), hereby requests waiver of this requirement appearing in SOC 2.² As demonstrated below, good cause exists, and the public interest would be served, by the waiver of SOC 2 to the extent it requires partial proofs of performance to be conducted for the AM Stations.

On its face, SOC 2 is not relevant to the facility modification authorized by KDLDFM’s construction permit because KDLDFM has not proposed the construction of, or relocation to, a new tower. Instead, SOC 2 appears to be a carryover condition from KDLDFM’s prior construction permit issued in 1985 when KDLDFM (formerly KSRF) was relocated to a newly constructed tower (Antenna Structure Registration No. 1215156) in Baldwin Hills from which the Station continues to operate today.³ Under KDLDFM’s construction permit, no change in the Station’s tower, in existence for nearly 20 years, is proposed. Rather, KDLDFM’s construction permit authorizes the installation of an antenna with a radiation center height, which is only one meter higher than the antenna that has been in use by the Station since 1985.⁴

¹ See File No. BPH-20030617AAO.

² SOC 2 also requires Entravision to “be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station(s).” Entravision understands that this is an ongoing obligation of FM stations licensed on certain towers. Therefore, Entravision is not requesting waiver of this requirement.

³ See File No. BPH-19850214II.

⁴ Compare File No. BLH-19850419KR (radiation center 162 and 81 meters AMSL and AAT, respectively) with File No. BPH-20030617AAO (radiation center 163 and 82 meters AMSL and AAT, respectively).

In addition, Entravision is not aware of any complaints from the AM Stations concerning reradiation caused by KDL D's operations to date. Further, despite the installation of KDL D's new, slightly higher antenna on the tower, there is no substantial likelihood that the tower would become a source of reradiation that would have any effect on the AM Stations' radiation patterns. In the very unlikely event that reradiation does result from the installation of the new antenna, KDL D's tower can be measured for current and detuned to eliminate the problem. Thus, partial proofs of performance would be unnecessary to solve the problem even if one arises.

Moreover, the AM Stations previously consented to the deletion or waiver of the partial proof of performance requirement when KDL D's tower was first constructed in 1985.⁵ At that time, the Commission waived the special operating condition on KDL D's prior construction permit and did not require partial proofs of performance to be conducted for the AM Stations.⁶ Given that KDL D's current construction permit does not authorize the construction of a new tower, there is even more justification for waiving SOC 2 now than when KDL D's tower was first built in 1985.

Further, requiring partial proofs of performance to be conducted now would result in substantial disruptions to the AM Stations' service to the public. It is estimated that each partial proof will take approximately one week to complete. Because the AM Stations have differing patterns and are required to operate at different power levels during the day and night, partial proofs of performance would require the stations to operate at nighttime powers during daytime hours. Such reduced operations would unnecessarily impair service to the public during extended testing periods, especially given the minimal likelihood of reradiation in the first place.

Finally, there are other taller towers in the vicinity of KDL D's tower which have not affected the operations of the AM Stations. For example, Comcast of Los Angeles, Inc. ("Comcast") owns a tower located less than a kilometer away from KDL D's tower, which is over 20 meters higher than KDL D's tower.⁷ In addition, Entravision is unaware of any complaints from the AM Stations concerning reradiation caused by any of these nearby taller structures, which are more likely to affect the AM Stations than KDL D's tower.

Accordingly, for good cause shown, Entravision respectfully requests waiver of SOC 2 on KDL D's construction permit to the extent it requires partial proofs of performance to be conducted for the AM Stations.

⁵ See Letter from John Q. Hearne, Counsel to KDL D (formerly KSRF), to Robert Greenberg, FM Branch, Audio Services Division (filed March 1, 1985). Thus, the requirement in SOC 2 that the AM stations be notified "[p]rior to the construction of the tower" also is not relevant to KDL D's current construction permit.

⁶ See Telegraphic Message from Raymond LaForge, FM Branch Chief, to KDL D (formerly KSRF) (dated March 14, 1985).

⁷ Compare Antenna Structure Registration No. 1208430 (Comcast tower overall height AGL is 82.3 meters) with Antenna Structure Registration No. 1215156 (KDL D tower overall height AGL is 61 meters).