



**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF A MINOR CHANGE
APPLICATION FOR CONSTRUCTION PERMIT
FM BOOSTER STATION
KDAR-FM1, SANTA BARBARA, CALIFORNIA
CH 252B1, 3.7 KW (DA-MAX), 247 M HAAT**

I am a Radio Engineer, an employee 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.

This office has been authorized by ATEP Radio, Inc., licensee of KDAR(FM), Oxnard, California, to prepare this Application for Construction Permit seeking a minor change for existing FM booster station KDAR-FM1, Santa Barbara, California. Radio station KDAR(FM) is presently licensed to operate on Channel 252B1 pursuant to FCC License BLH-970528KA. The KDAR-FM1 booster station was authorized pursuant to FCC Construction Permit BNPFTB-20040603ACC. An application for license to cover the booster's outstanding construction permit (FCC File No. BLFTB-20060525ADD) is currently pending. Accordingly, this minor change application seeks authority to increase power and requests an independent construction permit from BNPFTB-20040603ACC.

In accordance with Section 74.1203(c) of the FCC Rules, the proposed power increase will not disrupt the existing KDAR(FM) main service or cause interference within Oxnard, California, the KDAR(FM) community of license. The instant proposal was designed to limit its signal toward the KDAR(FM) main facility, limit its signal toward

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Oxnard, California, and ensure that the booster's 57 dBu (0.7 mV/m) contour is wholly within the presently licensed KDAR(FM) 57 dBu contour except, as described herein, over water and an Island Reserve/National Park.

PERMISSIBLE POWER LEVEL

The booster's primary station is KDAR(FM), a full-service, Class B1 FM facility. Pursuant to Section 74.1235(c) of the FCC Rules, the proposed booster station is permitted to operate with an Effective Radiated Power (ERP) up to "20% of the maximum allowable ERP for the primary station's class". The maximum allowable ERP for a Class B1 facility is 25 kW. Accordingly, a booster station for a Class B1 facility is permitted to operate with an ERP up to 5 kW. The booster station proposed herein requests a maximum ERP of only 3.7 kW (DA-MAX).

TECHNICAL FACILITY

The applicant proposes herein to mount an off-the-shelf Scala, horizontally polarized, CL-FM antenna, mounted on a wooden support pole such that the antenna is located 9 meters above ground level. The antenna will be oriented at 184 degrees true. The Scala CL-FM antenna proposed herein is capable of an antenna input power of 1 kW

and can easily achieve the proposed ERP. The CDBS standard pattern data for the proposed antenna is as follows:

Antenna Make:	SCA
Antenna Model:	CL-FM
Antenna ID:	16150
Standard Pattern:	YES
Antenna Orientation:	184 degrees

PREDICTED COVERAGE CONTOUR

The predicted 57 dBu (0.7 mV/m) coverage contours of the proposed booster facility and the associated main facility are shown on Exhibit 1. The service contours were calculated in accordance with the method described in Section 73.313 of the FCC Rules utilizing the appropriate F(50,50) propagation curves, effective radiated power, and antenna height above average terrain as determined for each profile radial at one degree intervals.

As required by Section 74.1235 of the FCC rules, the booster's predicted 57 dBu field strength contour is wholly within the 57 dBu protected service contour of the primary station except over water and over a portion of the Santa Cruz Island Reserve in the Channel Islands National Park in the Pacific Ocean.

Santa Cruz Island Reserve is protected, owned and managed by The Nature Conservancy (TNC); the remainder of the island is managed by the National Park Service as part of Channel Islands National Park. Use of the Santa Cruz Island Reserve is limited to bona fide research and class use and must be coordinated through the reserve director

and the UCSB Natural Reserve System campus office. Electricity is limited. Telephone service is available for emergencies only. There is no Post Office. There are no medical facilities on the island. The only inhabitants of the island are apparently the Director of the Reserve, a staff of two persons and transient researchers and classes. An aerial photograph of Santa Cruz Island is attached (See Exhibit 1A) to demonstrate the remote and rugged nature of the island along with the *complete absence* of development.

The people using the primitive field station on the island (dormitory, kitchen, dining hall) are not full-time residents of the island and cannot be considered to be a significant population within the area of extended booster service. At most, it seems 3 people live on the island. Clearly, the applicant is not submitting this proposal to provide a competitive radio service to Santa Cruz Island. Rather, this power increase is requested to provide better fill-in service to the mainland population within the KDAR(FM) primary service area.

It is important to note that the KDAR(FM) main 57 dBu primary service contour currently covers 49.7% of the island. The booster station will extend the KDAR(FM) 57 dBu contour only over the remaining 50.3% of the island. As shown in Exhibit 1B, the area of the proposed 57 dBu contour extension is over the western, most rugged portion of the island. The TNC field station, dormitories, trails/roads, ranger stations, campgrounds and National Park services are located within the current KDAR(FM) main 57 dBu contour.

The Applicant submits that any population on Santa Cruz Island where the KDAR(FM) 57 dBu contour is extended beyond the main facility's 57 dBu contour is a *de minimis* population and represents the "very few listeners" specifically considered by the

Commission in the SUNY case cited and quoted below. In the event the proposed booster's 57 dBu contour extension over the Pacific Ocean and over the rugged western portion of Santa Cruz Island requires a waiver of Section 74.1235, a waiver is respectfully requested.

FCC Precedent Regarding Contour Extension Over Water

The FCC Staff, on delegated authority, routinely grants waivers of FCC protection requirements when the proposed overlap area or contour extension would lie entirely over water or a foreign country. Precedent has been clearly established, as evidenced in the following construction permit applications:

(1) Channel 233B: WKLQ(FM), Holland, Michigan, short-spaced to WKTI(FM), Milwaukee, Wisconsin. Power increase authorized, although new overlap would result to WKTI over Lake Michigan [See WKLQ(FM) (formerly WJBL) Application for Construction Permit, FCC File No. BPH-830802AB, granted 11/29/83].

(2) Channel 258B: WOWF(FM), Detroit, Michigan, short-spaced to WGAR-FM (formerly WKSX), Cleveland, Ohio. Power increase authorized, although new overlap would result to WGAR-FM over Lake Erie [See WOWF(FM) (formerly WDFX and WABX) Application for Construction Permit, FCC File No. BPH-830719AA, granted 12/12/83, waiver continued through subsequent WOWF(FM) modifications].

The two cases cited above are not the only instances where FCC Staff has waived protection requirements/contour extension over water. This is a routine practice, although specific case cites (similar to the two shown above) are difficult to locate. This has been confirmed by the Commission in State University of New York, 56 FCC 2d 433 (1975)

(SUNY), where an application for a new noncommercial educational FM station was opposed by two stations which would receive interference from the proposed operation:

"Lest there be any confusion about our policy of waiving FM interference that occurs entirely over water, we wish to explain that we have allowed interference to occur over bodies of water in the past on the basis that very few listeners, if any, would be affected. Few of these cases, however, are to be found in the law digests, since our processing staff, acting under our instructions have routinely ignored interference over water and proposals involving this type of interference have been granted by delegated authority. Nevertheless, we affirm our statements in The Board of Trustees of the Leland Stanford Junior University (KLSU), 25 RR 2d 6 (1972) and Corporation for Community Radio, 25 RR 2d 8 (1972) that interference between broadcast stations over water is not considered objectionable."

The instant proposal involves an existing booster station extending its proposed 57 dBu contour slightly beyond the main KDAR(FM) 57 dBu contour over the Pacific Ocean, not toward any broadcast station. Prohibited overlap and/or interference is not an issue. If the Commission routinely allows *interference* to occur over water, it should follow that the booster's slight extension of the KDAR(FM) 57 dBu contour is also a permissible change. Accordingly, it is submitted that if a waiver of 73.1235 is necessary, it would be consistent with established FCC policy and in the public interest.

FIRST-ADJACENT CHANNEL CONSIDERATIONS

Pursuant to Section 74.1204(i), the proposed booster station is not permitted to cause prohibited overlap to any first-adjacent channel station. The only first-adjacent channel station of concern is KKJG(FM), San Luis Obispo, CA, (Channel 251B). As shown on Exhibit 2, the proposed booster station's 48 dBu F(50,10) interfering contour does not overlap the KKJG(FM) 54 dBu protected contour. Accordingly, Exhibit 2 demonstrates that

the KKJG(FM) signal exceeds the signal of the proposed booster station by 6 dB at all points within the KKJG(FM) protected contour as required by Section 74.1204(i) of the FCC Rules.

FAA NOTIFICATION & TOWER REGISTRATION

The applicant proposes no change to the current antenna/support structure. The antenna is side-mounted on a wooden pole in the remote mountaintop area where there are already a number of these support structures in use (wooden poles are the only type of support structure permitted on the mountain). The pole is less than 200 feet above ground level and satisfies the slope test to nearby airports. FAA notification and FCC tower registration are not required.

RADIOFREQUENCY IMPACT

The proposed booster station will be located on Gibraltar Peak, a multi-user, mountaintop communications site. There are 7 licensed full service FM stations, 10 TV translator/LPTV licenses and 4 authorized FM translators within 1 kilometer of the proposed booster station. The site is posted and fenced with a locked gate. It is accessible only to authorized personnel.

The applicant recognizes that the proposed technical facility theoretically exceeds 100% of the FCC's occupational guideline value. Therefore, the applicant is committed to an RFR measurement program which will identify the areas where the occupational guideline value is in excess of the limit. These areas will be clearly marked and, in the

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event workers require access to an area in excess of the limit, the Applicant is committed to reducing power or ceasing operation to ensure the safety of on-site personnel. Further, the Applicant will cooperate and coordinate with other site users as necessary to further ensure the safety of workers.

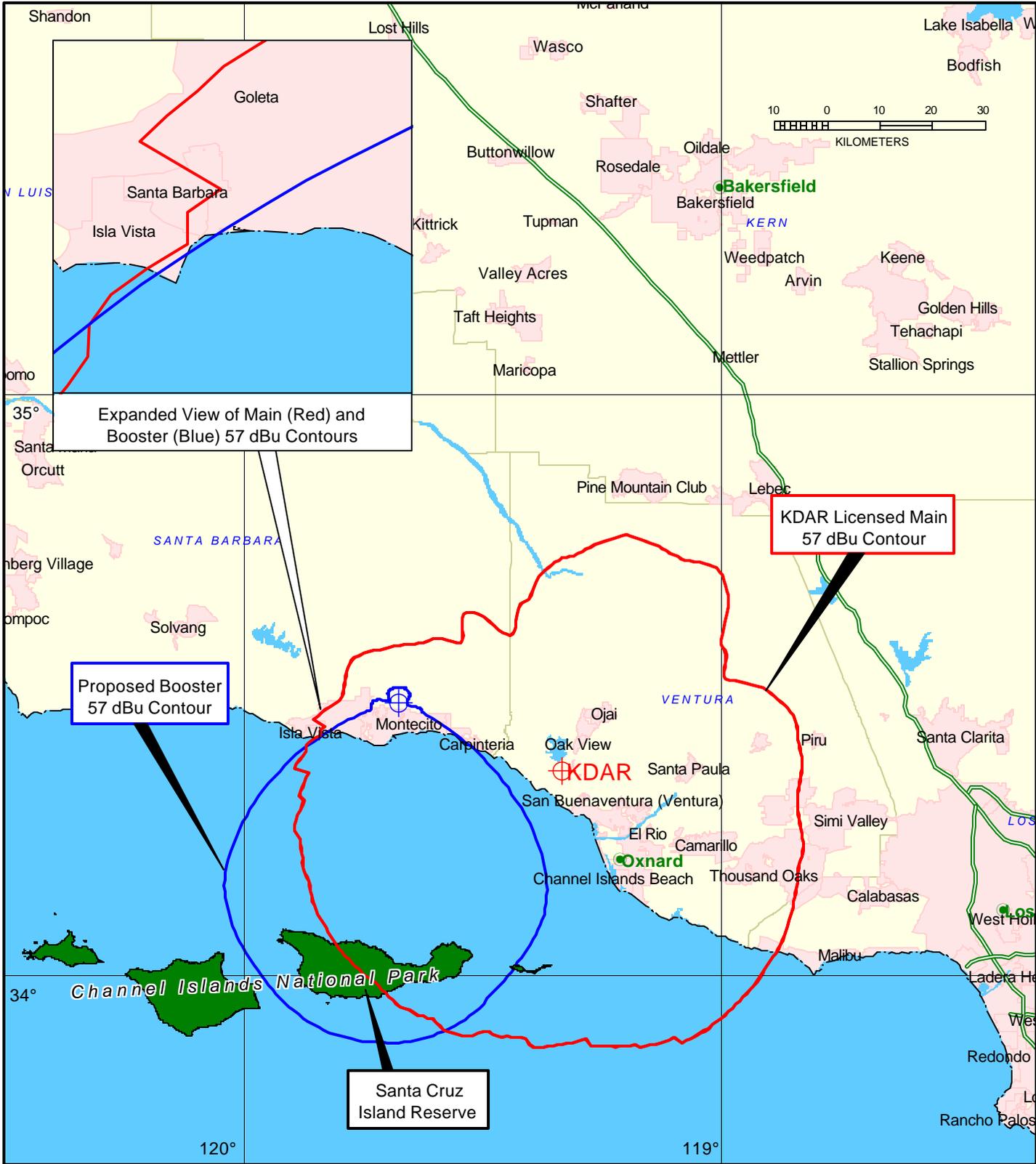
SUMMARY

It is submitted that the proposal described herein complies with the Rules and Regulations of the Federal Communications Commission. This statement, FCC Form 349, Section III, and the attached exhibits were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: July 3, 2006



William J. Getz



Expanded View of Main (Red) and Booster (Blue) 57 dBu Contours

KDAR Licensed Main 57 dBu Contour

Proposed Booster 57 dBu Contour

Santa Cruz Island Reserve

MAIN LICENSE: CH. 252B1, 1.5 kW, 393 m HAAT
 KDAR-FM1 BOOSTER: 252, 3.7 kW (DA), 649 m RCAMSL

LICENSED MAIN AND AND PROPOSED BOOSTER
 PREDICTED 57 dBu (0.7 mV/m) CONTOURS
 KDAR(FM), OXNARD, CALIFORNIA
 JULY, 2006

**Aerial Photograph, Santa Cruz Island, Channel Islands National Park
Exhibit 1-A**



Exhibit 1B. The KDAR licensed main 57 dBu contour (shown in RED) overlaps 49.7% of Santa Cruz Island. This includes the eastern portion of Santa Cruz Island including the Reserve Field Station on the Nature Conservancy's land and all the dirt roads/trails, campgrounds, ranger stations and ranches on the National Park land. The proposed booster would extend the KDAR 57 dBu coverage only over the extremely rugged western side of the island.

(Map Source: <http://www.nature.org/wherewework/northamerica/states/california/preserves/art6335.html#>)



The Nature Conservancy's property is extremely rugged and has no visitor improvements or emergency services. Private boaters may apply for a permit to land on the beaches and take day hikes. Scheduled boat trips to Nature Conservancy beaches are also provided by private outfitters, along with guided hikes into the interior. See "Visit the Island" for details.



KKJG(FM): CH. 251B, 4.5 kW, 463 m HAAT
KDAR-FM1 BOOSTER: 252, 3.7 kW (DA), 649 m RCAMSL

FIRST-ADJACENT CHANNEL
SECTION 74.1204(i) OVERLAP STUDY
KDAR-FM1, SANTA BARBARA, CALIFORNIA
JULY, 2006