

### **REQUEST FOR INDEPENDENT PROCESSING**

With this application, Rincon Broadcasting LS LLC (“Rincon”), the licensee of FM Broadcast Station KSBL, Carpinteria, California (“KSBL” or the “Station”), will have two minor change applications for KSBL pending before the Commission at the same time. Rincon hereby requests the Commission to process and grant the applications expeditiously and independently of one another because, as demonstrated below, the applications are for completely different purposes, they are not inconsistent with one another, and they would typically be processed and implemented in different time frames.<sup>1</sup> Furthermore, the reason for these concurrent filings is due ultimately to repeated natural disasters (two wildfires) that were beyond Rincon’s control.

The KSBL application to which this Request is attached (the “Upgrade Application”) is Rincon’s proposal to change KSBL’s community of license, station class and transmitter site. It is one of a pair of mutually contingent applications by two different stations licensed to Rincon (KSBL and KIST-FM). These two mutually contingent applications seek modifications that will enable a first broadcast service to be provided to Isla Vista, California by KSBL, and they collectively will greatly improve the service provided by these stations to the public.

The other KSBL application pending before the Commission (the “CP Modification Application”) is Rincon’s request for a minor change to KSBL’s Construction Permit in FCC File No. FCC File No. BPH-20080418AAO (the “Construction Permit”). That Construction Permit authorized Rincon to move KSBL’s main transmitter site to Rincon Peak (the “Rincon Peak Site”) from its currently licensed transmitter site (the “Gibraltar Site”).

The Gibraltar Site, which is not owned by Rincon, burned down (twice) in the horrible wildfires that swept through Santa Barbara County on November 2008 and again in May 2009.<sup>2</sup> With that experience, Rincon decided to not return KSBL to that site and instead hoped to re-establish KSBL’s full service facilities quickly by developing the Rincon Peak Site and facility in accordance with KSBL’s Construction Permit. On an interim basis, KSBL has been operating from temporary facilities at a nearby site that did not burn down in either fire (the “STA Site”) under special temporary authority granted by the Commission in FCC File No. BSTA-20081120ADN that has been extended once by BESTA-20090529AEQ and has a request pending for further extension in BESTA-20100202ACG (collectively the “STA”).

While Rincon hoped to quickly develop the Rincon Peak Site for KSBL, due to local permitting and various technical challenges, and due to the site’s use for mobile radio, wireless and microwave service, Rincon has concluded that it will take too long to develop the Rincon

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<sup>1</sup> The Commission has often independently processed concurrent applications for minor modification of FM broadcast facilities. *Letter to Vantage Communications, Inc.*, Ref. 1800B3-DEB, November 22, 1993; *Letter to Radio Representatives, Inc. KGDP-FM*, Ref. 1800B3-BJB, July 1, 1993.

<sup>2</sup> The wildfires were so extensive, intense and destructive that they garnered national coverage in television, on the internet and in the press throughout the world.

**Rincon Broadcasting LS LLC  
KSBL(FM), Carpinteria, California  
FCC Form 301 Minor Change  
Exhibit 1**

Peak Site properly for full service commercial FM broadcast use. Rincon has also concluded that it will be able to construct full service FM facilities – and end its need for the STA – much more quickly by receiving a grant of the CP Modification Application instead. This will enable KSBL to move immediately to the existing site for KIST-FM at West Camino de Cielo (the “Camino de Cielo Site”). This site is owned by Rincon and is already developed and permitted for full broadcast use. This site has the additional public interest benefit of permitting KSBL to increase station class from Class A to Class B1. As a result, unlike the Rincon Peak Site, this site enables KSBL to avoid a large reduction in effective radiated power from its original license (which is at a lower elevation), and it enables KSBL to provide a better signal to areas not effectively covered by the other sites (Rincon Peak, STA Site, and Gibraltar) due to rough intervening terrain.

Upon grant of the CP Modification Application, Rincon will commence installation of KSBL’s equipment at its Camino de Cielo Site immediately. This will enable KSBL to cover the modified Construction Permit rapidly, and end its need for an STA just as rapidly.

The instant Upgrade Application is not in any way inconsistent with the CP Modification Application. Although the Upgrade Application proposes that KSBL move its transmitter site again, the Upgrade Application serves a very different purpose than the CP Modification Application. The CP Modification Application is designed to enable full service facilities to be re-established by Rincon immediately. In contrast, the Upgrade Application will enable KSBL to bring a first broadcast service to Isla Vista, California by upgrading its station class to Class B, and by greatly improving signal coverage and service to the public by the stations involved.<sup>3</sup>

Timeline differences also support independent processing. The CP Modification Application can and will be implemented immediately upon grant by Rincon, but the proposal in the Upgrade Application to provide a first broadcast service to Isla Vista is a complex, long-run project involving two stations making city of license and related changes and the use of a remote island transmitter site. That site will take much longer to implement locally due to logistical and other considerations inherent in adding to such a site, even though it is a pre-existing communications site. Independent processing is therefore necessary to end Rincon’s need for the STA in the near term without slowing down the provision of a first broadcast service to Isla Vista. It will not result in any duplicative or wasteful use of FCC resources. Indeed, by ending Rincon’s need for future STA’s, independent processing will actually conserve FCC resources.

Accordingly, in view of the compelling public interest in obtaining a rapid grant of the CP Modification Application to provide a new site for KSBL and end its need for the STA, Rincon respectfully requests that the Commission process the Upgrade Application independently from, and without adverse effect on, the CP Modification Application.

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<sup>3</sup> The Upgrade Application is coupled with a mutually contingent application by KIST-FM to take KSBL’s place as the only broadcast service licensed to Carpinteria, California. (KIST-FM is currently licensed to Santa Barbara, California, which is also the community of license for numerous other FM, AM and TV broadcast stations, and will remain exceedingly well served even after KIST-FM changes its city of license to Carpinteria).