

SUPPLEMENT TO REQUEST FOR WAIVER

KCBX, Inc., hereby supplements the Request for Waiver accompanying its application for construction permit in FCC File No. BPED-20060413ABW, for changes in the facilities of its Noncommercial Educational FM Broadcast Station KSBX, Santa Barbara, California (the “Application”).

The Application proposes that KSBX change frequency from 89.5 MHz, Channel 208, to 89.9 MHz, Channel 210, and to increase power from 0.05 kW to 0.35 kW. It was filed concurrently with and is contingent on grant of an application for construction permit filed by Shepherd Communications, Inc., to increase power for co-channel Noncommercial Educational FM Broadcast Station KLFH, Ojai, California, from 0.097 kW to 1.0 kW.

By these applications, the licensees seek to overcome the deleterious effects of destructive interference caused by co-channel Noncommercial Educational FM Broadcast Station KPBS-FM, San Diego, California. For KSBX, the change in frequency will cure the problem. KSBX’s frequency change will enable KLFH to increase power, in order to cure the problem.

The applicants have established that they suffer interference to reception of their signals in their respective communities of license—the very heart of their service areas. The interference condition is not one that exists merely in the fringe of their primary coverage areas, or even, for that matter, in the areas of Santa Barbara and Ventura Counties beyond the licensee’s respective communities of license.

The seriousness of the problem warrants waiver of Section 73.509 of the Commission’s rules, in order to enable the licensees to restore service to each’s essential service area.

Waiver is required because the proposed KSBX facilities will cause de minimus D/U contour overlap with second adjacent channel Station KMRO, 90.3 MHz, channel 212, Camarillo, California. The area of overlap is an unpopulated “doughnut” at the remote, rocky KSBX transmitter site, comprising 0.62 square kilometers.* KMRO has consented to the overlap.

The conditions created by the three stations operating on 89.5 MHz in Southern California – KSBX, KLFH, and KPBS-FM – are well-nigh intractable. The stations are located in one of the most heavily congested areas of frequency usage in the United States. The geographic location of the stations on the West Coast, and the relationship of KSBX and KLFH to KPBS-FM in a straightline water path to the southeast of them, give rise to the atmospheric interference caused by ducting created by a temperature inversion layer. It appears that there is no solution to the problem that would be consistent with all of the Commission’s allocations rules and requirements.

The Commission has recognized that waiver of the rules is justified when unique and compelling circumstances mark a proposal as the only practical way to ameliorate significant signal reception difficulties. In *Letter to Lawrence Roberts, Esq. (WPLY(FM), Media, PA)*, December 20, 2000, the licensee sought waiver of Section 73.215(e) of the rules to change transmitter site, in order to overcome reception difficulties caused by receiver-induced third order intermodulation effect (“RITOIE”), and by multipath interference. Mobile and non-mobile receivers suffered RITOIE interference within 5.5 km of the proposed transmitter site,

* KSBX’s Request for Waiver erroneously refers to the area of overlap as at the KMRO transmitter site. Request for Waiver at 3.

the Roxborough antenna farm, including portions of the Schuylkill Expressway. Multipath was suffered on the edge of Delaware County bordering the City of Philadelphia.

The applicant in *WPLY* noted that the Commission has long expected Class B stations to serve all of the areas within their coverage areas, and argued that grant of the requested waiver was warranted even though service improvements would occur outside of its community of license. The Commission agreed, granting a waiver of the rules, and granting *WPLY*'s proposal.

More compelling circumstances exist in the present case: the proposals before the Commission seek to enable two licensees to *restore* service. *KSBX* and *KLFH* do not seek maximization of facilities to gain wide-area service or to improve service in outlying areas. They seek only to continue to provide an interference-free signal *within their communities of license*.

The *KSBX* and companion *KLFH* proposals comprise the only practical solution to the significant signal difficulties the stations suffer. As engineering consultant Doug Vernier states in the attached Engineering Statement, after examining numerous alternatives, he determined that there is no other transmitter site that could be used by *KSBX* or *KLFH* to eliminate the *KPBS*-FM interference and continue to adequately serve their communities of license. Further, he concluded there are no alternative channels available for operation other than what the applicants have proposed.

For this reason waiver of Section 73.509 is warranted. The interest of the public in interference-free service from KSBX and KLFH to their communities of license far outweighs considerations of an instance of de minimus D/U contour overlap of 0.62 kilometer in which there is neither mobile nor non-mobile listeners.

Moreover, when the prospect of overlap is balanced against the service gains from a grant of the proposals, the public interest clearly favors a grant. KSBX's population served will increase from 179,140 to 198,862, a gain of 11 percent. KLFH's population served will increase from 348,734 to 513,859, a 47% gain.

For these reasons, KCBX respectfully renews its request that the Commission grant waiver of the rules, and that it authorize the proposals for restoration of service by KSBX and KLFH.

January 11, 2007



January 10, 2007

Engineering Statement:

Non-commercial public radio KSBX management relates that it continues to lose subscribers due to the severe co-channel, water-path, interference the station receives from the new higher power KPBS, facilities. We have proposed to move KSBX to channel 210 from its current 208 channel. This move will require a waiver because of the small 2nd adjacent contour overlap it causes to KMRO over a sparsely populated hilltop area. The extent of the overlap and the tiny population involved has been described in our previous filing on this subject. A letter of concurrence has been received from KMRO. Further, the move of KSBX off of channel 208 will allow KFLH to increase its power by 10.1 dB giving it a significantly improved ability to override the KPBS co-channel interference it receives. KSBX, on its new frequency, will be able to increase its power by 8.45 dB and since it moves off the KPBS co-channel it will receive no interference from KPBS at all.

In the course of researching this proposal we examined numerous alternatives. We determined that there is no other transmitter site that could be used by KSBX or KFLH to eliminate the KPBS interference and continue to adequately serve the community of license and that there are no other alternative channels available for operation than that which is proposed.

Though a waiver is required to make this project possible, we believe that this proposal is the only solution available to KSBX and KFLH at this time.

Doug Vernier