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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)
)
Hispanic Family Christian Network, Inc.)
)
For a License to Cover an FM Translator)
)

FCC File No. BLFT-20170519AAW
Call Sign: K267BO/K229DD
Facility ID No. 144139
ACCEPTED/FILED
OCT 20 2017

To: Chief, Audio Division, Media Bureau

Federal Communications Commission
Office of the Secretary

**REPLY TO INTERFERENCE COMPLAINT RESPONSE OF HISPANIC FAMILY
CHRISTIAN NETWORK, INC. AND SUPPLEMENTAL COMPLAINT OF
INTERFERENCE AND REQUEST FOR ORDER TO TERMINATE OPERATIONS
BY LAZER LICENSES, LLC**

Lazer Licenses, LLC (“Lazer”),¹ pursuant to Sections 73.3587 and 74.1203 of the Commission’s Rules,² hereby submits this reply to Hispanic Family Christian Network, Inc.’s (“HFCN”) response³ to the Commission’s letter dated August 28, 2017⁴ regarding Lazer’s interference complaint filed July 11, 2017.⁵ Furthermore, Lazer hereby supplements its Interference Complaint with additional listener complaints, and an analysis demonstrating the

¹ Lazer is the licensee of KXZM(FM), Felton, California (Facility ID No. 4698), operating at 93.7 MHz on Channel 229. KXZM’s service contour provides coverage of a significant portion of the Bay Area. KXZM broadcasts entirely in the Spanish language.

² 47 C.F.R. §§ 73.3587, 74.1203.

³ See generally Letter from Dan J. Alpert, Counsel for Hispanic Family Christian Network, Inc., to Marlene Dortch, Secretary, Federal Communications Commission (Sept. 29, 2017) (“HFCN Response”). HFCN is the licensee/permittee of FM translator K267BO, San Francisco, California (Facility ID No. 144139) (See FCC File No. BLFT-20170519AAW). K267BO is currently licensed to operate on 101.3 MHz on Channel 267 in South Lake Tahoe, California (See FCC File No. BLFT-20151013AAP).

⁴ See generally Letter from James D. Bradshaw, Deputy Chief, Audio Division, Media Bureau, Federal Communications Commission, to Hispanic Family Christian Network, Inc. (Aug. 28, 2017).

⁵ See generally Lazer Licenses, LLC, Objection to License to Cover Application, Complaint of Interference and Request for Order to Terminate Operations (filed Jul. 11, 2017) (“Interference Complaint”).

detrimental effect of K267BO on KXZM's operations. Finally, Lazer hereby supplements its informal objection to K267BO's pending license to cover application (FCC File No. BLFT-20170519AAW) ("License to Cover Application") based on Lazer's findings that K267BO is not operating with the facilities authorized in K267BO's underlying modified construction permit (FCC File No. BMPFT-20160920ACP) ("Modified Construction Permit").⁶

I. REPLY TO HFCN'S RESPONSE

HFCN's claim that it has adequately resolved each of Lazer's six listener complaints fails to comport with the FCC's regulations governing the resolution of interference complaints. Furthermore, as illustrated below, HFCN improperly used intimidation tactics in its efforts to resolve the listener complaints.

A. HFCN Intimidated Complainants

HFCN improperly engaged in intimidation of the complainants in its efforts to resolve the K267BO interference issue. A licensee's use of intimidation and harassment tactics in its resolution of an FCC proceeding constitute an abuse of process in violation of longstanding Commission policy.⁷ In order for the Commission to find that a licensee impermissibly intimidated or harassed a complainant, there must be evidence of "threats of reprisals or some other unnecessary and abusive conduct reasonably calculated to dissuade a complainant from continued involvement in a proceeding."⁸ A reasonably calculated attempt to harass or intimidate

⁶ Granted November 21, 2016.

⁷ See, e.g., *Chronicle Broadcasting Co.*, Memorandum Opinion and Order, 19 F.C.C.2d 240, at ¶¶ 10-11 (Rev. Bd. 1969). See also *Isothermal Community College*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd. 23932, at ¶ 11 (Enf. Bur. 2003) (FCC policy prohibits retaliatory conduct by licensees).

⁸ *Clear Channel Broadcasting Licenses, Inc.*, Notice of Apparent Liability, 19 FCC Rcd. 1768, at ¶ 15 (2004); *Chronicle Broadcasting Co.*, 19 F.C.C.2d, at ¶ 9 ("Harassment occurs . . . when a witness or party is directly threatened with reprisal for his involvement in a Commission proceeding . . ."); *Id.* at ¶ 10 ("The purpose of the investigation, as the manner of the

complainants can be demonstrated where the tactics have or could manifest a “chilling” effect on a complainant’s continued involvement in a proceeding.⁹ This is especially evident when retaliatory legal action is threatened against a complainant.¹⁰

HFCN repeatedly sought to intimidate the listener complainants into dropping their interference complaints against K267BO by falsely stating to complainants that their continued pursuit of their complaints could result in litigation. In HFCN’s letter sent to each of the complainants, HFCN falsely stated that “[i]f no resolution is reached on next 30 days, then the next step would involve legal litigation and court.”¹¹ Furthermore, in response to complainant Axel Alejandro’s request not to be contacted, a HFCN representative responded:

A thousand apologies and I understand. We are forced to fix this problem . . . If we do not talk, you will be made to go, by power of the court to declare . . . before a judge, the only way . . . is to cancel your complaint so I can stop the process. For this reason, I need to know what”¹²

investigation, must, in short, be reasonably related to the objectives of the proceeding itself.”). The complainant has the burden of presenting evidence of harassment and intimidation. *Beasley Broadcast Group, Inc.*, 22 FCC Rcd. 10075, at ¶ 6 (Enf. Bur. 2007).

⁹ See *Patrick Henry*, Order, 69 F.C.C.2d 1305, at ¶¶ 16-18 (1978) (finding a substantial and material question of fact as to the licensee’s motivations for threatening and bringing a civil suit against a complainant given the “chilling” effect licensee reprisals might have on potential complainants).

¹⁰ See, e.g., *id.* at ¶ 18 (“[W]e [] are concerned that licensees do not abuse our processes by attempting to coerce petitioners to deny by the threat, or actual filing, of retaliatory civil actions against petitioner.”).

¹¹ See HFCN Response at Attachments 1-6 (letter dated August 24, 2017, from Ana Karen Guel of HFCN). Furthermore, HFCN’s response template provided along with its letter to the listener complainants did not permit the complainants to respond that they were continuing to experience interference. See *id.* With no option for the listener complainants to respond that they were still experiencing interference, there was no reason for the complainants to cooperate with HFCN.

¹² *Id.* at Attachment 1. See also Letter from Catalina de Gonzalez (Oct. 11, 2017), attached hereto as **Exhibit I** (“[T]hey keep on calling me stating I would have to show up to Court[.] I was scared . . .”).

This is the actual translation of the conversation between Axel Alejandro and the HFCN representative.¹³ The translation provided in Attachment 1 of the HFCN Response is misleading as the actual statement of HFCN’s representative to Axel Alejandro is far more intimidating.¹⁴ Finally, complainant Adriana Torres stated that after rejecting an offer by a HFCN representative to replace her car stereo to resolve her interference complaint, a HFCN representative “continued to call me and pressure me to say that I don’t have any problems listening to the radio.”¹⁵ As a result, Ms. Torres stopped answering telephone calls from HFCN representatives because she “felt harassed” into dropping her complaint.¹⁶

These statements to the complainants by HFCN and/or its representatives demonstrate that HFCN sought to force the complainants to drop their complaints through harassment and intimidation. There was no reason other than coercion for HFCN and/or its representatives to state to the complainants that their inability to resolve the complaint would result in litigation – and, implicitly, the complainants’ appearance in court. First, these statements are patently false as FCC complaint proceedings are not resolved by civil litigation, nor require a complainant’s appearance in court for their resolution. Therefore, the legitimate, factual basis for HFCN to make such assertions is wholly lacking.¹⁷ Second, HFCN either knew or reasonably should have known that

¹³ See Declaration of Steve Robles at ¶ 6 (Oct. 17, 2017) (“Robles Declaration”), attached hereto as **Exhibit B**.

¹⁴ See *id.* Cf. HFCN Response at Attachment 1 (“We are forced to fixed this problem . . . If we don’t talk we might need to go to court to declare between the judge. So the only way is that you cancel your complaint so I can stop the process. That is why I need this.”).

¹⁵ Letter from Adriana Torres (Oct. 9, 2017), attached hereto as **Exhibit G**.

¹⁶ *Id.*

¹⁷ Cf. *Chronicle Broadcasting Co.*, 19 F.C.C.2d at ¶ 9 (“[T]here are limits to the permissible scope of an investigation of adversaries; carried too far, the investigation becomes a method of harassment and attempted intimidation.”); *Fort Collins Broadcasting Co., Inc.*, Memorandum Opinion and Order, 38 F.C.C.2d 707, at ¶ 18 (1972) (“[L]icensees should exercise great care and caution in any statements or threats to petitioners that if they file or maintain their filing, they may

threatening court action would intimidate the complainants into dropping their complaints or compel them to avoid responding to HFCN's inquiries given that the statements implied that the complainants could be subject to retaliatory legal action for their continued involvement in the proceeding.¹⁸ Indeed, many of the listener complainants have informed Lazer that the threat of a civil action and/or their appearance in court discouraged them from responding to HFCN.¹⁹

Nevertheless, Lazer has informed the listener complainants of the actual FCC process for resolution of interference complaints, and has encouraged the complainants to cooperate with HFCN.²⁰ As a result of Lazer's outreach to the listener complainants, some of the original complainants have affirmed their willingness to cooperate with HFCN.²¹ Accordingly, as a result of HFCN's abuse of process, and as further explained below, HFCN has not met its obligation of resolving the interference complaints pursuant to Section 73.1203(b) of the Commission's Rules.²²

B. HFCN's Obligation to Resolve Lazer's Interference Complaint Remains Incomplete

HFCN's use of predatory tactics to silence the listener complainants does not absolve HFCN of its obligation to resolve the interference issues in this proceeding. Section 74.1203(b) of the Commission's Rules requires the licensee of the interfering FM translator to use "suitable

be subject to suit . . . In our view, the most appropriate course is therefore generally to refrain from any threat of suit by a broadcast licensee in these circumstances at least until the matter is concluded by the Commission.").

¹⁸ See Robles Declaration at ¶¶ 5, 7. See also *Fort Collins Broadcasting Co., Inc.*, 38 F.C.C.2d at ¶ 18 (notification of potential for litigation "may discourage access to this Commission . . .").

¹⁹ See Robles Declaration at ¶¶ 5, 7. See also generally Declarations of Listener Complainants, attached hereto as **Exhibit C**.

²⁰ *Id.* at ¶ 8.

²¹ See generally Declarations of Listener Complainants.

²² 47 C.F.R. § 73.1203(b).

techniques” in elimination of the interference.²³ Moreover, the FCC staff considers only those FM translator interference complaints “where the complainant cooperates in efforts to identify the source of interference and accepts reasonable corrective measures.”²⁴ As such, a licensee’s responsibility is limited to interference issues raised by *bona fide* listener complaints.²⁵ Nevertheless, an offending licensee’s ability to “resolve” listener complaints is not the measure of its obligations pursuant to Section 74.1203(b); rather, it is the offending licensee’s ability to *eliminate* the underlying interference issues that is subject to scrutiny.²⁶

HFCN’s intimidation of the listener complainants to prevent their further involvement in this proceeding cannot be said to constitute reasonable corrective measures in resolving K267BO’s interference to KXZM, as such tactics otherwise conflict with established Commission policy. Nor can HFCN’s responsibility to resolve the interference issues be absolved by the non-cooperation of complainants as their lack of cooperation was *caused* by HFCN’s predatory tactics. Accordingly, as a matter of equity, the Commission must find that the non-responsive complainants remain *bona fide* complainants, and therefore, HFCN’s obligations to eliminate the underlying interference issues remain unresolved.

²³ *Id.*

²⁴ Letter from James D. Bradshaw, Deputy Chief, Audio Division, Media Bureau, Federal Communications Commission, to Arohi Media LLC at 4 (Sept. 25, 2017) (“Arohi Media Letter”) (citing *Radio Power, Inc.*, Letter, 26 FCC Rcd. 14385, 14385-86 (Med. Bur. 2011)).

²⁵ Arohi Media Letter at 4 (internal citations omitted).

²⁶ *See Radio Power, Inc.*, 26 FCC Rcd. at 14386 (“For these same reasons, we reject the provision of smart phones to complaining listeners as a ‘suitable technique’ contemplated by Section 74.1203(b). Again, we find that the plain language of the rule is controlling. RPI’s attempted remedy is unresponsive to its obligation to suspend operations ‘until the *interference* has been eliminated.’ Accordingly, we need not determine whether RPI has successfully resolved individual complaints.” (emphasis in original) (citing 47 C.F.R. § 74.1203(b)).

II. SUPPLEMENTAL INTERFERENCE COMPLAINTS

Lazer hereby supplements its original Interference Complaint with additional listener complaints of interference by K267BO to KXZM. These supplemental listener complaints, attached hereto as **Exhibit A**, reflect that other KXZM listeners are having difficulties tuning to the station in the vicinities of San Leandro, Newark, Hayward, and the north side of Berkeley, California. Due to the interference, these listeners attest that they have stopped listening to KXZM.

Moreover, K267BO's interference with KXZM's operations has demonstrably reduced KXZM's ability to provide Spanish-language programming to Hispanic listeners throughout the Bay Area. First, the "dead zone" created by the signal overlap between K267BO and KXZM prevents approximately 281,334 Hispanic listeners residing in that area from listening to KXZM's Spanish-language programming.²⁷ Second, KXZM has experienced a significant decrease in its ratings and number of listeners since K267BO began interfering with KXZM's signal.²⁸ Finally, an examination of recent Nielsen data reveals that KZSF(AM), San Jose, California (Facility ID No. 68841) ("KZSF") – a Spanish-language competitor of KXZM – has experienced an increase in audience size almost commensurate with KXZM's losses in audience size over the same period – a trend that is likely to continue if the interference issue remains unresolved.²⁹

Accordingly, as interference to KXZM's operations remains an ongoing and unresolved issue, the Commission must immediately order K267BO to cease operations pursuant to Section 74.1203(b).

²⁷ See Declaration of Lloyd M. Moss at ¶ 4 (Oct. 19, 2017), attached hereto as **Exhibit E**; Declaration of Lindy Williams at ¶¶ 7-8 (Oct. 20, 2017) ("Williams Declaration"), attached hereto as **Exhibit F**.

²⁸ See Declaration of Joshua Mednick at ¶ 7 (Oct. 12, 2017) ("Mednick Declaration"), attached hereto as **Exhibit D**.

²⁹ *Id.* at ¶¶ 8-9.

III. SUPPLEMENTAL OBJECTION TO K267BO'S LICENSE TO COVER APPLICATION

Subsequent to filing its Interference Complaint, Lazer uncovered evidence that K267BO is operating unauthorized facilities that are causing interference to KXZM. Section 73.3566(a) of the Commission's Rules states that "[a]pplications which are determined to be patently not in accordance with the FCC rules, regulations, or other requirements . . . will be considered defective and[,] . . . if inadvertently accepted for filing[,] will be dismissed."³⁰ The Commission has extended the provisions of Section 73.3566(a) to FM translators.³¹

On October 10, 2017, Lloyd M. Moss, an engineering consultant for Lazer, obtained photographs of K267BO's antenna on the Sutro Tower in San Francisco, California.³² Mr. Moss determined from his photographs that HFCN installed a *single, vertically* polarized Jampro J3YF antenna for K267BO at the tower site.³³ Mr. Moss's identification of K267BO's antenna on the Sutro Tower was later confirmed by Erick Dausman, the supervisor of the tower site.³⁴ K267BO's Modified Construction Permit, however, authorizes the installation of a vertically *and* horizontally polarized Jampro J3YF SLANT antenna.³⁵ Mr. Moss's observations indicate that K267BO has impermissibly eliminated the authorized horizontal polarization in violation of Section

³⁰ 47 C.F.R. § 73.3566(a).

³¹ See, e.g., Gary S. Smithwick, Esq. & John Garziglia, Esq., Letter, 28 FCC Rcd. 8929 (Med. Bur. 2013).

³² Second Declaration of Lloyd M. Moss at ¶ 4 (Oct. 19, 2017) ("Moss Second Declaration"), attached hereto as **Exhibit H**.

³³ *Id.* at ¶ 7.

³⁴ *Id.* at ¶ 6.

³⁵ See K267BO's Modified Construction Permit Application (FCC File No. BMPFT-20160920ACP), at Section III-A, Items 9-10. See also Moss Second Declaration at ¶ 2.

74.1251(b)(7)(i) of the Commission's Rules.³⁶ Consequently, as K267BO's installed a single, vertically polarized antenna, the translator is currently operating unauthorized facilities exceeding its authorized antenna pattern.³⁷

Moreover, Lindy Williams, a second engineering consultant for Lazer, has analyzed the service contours of K267BO's installed antenna pursuant to the standard prediction methodologies, and concluded that K267BO's usage of a vertically polarized Jampro J3YF antenna results in impermissible contour overlap with KXZM.³⁸ Had HFCN accurately reflected in the Modified Construction Permit application the antenna actually installed for K267BO, the permit would not have been granted. Section 74.1204(a) does not permit FM translator construction permit applications to propose operations that would "involve overlap of predicted field contours" with any other broadcast station.³⁹ Accordingly, K267BO is currently operating with an antenna which would never have been authorized pursuant to the Commission's Rules.

It is evident that K267BO is not operating pursuant to facilities authorized in its Modified Construction Permit. Therefore, Lazer requests that the Commission dismiss K267BO's pending License to Cover Application.⁴⁰

³⁶ 47 C.F.R. § 74.1251(b)(7)(i) ("The license application may not propose to eliminate the authorized horizontally polarized ERP, if a horizontally polarized ERP is currently authorized.").

³⁷ Moss Second Declaration at ¶¶ 7-9.

³⁸ Williams Declaration at ¶¶ 4-6.

³⁹ 47 C.F.R. § 74.1204(a) ("An application for an FM translator station will not be accepted for filing if the proposed operation would involve overlap of predicted field contours with any other authorized commercial or noncommercial educational FM broadcast stations, FM translators, and Class D (secondary) noncommercial educational FM stations . . .").

⁴⁰ Moreover, if HFCN had installed the Jampro J3YF SLANT antenna as authorized by K267BO's Modified Construction Permit, the antenna would violate the prohibition on the usage of slant polarization antennas pursuant to Section 74.1235(g) of the Commission's Rules. *See* 47 C.F.R. § 74.1235(g). K267BO's translator is authorized to operate with horizontal Effective Radiated Power ("ERP") and vertical ERP, which requires the usage of a circularly polarized antenna or two separate linearly polarized antennas like the Jampro J3YF Yagi antenna:

CONCLUSION

For the foregoing reasons, Lazer respectfully requests that the Commission grant the objection, dismiss or deny K267BO's License to Cover Application, and order K267BO to cease operations immediately pursuant to Section 74.1203(b) of the Commission's Rules.

Respectfully submitted,



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Counsel for Lazer Licenses, LLC

Dated: October 20, 2017

one antenna for horizontal polarization, and one antenna for vertical polarization. Because K267BO's Modification Construction Permit application uses the term "slant" to describe the antenna type and the manufacturer's standard pattern for vertical polarization for the antenna is significantly wider than the authorized pattern for K267BO, it can only be surmised that the intent was to make the K267BO's antenna pattern narrower using slant polarization: one antenna with +45° slant polarization, and the other antenna with -45° slant polarization. See Moss Second Declaration at ¶ 3. Accordingly, K267BO would be in violation of Section 74.1235(g) had it installed the Jampro J3YF SLANT antenna proposed in its Modified Construction Permit application since that antenna requires the use of *both* horizontal and vertical ERP. For these reasons, in addition to dismissing K267BO's License to Cover Application, the Commission must order HFCN to file an amended modified construction permit for K267BO for the installation of a new antenna that is compliant with the Commission's Rules.

EXHIBIT A

Supplemental Listener Complaints

Attached hereto are the original and translated versions, as applicable, of KXZM's supplemental listener complaints concerning K267BO's interference with KXZM's signal.

INTERFERENCE COMPLAINT

FM TRANSLATOR K267BO, 93.7 MHz, SAN FRANCISCO, CALIFORNIA (FACILITY ID NO. 144139), FCC FILE NO. BLFT-20170519AAW, ESTA CAUSANDO INTERFERENCIA A LA SENAL DE RECEPCION PARA EL PUBLICO DE KXZM(FM), 93.7 MHz, FELTON, CALIFORNIA (FACILITY ID NO. 4698).

Por favor Imprimir

NOMBRE Alexandro Sanchez

DOMICILIO 6628 Dairy Ave.

CIUDAD Newark ESTADO Ca. CODIGO POSTAL 94560

CORREO ELECTRONICO _____

NUMERO DE TELEFONO (510) 377-6209

YO ESCUCHO 93.7 MHz KXZM, EN CASA _____ OFICINA _____ CARRO

SOY UN RADIO ESCUCHA REGULAR FRECUENTE _____ OCASIONAL _____

OTRO _____

CUANDO TE DISTE CUENTA DE LA INTERFERENCIA EN KXZM, 93.7 MHz (FECHA) Abil 2017

DONDE PODIAS TU ESCUCHAR 93.7 MHz KXZM, QUE AHORA NO PUEDES ESCUCHAR LA SENAL COMPLETA

AHORA SIN INTERFERNCIA ya lo escuchaba en Newark y Bk

COMENTARIOS ya tengo tiempo que no puedo escuchar la estacion hoy Interferencia de otra como en chna,

EL FCC O KXZM, 93.7 MHz, PUEDE CONTACTARME CON RESPECTO A ESTA QUEJA DE INTERFERENCIA SI NO _____

FIRMA Alexandro Sanchez FECHA _____

INTERFERENCE COMPLAINT

FM TRANSLATOR K267BO, 93.7 MHz, SAN FRANCISCO, CALIFORNIA (FACILITY ID NO. 144139), FCC FILE NO. BLFT-20170519AAW, IS CAUSING INTERFERENCE TO THE PUBLIC'S RECEPTION OF THE SIGNAL OF KXZM(FM), 93.7 MHz, FELTON, CALIFORNIA (FACILITY ID NO. 4698).

Please Print

NAME Alejandro Sanchez

ADDRESS 6628 Dairy Ave.

CITY Newark STATE CA. ZIP CODE 94560

EMAIL ADDRESS _____

TELEPHONE NUMBER (510) 377-6209

I LISTEN TO KXZM, 93.7 MHz, AT HOME _____ OFFICE _____ OR CAR X.

I AM A REGULAR X FREQUENT _____ OCCASIONAL _____

OR OTHER _____ LISTENER.

WHEN DID YOU NOTICE INTERFERENCE ON KXZM, 93.7 MHz (DATE) April 2017

STATE WHERE YOU USED TO HEAR KXZM, 93.7 MHz, AND CANNOT HEAR THE FULL SIGNAL NOW WITHOUT INTERFERENCE I would listen in Newark

COMMENTS I already have some time not being able to listen to the station due to interference with another station.

THE FCC OR KXZM, 93.7 MHz, CAN CONTACT ME FURTHER REGARDING THIS INTERFERENCE COMPLAINT YES X NO _____

SIGNED _____ DATE _____

INTERFERENCE COMPLAINT

FM TRANSLATOR K267BO, 93.7 MHz, SAN FRANCISCO, CALIFORNIA (FACILITY ID NO. 144139), FCC FILE NO. BLFT-20170519AAW, IS CAUSING INTERFERENCE TO THE PUBLIC'S RECEPTION OF THE SIGNAL OF KXZM(FM), 93.7 MHz, FELTON, CALIFORNIA (FACILITY ID NO. 4698).

Please Print

NAME ISAIAH PENIA

ADDRESS 3421 MOUNT PLETA DR.

CITY SAN JOSE STATE CA ZIP CODE 95127

EMAIL ADDRESS isaiahpena@gmail.com

TELEPHONE NUMBER (408) 819-8883

I LISTEN TO KXZM, 93.7 MHz, AT HOME _____ OFFICE _____ OR CAR

I AM A REGULAR FREQUENT _____ OCCASIONAL _____

OR OTHER _____ LISTENER.

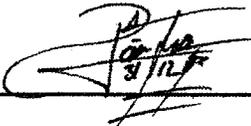
WHEN DID YOU NOTICE INTERFERENCE ON KXZM, 93.7 MHz (DATE) APRIL - MAY

STATE WHERE YOU USED TO HEAR KXZM, 93.7 MHz, AND CANNOT HEAR THE FULL SIGNAL

NOW WITHOUT INTERFERENCE SAN LEANDRO, NEWARK, HAYWARD, NORTH SIDE.

COMMENTS DUE TO THE INTERFERENCE I STOPPED LISTENING AND I WAS WAITING TO SEE IF IT GETS FIXED. THANK YOU.

THE FCC OR KXZM, 93.7 MHz, CAN CONTACT ME FURTHER REGARDING THIS INTERFERENCE COMPLAINT YES NO _____

SIGNED  DATE 09/27/17

INTERFERENCE COMPLAINT

FM TRANSLATOR K267BO, 93.7 MHz, SAN FRANCISCO, CALIFORNIA (FACILITY ID NO. 144139), FCC FILE NO. BLFT-20170519AAW, IS CAUSING INTERFERENCE TO THE PUBLIC'S RECEPTION OF THE SIGNAL OF KXZM(FM), 93.7 MHz, FELTON, CALIFORNIA (FACILITY ID NO. 4698).

Please Print

NAME Cristopher Zarate

ADDRESS 504 N 11th st

CITY San Jose STATE CA ZIP CODE 95112

EMAIL ADDRESS djkrisz@lvz.com

TELEPHONE NUMBER 408 655 0991

I LISTEN TO KXZM, 93.7 MHz, AT HOME _____ OFFICE _____ OR CAR X

I AM A REGULAR _____ FREQUENT X OCCASIONAL _____

OR OTHER _____ LISTENER.

WHEN DID YOU NOTICE INTERFERENCE ON KXZM, 93.7 MHz (DATE) 10-05-17

STATE WHERE YOU USED TO HEAR KXZM, 93.7 MHz, AND CANNOT HEAR THE FULL SIGNAL

NOW WITHOUT INTERFERENCE Cuando iba manejando por

la ciudad de Hayward e empecé a escuchar interferencia

COMMENTS Es un problema escuchar que cambie

el idioma al ir escuchando la estación.

THE FCC OR KXZM, 93.7 MHz, CAN CONTACT ME FURTHER REGARDING THIS INTERFERENCE COMPLAINT YES X NO _____

SIGNED _____ DATE 10-05-17

INTERFERENCE COMPLAINT

FM TRANSLATOR K267BO, 93.7 MHz, SAN FRANCISCO, CALIFORNIA (FACILITY ID NO. 144139), FCC FILE NO. BLFT-20170519AAW, IS CAUSING INTERFERENCE TO THE PUBLIC'S RECEPTION OF THE SIGNAL OF KXZM(FM), 93.7 MHz, FELTON, CALIFORNIA (FACILITY ID NO. 4698).

Please Print

NAME CRISTOPHER ZARATE

ADDRESS 504 N. 11TH ST.

CITY SAN JOSE STATE CA ZIP CODE 95112

EMAIL ADDRESS DJKRISZ@LIVE.COM

TELEPHONE NUMBER 408-655-0991

I LISTEN TO KXZM, 93.7 MHz, AT HOME _____ OFFICE _____ OR CAR X.

I AM A REGULAR _____ FREQUENT X OCCASIONAL _____

OR OTHER _____ LISTENER.

WHEN DID YOU NOTICE INTERFERENCE ON KXZM, 93.7 MHz (DATE) 10-05-17

STATE WHERE YOU USED TO HEAR KXZM, 93.7 MHz, AND CANNOT HEAR THE FULL SIGNAL NOW WITHOUT INTERFERENCE
WHEN I WAS DRIVING THROUGH THE CITY OF HAYWARD I STARTED TO
HEAR THE INTERFERENCE.

COMMENTS IT BOTHERS ME THAT THE STATION SWITCHES LANGUAGES WHILE
LISTENING TO IT.

THE FCC OR KXZM, 93.7 MHz, CAN CONTACT ME FURTHER REGARDING THIS INTERFERENCE COMPLAINT YES X NO _____

SIGNED _____ DATE _____

EXHIBIT B

Declaration of Steve Robles

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

| | | |
|---|---|-------------------------------|
| In re Application of |) | |
| |) | |
| Hispanic Family Christian Network, Inc. |) | FCC File No. BLFT-20170519AAW |
| |) | Call Sign: K267BO/ K229DD |
| For a License to Cover an FM Translator |) | Facility ID No. 144139 |
| |) | |

DECLARATION OF STEVE ROBLES

I, **STEVE ROBLES**, hereby declare as follows:

1. I am the Market Manager for Lazer Licenses, LLC (“Lazer”) in the San Jose Market. I make this declaration in voluntary support of Lazer’s Reply to Interference Complaint Response of Hispanic Family Christian Network, Inc. and Supplemental Complaint of Interference and Request for Order to Terminate Operations.
2. Lazer is the licensee of KXZM(FM), Felton, California (Facility ID No. 4698) (“KXZM”), operating at 93.7 MHz on Channel 229. KXZM’s service contour provides coverage of a substantial portion of the Bay Area. KXZM broadcasts entirely in the Spanish language.
3. Lazer’s listenership is predominately comprised of members of the Spanish-speaking community in the Bay Area.
4. In or about September 2017, I was informed by several listeners of KXZM that they were contacted via mail, telephone, and/or text message by a representative of Hispanic Family Christian Network, Inc. (“HFCN”) as a result of HFCN’s efforts to resolve the interference complaints against its FM translator, K267BO, San Francisco, California (Facility ID No. 144139) (“K267BO”) made by Lazer (“Lazer’s Interference Complaint”) on behalf of six listener complainants.
5. These individuals, who are among the six listener complainants of Lazer’s Interference Complaint, informed me that a HFCN representative intimidated them into dropping their interference complaint against K267BO by claiming that their failure to drop their complaint would result in their involvement in civil litigation, and possible appearance in court.
6. An example of these threats is provided in Attachment 1 to HFCN’s Response to Lazer’s Interference Complaint on September 29, 2017. As a fluent speaker of Spanish, I was able to review and provide an actual translation of the conversation between Axel Alejandro and the HFCN representative contacting Mr. Alejandro regarding his complaint:

A thousand apologies and I understand. We are forced to fix this problem . . . If we do not talk, you will be made to go, by power of the court to declare . . . before a judge, the only way . . . is to cancel your complaint so I can stop the process. For this reason, I need to know what”

The translation provided in Attachment 1 of the HFCN Response is misleading as the actual statement of HFCN’s representative to Axel Alejandro is far more intimidating than the translation provided by HFCN in Attachment 1 of its response.

7. As a result of these threats made by HFCN’s representative, these individuals have refrained from further cooperation in the K267BO complaint proceeding—fearing that their continued involvement in the proceeding may subject them to legal liability.
8. Lazer has since informed the complainants of the actual nature of FCC interference complaint proceedings, and has encouraged the complainants to continue their involvement in the K267BO complaint proceeding.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2017.



Steven Robles

EXHIBIT C

Declarations of Listener Complainants

DECLARATION

I, **SONIA OCHOA**, hereby declare as follows:

1. I am a regular listener of KXZM(FM), 93.7 MHz, Felton, California (Facility ID No. 4698) ("KXZM");
2. On June 26, 2017, I filed an interference complaint ("Interference Complaint") regarding my inability to listen to KXZM due to interference caused by K267BO, 93.7 MHz, San Francisco, California (Facility ID No. 144139);
3. In or about September 2017, I was contacted by a representative of Hispanic Family Christian Network, Inc. ("HFCN") regarding my Interference Complaint;
4. The HFCN representative informed me that if HFCN and I were unable to resolve my Interference Complaint, the next step in the process would involve legal action and my possible appearance in court;
5. As a result of this statement by the HFCN representative, I felt that I could be subject to retaliatory legal action for my continued involvement in the proceeding;
6. I did not respond to the HFCN representative to avoid my exposure to any legal liability;
7. I informed a KXZM representative of the statements of the HFCN representative, and that I felt intimidated into no longer pursuing my Interference Complaint; and
8. After a KXZM representative informed me of the proper interference complaint procedures before the Federal Communications Commission, I will continue to cooperate with HFCN and its representatives in resolving the interference issues to KXZM so long as a KXZM representative is present during my conversations with a HFCN representative.

I declare that the foregoing facts and information are true and correct to the best of my knowledge, information, or belief.

Executed on: October 18, 2017

By: _____



Name: _____

Sonia Ochoa

Address: _____

1295 100th Avenue

Oakland, CA 94661

Telephone: _____

(510) 325-4232

Email: _____

SoniaOchoa100@gmail.com

DECLARATION

I, **MELISSA ALATORRE**, hereby declare as follows:

1. I am a regular listener of KXZM(FM), 93.7 MHz, Felton, California (Facility ID No. 4698) ("KXZM");
2. On June 16, 2017, I filed an interference complaint ("Interference Complaint") regarding my inability to listen to KXZM due to interference caused by K267BO, 93.7 MHz, San Francisco, California (Facility ID No. 144139);
3. To date, I have not communicated with Hispanic Family Christian Network, Inc. ("HFCN") or a representative of HFCN regarding my Interference Complaint;
4. I request that HFCN or a representative of HFCN contact me regarding my Interference Complaint using my contact information provided below;
5. The contact information provided below is true and accurate; and
6. I will continue to cooperate with HFCN and its representatives in resolving the interference issues to KXZM so long as a KXZM representative is present during my conversations with a HFCN representative.

I declare that the foregoing facts and information are true and correct to the best of my knowledge, information, or belief.

Executed on: October __, 2017

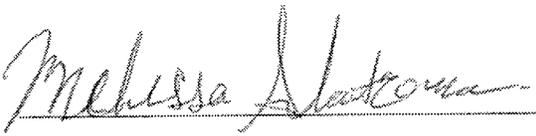
By: 
Name: Melissa Alatorre
Address: 121 Harbor Way.
Hollister, Ca. 95023
Telephone: (831) 345-1785
Email: melissa.alatorre@gmail.com

EXHIBIT D

Declaration of Joshua Mednick

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

| | | |
|---|---|-------------------------------|
| In re Application of |) | |
| |) | |
| Hispanic Family Christian Network, Inc. |) | FCC File No. BLFT-20170519AAW |
| |) | Call Sign: K267BO/ K229DD |
| For a License to Cover an FM Translator |) | Facility ID No. 144139 |
| |) | |

DECLARATION OF JOSHUA MEDNICK

I, **JOSHUA MEDNICK**, hereby declare as follows:

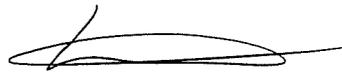
1. I am the Chief Operating Officer of Lazer Licenses, LLC (“Lazer”). I make this declaration in voluntary support of Lazer’s Reply to Interference Complaint Response of Hispanic Family Christian Network, Inc. and Supplemental Complaint of Interference and Request for Order to Terminate Operations.
2. Lazer is the licensee of KXZM(FM), Felton, California (Facility ID No. 4698) (“KXZM”), operating at 93.7 MHz on Channel 229. KXZM’s service contour provides coverage of a substantial portion the Bay Area. KXZM broadcasts entirely in the Spanish language.
3. Lazer’s listenership is predominately comprised of members of the Spanish-speaking community in the Bay Area.
4. To my knowledge and belief, the operations of FM translator K267BO, San Francisco, California (Facility ID No. 144139) (*See* FCC File No. BLFT-20170519AAW) (“K267BO”) is causing interference with KXZM’s signal.
5. To my knowledge and belief, K267BO rebroadcasts KVTO(AM), Berkeley, California (Facility ID No. 28681) (“KVTO”), which broadcasts in the Chinese language. KVTO is licensed to Pham Radio Communication LLC.
6. To my knowledge and belief, an area of KXZM’s operations subject to signal distortion by K267BO is Santa Clara County, California.
7. As demonstrated by the attached Nielsen data, KXZM has experienced a significant decline in its ratings and number of listeners since K267BO began interfering with its signal (*See Attachments 1 and 2*). During the same period, however, the average audience size of KBRG(FM), San Jose, California (Facility ID No. 68839), a competitor of KXZM, remained unaffected.
8. Furthermore, the attached Nielsen data shows that the downturn in audience size among broadcasters of Spanish-programming only affects KXZM. In fact, you can see from the

data an unusual increase in audience size for KXZM's Spanish-language competitor, KZSF(AM), San Jose, California (Facility ID No. 68841) ("KZSF"). (See **Attachment 2**). Prior to the time in which KXZM experienced interference, KZSF did not meet the minimum reporting standards for Nielsen Audio – meaning that KZSF did not have enough listenership to count in the ratings. Nevertheless, over the same period, KZSF has seen an increase in audience almost commensurate with KXZM's losses in audience size as a result of K267BO's interference to KXZM's signal.

9. Based upon the Nielsen data, it appears as though listeners that became unable to hear KXZM have moved to KZSF. If the situation is not resolved, more listeners will continue to cease listening to KXZM to listen to KZSF as a result of K267BO's interference to KXZM's signal.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2017.



Joshua Mednick

ATTACHMENT 1

Nielsen Audience Data – March to August 2017

| Station | Format | Owner | Estimates | MAR17 | APR17 | MAY17 | JUN17 | JUL17 | AUG17 | SEP17 |
|----------------------|---------|---------------------------------|--------------------------------|---------------------|---------|---------|---------|---------|---------|---------|
| Adults 18-34 | | | | | | | | | | |
| Mon-Su 6a-12m | | | | | | | | | | |
| 1t | KBRG-FM | Spanish Adult Hits | Univision | Average Rating > | 0.4 | 0.4 | 0.5 | 0.6 | 0.5 | 0.4 |
| | | | | Average Persons | 3,300 | 3,700 | 4,000 | 5,100 | 4,400 | 3,500 |
| | | | | Weekly Cumc Persons | 131,300 | 132,100 | 127,700 | 132,000 | 137,500 | 134,300 |
| | | | | Weekly TSL (Hr:Min) | 3:15 | 3:30 | 3:30 | 4:45 | 4:00 | 3:30 |
| 1t | KEZR-FM | Hot Adult Contemporary | Alpha Media | Average Rating > | 0.3 | 0.3 | 0.3 | 0.4 | 0.4 | 0.4 |
| | | | | Average Persons | 2,900 | 2,700 | 2,900 | 3,600 | 3,600 | 3,900 |
| | | | | Weekly Cumc Persons | 242,800 | 237,100 | 248,300 | 258,800 | 256,900 | 266,300 |
| | | | | Weekly TSL (Hr:Min) | 1:30 | 1:30 | 1:30 | 1:30 | 1:45 | 2:00 |
| 3t | KBAY-FM | Classic Hits | Alpha Media | Average Rating > | 0.3 | 0.3 | 0.3 | 0.2 | 0.2 | 0.3 |
| | | | | Average Persons | 2,400 | 2,200 | 2,500 | 2,000 | 1,900 | 2,100 |
| | | | | Weekly Cumc Persons | 191,600 | 217,500 | 213,900 | 191,700 | 175,600 | 189,200 |
| | | | | Weekly TSL (Hr:Min) | 1:30 | 1:15 | 1:15 | 1:15 | 1:30 | 1:15 |
| 3t | KRTY-FM | Country | Empire Broadcasting Corp | Average Rating > | 0.3 | 0.3 | 0.3 | 0.3 | 0.2 | 0.3 |
| | | | | Average Persons | 2,400 | 2,200 | 2,500 | 2,600 | 2,000 | 1,600 |
| | | | | Weekly Cumc Persons | 104,300 | 103,400 | 111,000 | 132,400 | 101,500 | 94,200 |
| | | | | Weekly TSL (Hr:Min) | 3:00 | 3:00 | 2:45 | 2:45 | 2:30 | 2:00 |
| 5t | KXZM-FM | Mexican Regional | Lazer Broadcasting Corporation | Average Rating > | 0.3 | 0.2 | 0.2 | 0.2 | 0.1 | 0.1 |
| | | | | Average Persons | 2,300 | 1,800 | 2,000 | 1,500 | 1,300 | 1,100 |
| | | | | Weekly Cumc Persons | 77,600 | 71,300 | 63,500 | 68,200 | 52,700 | 47,700 |
| | | | | Weekly TSL (Hr:Min) | 3:45 | 3:00 | 3:45 | 2:45 | 3:00 | 3:00 |
| 5t | KVVF-FM | Rhythmic Contemporary Hit Radio | Univision | Average Rating > | 0.2 | 0.2 | 0.3 | 0.2 | 0.2 | 0.2 |
| | | | | Average Persons | 1,700 | 1,800 | 2,200 | 1,900 | 2,000 | 1,500 |
| | | | | Weekly Cumc Persons | 113,400 | 126,800 | 149,600 | 140,600 | 157,500 | 123,400 |
| | | | | Weekly TSL (Hr:Min) | 1:30 | 1:30 | 1:30 | 1:30 | 1:30 | 1:30 |
| 7 | KBKF-FM | Contemporary Christian | Unknown Owner | Average Rating > | 0.1 | 0.1 | 0.2 | 0.1 | 0.1 | 0.1 |
| | | | | Average Persons | 600 | 1,100 | 1,400 | 1,700 | 1,000 | 600 |
| | | | | Weekly Cumc Persons | 27,100 | 33,400 | 35,100 | 22,000 | 26,000 | 30,300 |
| | | | | Weekly TSL (Hr:Min) | 3:00 | 4:15 | 5:15 | 6:45 | 4:45 | 3:15 |

ATTACHMENT 2

Nielsen Audience Data – March to August 2017 (Hispanic Listeners)

| Station | Format | Owner | Estimates | MAR17 | APR17 | MAY17 | JUN17 | JUL17 | AUG17 | SEP17 |
|-----------------------|---------|---------------------------------|--------------------------------|---------------------|--------|--------|--------|--------|--------|--------|
| # Adults 18-49 | | | | | | | | | | |
| M-Su 6a-12m | | | | | | | | | | |
| 1 | KBRG-FM | Spanish Adult Hits | Univision | Average Rating ↘ | 0.8 | 0.9 | 0.9 | 1.0 | 0.8 | 0.8 |
| | | | | Average Persons | 1,400 | 1,600 | 1,600 | 1,800 | 1,500 | 1,400 |
| | | | | Weekly Cum Persons | 51,600 | 50,300 | 56,700 | 59,200 | 62,100 | 55,300 |
| | | | | Weekly TSL (Hr/Min) | 3:30 | 3:45 | 3:30 | 3:30 | 3:00 | 3:15 |
| 2 | KXZM-FM | Mexican Regional | Lazer Broadcasting Corporation | Average Rating ↘ | 0.8 | 0.7 | 0.8 | 0.7 | 0.7 | 0.5 |
| | | | | Average Persons | 1,400 | 1,300 | 1,400 | 1,200 | 1,300 | 1,000 |
| | | | | Weekly Cum Persons | 36,100 | 37,600 | 36,700 | 40,800 | 43,500 | 39,000 |
| | | | | Weekly TSL (Hr/Min) | 4:45 | 4:15 | 5:00 | 4:30 | 3:30 | 4:15 |
| 3t | KRTV-FM | Country | Empire Broadcasting Corp | Average Rating ↘ | 0.3 | 0.3 | 0.4 | 0.4 | 0.4 | 0.3 |
| | | | | Average Persons | 500 | 500 | 700 | 700 | 700 | 600 |
| | | | | Weekly Cum Persons | 24,200 | 23,300 | 24,600 | 22,300 | 26,700 | 18,700 |
| | | | | Weekly TSL (Hr/Min) | 3:15 | 3:15 | 3:45 | 4:30 | 3:30 | 3:45 |
| 3t | KVVF-FM | Rhythmic Contemporary Hit Radio | Univision | Average Rating ↘ | 0.5 | 0.4 | 0.5 | 0.4 | 0.6 | 0.3 |
| | | | | Average Persons | 800 | 600 | 900 | 700 | 1,000 | 900 |
| | | | | Weekly Cum Persons | 39,400 | 40,300 | 46,300 | 37,700 | 47,700 | 55,100 |
| | | | | Weekly TSL (Hr/Min) | 2:15 | 2:15 | 1:45 | 2:15 | 2:15 | 1:45 |
| 5 | KEZR-FM | Hot Adult Contemporary | Alpha Media | Average Rating ↘ | 0.1 | 0.2 | 0.2 | 0.4 | 0.4 | 0.3 |
| | | | | Average Persons | 200 | 300 | 400 | 700 | 600 | 500 |
| | | | | Weekly Cum Persons | 34,400 | 36,700 | 49,300 | 37,100 | 47,000 | 51,000 |
| | | | | Weekly TSL (Hr/Min) | 0:45 | 0:45 | 0:45 | 1:30 | 2:00 | 1:30 |
| 6t | KBAY-FM | Classic Hits | Alpha Media | Average Rating ↘ | 0.2 | 0.2 | 0.2 | 0.1 | 0.1 | 0.2 |
| | | | | Average Persons | 400 | 300 | 400 | 200 | 200 | 300 |
| | | | | Weekly Cum Persons | 35,200 | 36,600 | 44,800 | 27,800 | 31,700 | 28,000 |
| | | | | Weekly TSL (Hr/Min) | 1:00 | 1:00 | 1:00 | 0:45 | 0:45 | 1:00 |
| 6t | KSKF-FM | Contemporary Christian | Unknown Owner | Average Rating ↘ | 0.1 | 0.3 | 0.4 | 0.4 | 0.2 | 0.1 |
| | | | | Average Persons | 100 | 500 | 700 | 700 | 300 | 200 |
| | | | | Weekly Cum Persons | 4,200 | 6,400 | 10,700 | 9,900 | 6,900 | 9,800 |
| | | | | Weekly TSL (Hr/Min) | 3:45 | 9:00 | 10:00 | 11:45 | 5:15 | 5:00 |
| 8 | KZSF-AM | Mexican Regional | Duarte, Carlos A. | Average Rating ↘ | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 |
| | | | | Average Persons | 0 | 0 | 0 | 0 | 100 | 100 |
| | | | | Weekly Cum Persons | 800 | 600 | 1,600 | 5,000 | 5,500 | 5,300 |
| | | | | Weekly TSL (Hr/Min) | 0:30 | 0:45 | 0:45 | 1:00 | 2:00 | 1:15 |
| 9t | KDOW-AM | News Talk Information | Salem Media Group Inc | Average Rating ↘ | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| | | | | Average Persons | 0 | 0 | 0 | 0 | 0 | 0 |

EXHIBIT E

Declaration of Lloyd M. Moss

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

| | | |
|---|---|-------------------------------|
| In re Application of |) | |
| |) | |
| Hispanic Family Christian Network, Inc. |) | FCC File No. BLFT-20170519AAW |
| |) | Call Sign: K267BO/ K229DD |
| For a License to Cover an FM Translator |) | Facility ID No. 144139 |
| |) | |

DECLARATION OF LLOYD M. MOSS

I, **LLOYD M. MOSS**, hereby declare as follows:

1. I am an engineering consultant for Lazer Licenses, LLC (“Lazer”). I make this declaration in voluntary support of Lazer’s Reply to Interference Complaint Response of Hispanic Family Christian Network, Inc. and Supplemental Complaint of Interference and Request for Order to Terminate Operations.
2. Lazer is the licensee of KXZM(FM), Felton, California (Facility ID No. 4698) (“KXZM”), operating at 93.7 MHz on Channel 229.
3. Based on my engineering observations of the 50 dBu of FM translator K267BO, San Francisco, California (Facility ID No. 144139) (*See* FCC File No. BLFT-20170519AAW) (“K267BO”), K267BO is causing interference to KXZM’s operations.
4. At any point along the along the purple line in the attached diagram, the mixing of the signals between K267BO and KXZM is so severe that it constitutes a “dead zone” for both stations – an area in which listeners are not able to hear either station.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2017



Lloyd M. Moss

ATTACHMENT

Map of K267BO and KXZM's Signal Overlap



EXHIBIT F

Declaration of Lindy Williams

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

| | | |
|---|---|-------------------------------|
| In re Application of |) | |
| |) | |
| Hispanic Family Christian Network, Inc. |) | FCC File No. BLFT-20170519AAW |
| |) | Call Sign: K267BO/ K229DD |
| For a License to Cover an FM Translator |) | Facility ID No. 144139 |
| |) | |

DECLARATION OF LINDY WILLIAMS

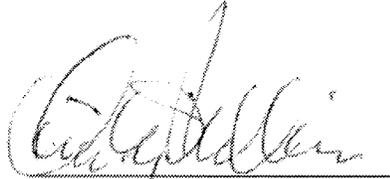
I, **LINDY WILLIAMS**, hereby declare as follows:

1. I am an engineering consultant for Lazer Licenses, LLC (“Lazer”). I make this declaration in voluntary support of Lazer’s Reply to Interference Complaint Response of Hispanic Family Christian Network, Inc. and Supplemental Complaint of Interference and Request for Order to Terminate Operations.
2. Lazer is the licensee of KXZM(FM), Felton, California (Facility ID No. 4698) (“KXZM”), operating at 93.7 MHz on Channel 229.
3. Hispanic Family Christian Network, Inc. is the licensee of FM translator K267BO, San Francisco, California (Facility ID No. 144139) (*See* FCC File No. BLFT-20170519AAW) (“K267BO”).
4. On information and belief, Lloyd M. Moss, an engineering consultant for Lazer, has concluded that the vertically and horizontally polarized Jampro J3YF SLANT antenna authorized by K267BO’s Modified Construction Permit (FCC File No. BMPFT-20160920ACP) (“Modified Construction Permit”) was not installed for K267BO. Instead, a single, vertically polarized Jampro J3YF antenna (“K267BO Installed Antenna”) was installed for K267BO on the Sutro Tower located in San Francisco, California.
5. On or about October 17, 2017, I conducted a contour overlap study of K267BO and KXZM using the standard prediction methodology (“Standard Contour Overlap Study”). The K267BO Installed Antenna for was used for purposes of the study. As the actual azimuth for the K267BO Installed Antenna is unknown at this time, K267BO’s authorized azimuth of 40° pursuant to the Modified Construction Permit was used for purposes of the study.
6. The Standard Contour Overlap Study demonstrates that the usage of the K267BO Installed Antenna is causing K267BO’s 37 dBu standard contour to overlap with KXZM’s 57 dBu standard contour (*See Attachment 1*).

7. Furthermore, on or about October 17, 2017, I conducted a second contour overlap study of K267BO and KXZM using the Longley-Rice Median Matrix methodology ("Longley-Rice Contour Overlap Study"). The K267BO Installed Antenna was used for purposes of the study as well.
8. The Longley-Rice Contour Overlap Study demonstrates that an estimated 281,334 Hispanic listeners reside in the signal overlap area created by the overlap of K267BO's 60 dBu Longley-Rice contour with KXZM's 57 dBu Longley-Rice contour (See **Attachment 2**).

I certify under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2017.

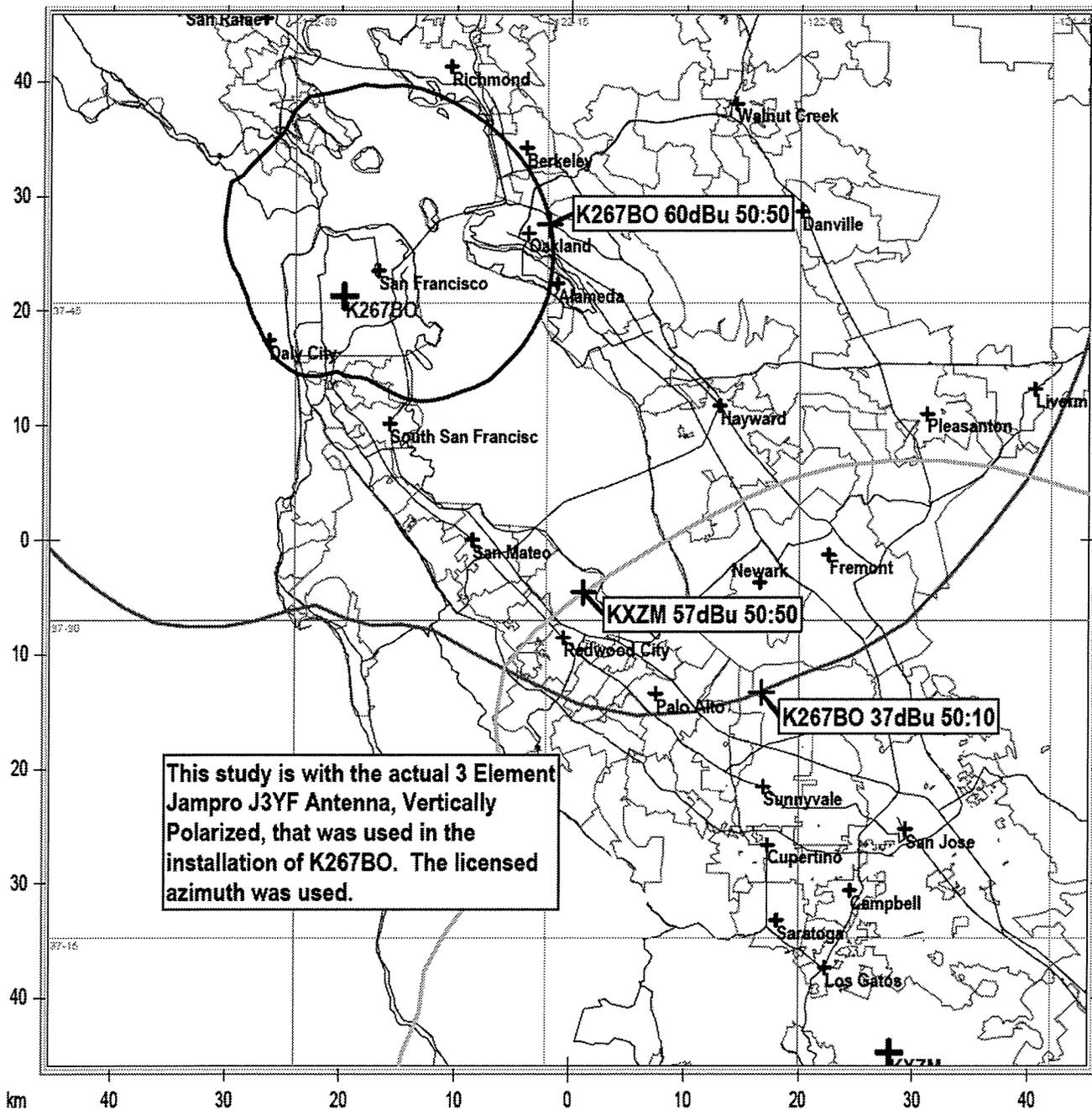


Lindy Williams

ATTACHMENT 1

Standard Contour Overlap Study

K267BO Interference Overlap with KXZM

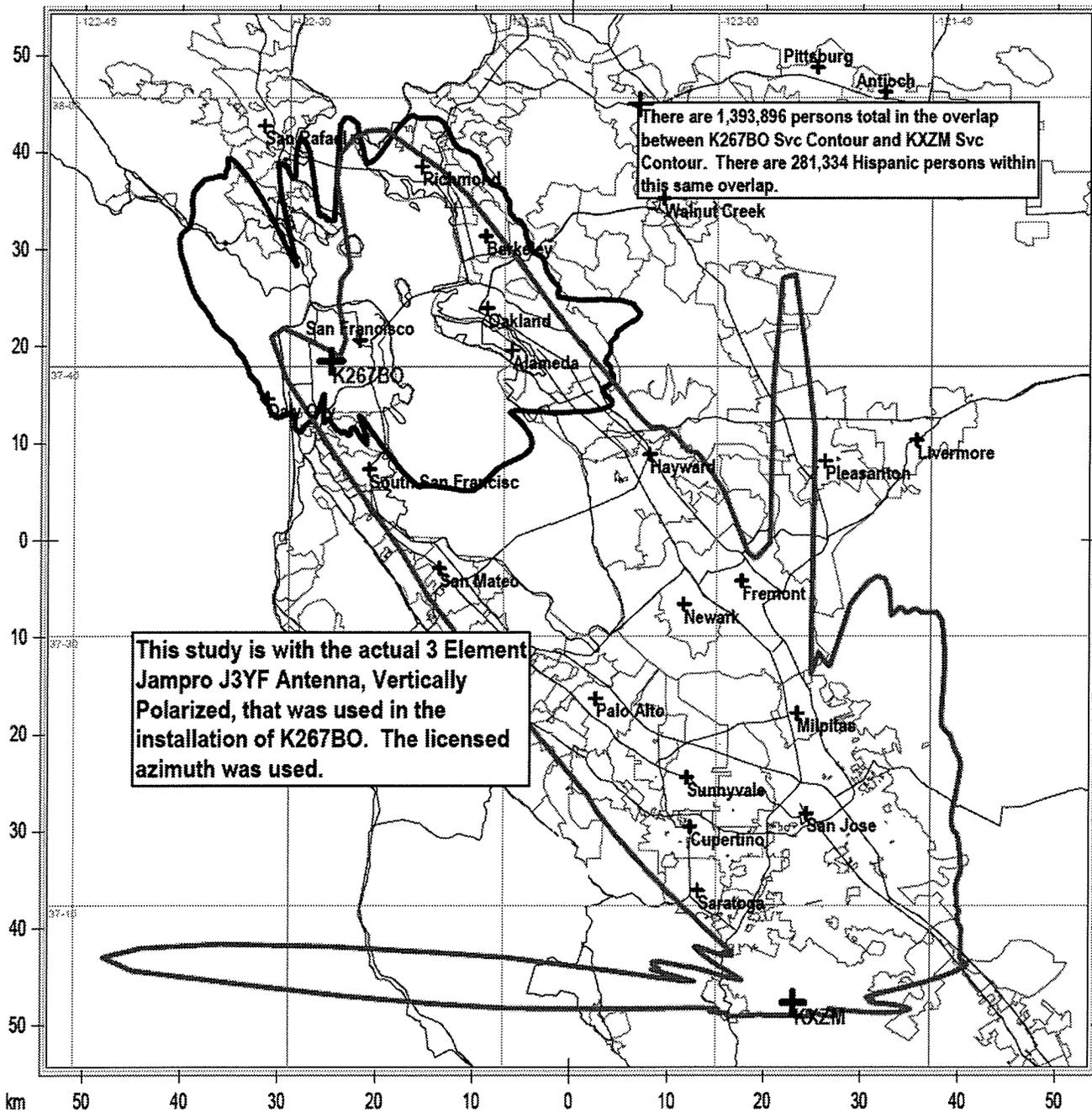


Black = K267BO 60dBu Svc, Green = KXZM 57dBu Svc, Red = K267BO 37dBu Interference

ATTACHMENT 2

Longley-Rice Contour Overlap Study

K267BO & KXZM Longley Rice Median Service Contour Overlap



Black = K267BO 60dBu Svc Longley Rice, Blue = KXZM 57dBu Svc Longley Rice

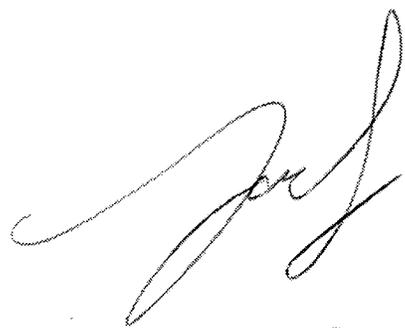
EXHIBIT G

Letter from Adriana Torres

Mi Nombre es Adriana Torres Soy Una
Frecuente Radio escucha de Radio La 2 er. 93.7 fm
y Como desde finales de Abril Principios de Mayo
ya no pude escuchar la Radio, es escucha mucha Interferencia
On Como Una "Estacion es chino". Me comuniqué
con las Oficinas de la Radio en San Jose, y les
hize saber que no podia escucharlos. Tiempo despues
estube Recibiendo unos llamados de Unas personas
que creo que eran de Texas o de fuera de California.
Al Principio me dijeron que querian arreglar el
Problema y me podrian cambiar el estereo de mi
Carro. No acepte, y siguieron insistiendo llamandome,
Presionandome para que dijera que ya no tenia problemas
al escuchar la Radio. Siguieron llamandome asta que
decidi ya no contestar ni contestar a nadie ya que
me senti acosada.

Para Cualquer Duda on mas Informacion que necesiten
estoy a sus Ordenes.

Adriana Torres
24586 Sybil Ave #2
Hayward CA, 94542
CINTELAS 2981



10-09-2017

Translation of Letter from Adriana Torres

My name is Adriana Torres. I am a frequent radio listener of Radio Lazer 93.7fm and around the end of April beginning of May I couldn't listen [to] the radio, [I] am hearing a lot of interference or like a "Chinese Station". I communicated with the offices of the Radio in San Jose and let them know I couldn't listen to them. Later, I was receiving calls from persons that I believe were from Texas or away from California.

At first, they were telling me that they wanted to fix the problem and could replace my stereo in my car. I did not accept, and they continued insisting to call me and pressure me to say that I don't have any problems listening to the radio. They continued to call me until I decided to not answer, or answer anyone[s call] because I felt harassed.

For any questions or if you need more information I am at your service.

Adriana Torres
2456 Sybil Ave FF2
Hayward CA 94542
(510) 512-2981

EXHIBIT H

Second Declaration of Lloyd M. Moss

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

| | | |
|---|---|-------------------------------|
| In re Application of |) | |
| |) | |
| Hispanic Family Christian Network, Inc. |) | FCC File No. BLFT-20170519AAW |
| |) | Call Sign: K267BO/ K229DD |
| For a License to Cover an FM Translator |) | Facility ID No. 144139 |
| |) | |

SECOND DECLARATION OF LLOYD M. MOSS

I, **LLOYD M. MOSS**, hereby declare as follows:

1. I am an engineering consultant for Lazer Licenses, LLC (“Lazer”). I make this declaration in voluntary support of Lazer’s Reply to Interference Complaint Response of Hispanic Family Christian Network, Inc. and Supplemental Complaint of Interference and Request for Order to Terminate Operations.
2. To my knowledge and belief, K267BO Modified Construction Permit (FCC File No. BMPFT-20160920ACP) (“Modified Construction Permit”) for FM translator, K267BO, San Francisco, California (Facility ID No. 144139) (*See* FCC File No. BLFT-20170519AAW) (“K267BO”), authorizes the installation of a vertically and horizontally polarized Jampro J3YF SLANT antenna. The antenna identified in K267BO’s Modified Construction Permit is not-circularly polarized, and is a directional antenna. However, the basis for the antenna pattern data is unknown.
3. The translator is authorized to operate with horizontal Effective Radiated Power (“ERP”) and vertical ERP, which requires the usage of a circularly polarized antenna or two separate linearly polarized antennas like the Jampro J3YF Yagi antenna: one antenna for horizontal polarization, and one antenna for vertical polarization. Because K267BO’s Modification Construction Permit application uses the term “slant” to describe the antenna type and the manufacturer’s standard pattern for vertical polarization for the antenna is significantly wider than the authorized pattern for K267BO, I can only surmise that the intent was to make the pattern narrower using slant polarization: one antenna with +45° slant polarization, and the other antenna with -45° slant polarization.
4. On October 10, 2017, at the request of Lazer’s management, I obtained photographs of K267BO’s antenna as installed on the Sutro Tower located in San Francisco, California (*See Attachment 1*).
5. I was very limited in choosing a suitable camera position as the road to the Sutro Tower has tall fences on both sides. That, combined with the foliage, limited my abilities in obtaining a clear photograph of K267BO’s antenna on the tower. The “V” point seen in the photographs in the middle of the tower is at a height of approximately about 460 feet.

From the camera position, the antenna should be pointed right at the camera (See **Attachment 2**).

6. On or about October 11, 2017, I showed the photographs of what I believed to be K267BO's antenna on the Sutro Tower to Erick Dausman, the site supervisor for the tower complex. Mr. Dausman confirmed that the antenna in the photographs was indeed that of K267BO.
7. Based on my analysis of the antenna depicted in the photographs, it appears that a single, vertically polarized Jampro J3YF antenna was installed on the Sutro Tower for K267BO. It appears that the antenna is vertically polarized based on the physical direction of the elements.¹ This means that a horizontally polarized antenna was not installed for K267BO.
8. The usage of a single, vertically polarized antenna indicates that the antenna pattern for the K267BO antenna exceeds the authorized pattern stipulated in K267BO's Modified Construction Permit.² Furthermore, the usage of such an antenna demonstrates that K267BO was installed without a horizontal ERP as authorized by the Modified Construction Permit.
9. Accordingly, based on my analysis of the photographs, it appears that K267BO is not operating with the antenna authorized in its Modified Construction Permit.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2017.



Lloyd M. Moss

¹ Cf. Jampro Antennas, Inc. – J3YF 3 Element FM Yagi Antenna Brochure, attached hereto as **Attachment 3** (the Jampro J3YF is a 3-element Yagi antenna).

² Compare Jampro Antennas, Inc. – J3YF 3 Element FM Yagi Antenna Brochure, attached hereto as **Attachment 3**; with K267BO – Authorized vs. Installed Directional Antenna Patterns Chart, attached hereto as **Attachment 4**.

ATTACHMENT 1

Photographs of the K267BO Antenna on the Sutro Tower



ATTACHMENT 2

Google Maps Image Noting Camera Position Relative to Sutro Tower



ATTACHMENT 3

Jampro Antennas, Inc. – J3YF 3 Element FM Yagi Antenna Brochure



J3YF

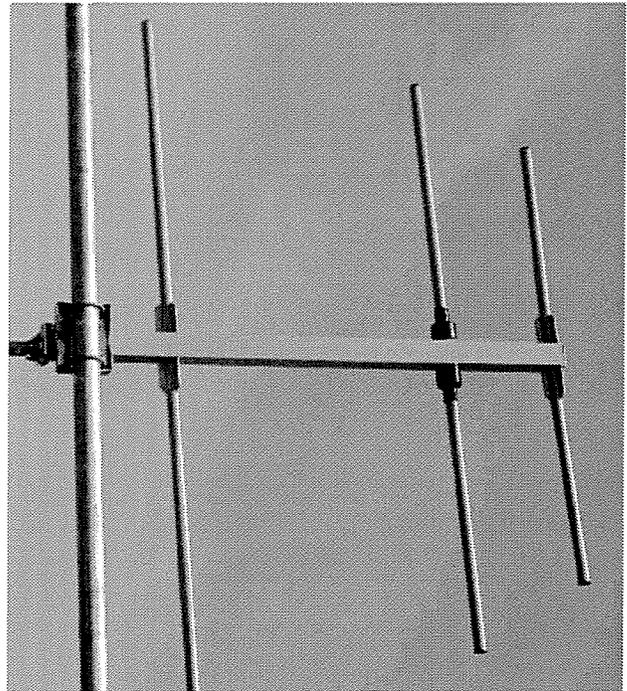
J3YF 3 ELEMENT FM YAGI ANTENNA

JAMPRO Yagi 3 Element Antenna Hot-Dip Galvanized Steel Directional Radiation Pattern

Suitable for Medium and High Power FM Stacked Array

ELECTRICAL FEATURES

| | |
|----------------------|------------------------------------|
| Band: | 87.5 – 108 MHz |
| Bandwidth: | FM Band |
| Average Gain: | 4.5 dBd (6.65 dBi) |
| VSWR: | < 1.3:1 |
| Polarization: | Vertical (Horizontal upon Request) |
| Max Power: | 5000 W (Single Carrier) |
| Connector: | 7/8" EIA |
| Dimensions: | 54"x68"x3" / 133x173x8 cm |
| Net weight: | 26.5 lbs/12 kg |



MECHANICAL FEATURES

Materials: Body and Bracket hot dip galvanized steel, Stainless steel hardware, Teflon isolators, silicone O-Rings

Mounting:

The antenna is supplied with pipe mounting for both horizontal and vertical polarization.

Standard option for pole

Ø 3.5" to 4.5" / 90 to 114mm

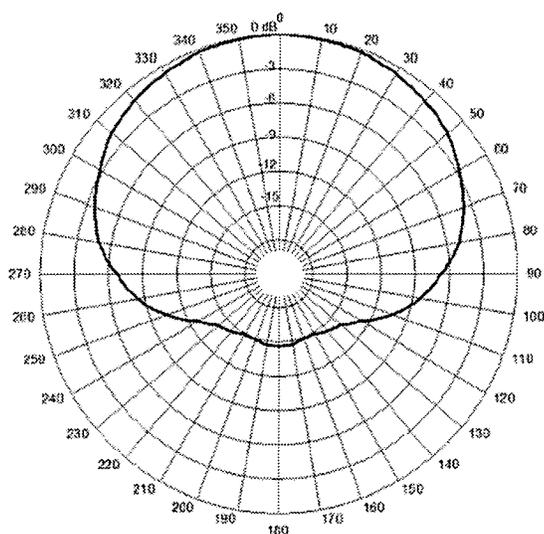
Also available on request option for pole

Ø 2.36" to 2.99" / 60 to 76mm

Mounting Brackets: Included

Distance Between Antennas: 2.5m - 3m / 8.25 ft - 9.84 ft

These directional antennas can be used in vertical or horizontal polarization to set up systems having directional, semi-directional and Omni directional diagrams.



All specifications subject to change without notice

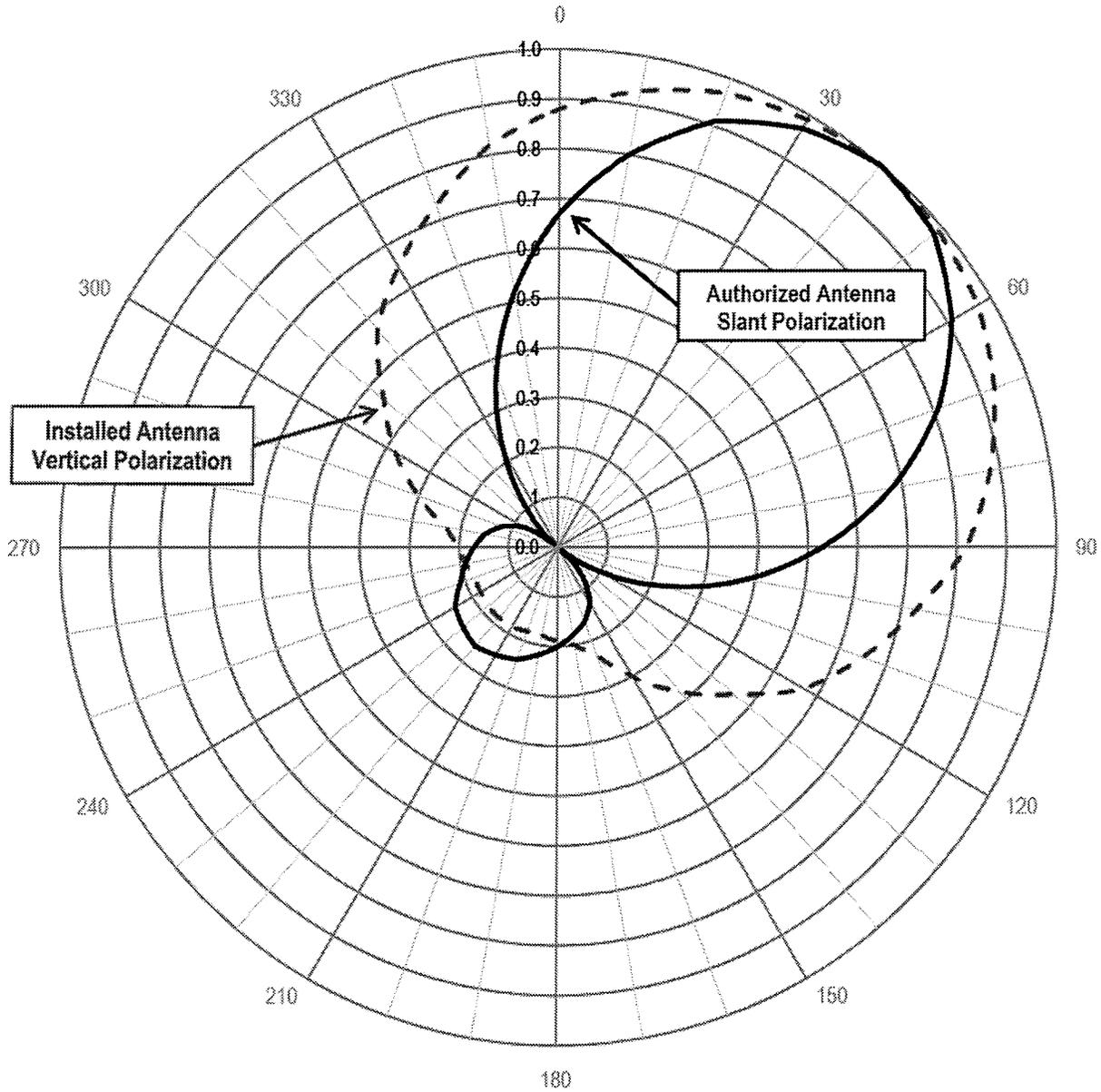
ATTACHMENT 4

K267BO – Authorized vs. Installed Directional Antenna Patterns Chart

**AUTHORIZED VS INSTALLED
DIRECTIONAL ANTENNA PATTERNS
K267BO SAN FRANCISCO, CA
0.099 KW-MAX 116 M AGL**

Relative Field

Rotation: 40°



| | |
|---------------------|----------------|
| Permittee: | HFCN, Inc. |
| FM Channel: | 229 |
| Authorized Antenna: | JAM J3YF SLANT |
| Installed Antenna: | JAM J3YF |



TELECOMMUNICATIONS CONSULTING
P.O. Box 881 Silver Spring, Maryland 20918-0881

EXHIBIT I

Letter from Catalina de Gonzalez

Catalina De Gonzalez, 1037 Donovan DR
San Leandro CA, 94577
(510) 472-0882

To Whom This May Concern:

My name is Catalina De Gonzalez.

I am a Radio lazer listener since a few month back I have not been able to listen to Radio lazer since there is interference and bad signal. oh and another language.

I have done my part and called the station and informed of issue, a bit after I was contacted by people whom I never gave consent to bother or call me & they keep on calling me stating I would have to show up to court I was scared and stoped calling. Until today I still don't hear the stations frequency.

10-11-17
Catalina Carboza

DECLARATION

I, Joshua Mednick, hereby declare under penalty of perjury as follows:

I am the Chief Operating Officer of Lazer Licenses, LLC.

This Declaration is submitted in support of the foregoing pleading.

I declare under penalty of perjury under the laws of the United States of America that the facts and information contained in the foregoing pleading are true and correct to the best of my knowledge, information, or belief.

Executed on: October ~~20~~ 2017



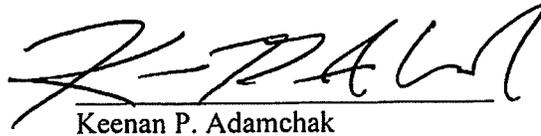
Joshua Mednick
Chief Operating Officer
Lazer Licenses, LLC

CERTIFICATE OF SERVICE

I, Keenan P. Adamchak, do hereby certify that I have, this ~~20th~~ day of October, 2017, caused a copy of the foregoing pleading to be sent via electronic mail to the following:

Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N 21st Road
Arlington, VA 22201
Email: dja@commlaw.tv

Counsel for Hispanic Family Christian Network, Inc.


Keenan P. Adamchak