

Clay Leander  
Broadcast Engineer  
Common Frequency  
PO Box 4301  
Davis, CA 95617

April 12, 2018

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: REQUEST FOR EXTENSION OF TIME TO COMPLETE CONSTRUCTION  
Timeshared LPFM facilities in San Antonio, Texas:

**Martinez Street Women's Center**  
KMSW-LP  
Facility ID# 197562  
BMPL-20180320ACC

**Esperanza Center**  
KEPJ-LP  
Facility ID# 197088  
BMPL-20180320ACB

Dear Ms. Dortch,

We are working to complete the build of a new LPFM facility for timeshared permits in San Antonio, Texas, the Esperanza Center, and the Martinez Street Women's Center. The antenna and cables have already been purchased, the site colocated to the applicant's property, programming production in planning, and a crew for the installation has been on standby to get the facility on air this weekend.

However due to an extended and unanticipated delay in shipment of new FM transmitters arriving from the U.K., we are concerned about the original deadline of the construction permit. The permit is otherwise set to expire on Monday, April 16<sup>th</sup>.

Per the attached emails, in February our stateside supplier indicated the transmitters would be available by end of March. However, we were just informed shipping "*could be a few more weeks.*"

We therefore must respectfully request an extension of time until at least mid-May to allow adequate time for the shipping of the new transmitters to arrive from the U.K., clear U.S. Customs, get tested and inventoried, and ship to San Antonio for final installation.

Attached below in support of this request is summary of our efforts to secure the LPFM Certified transmitter, along with a timeline, photos and other information documenting progress to co-locate the applicants to a single facility and get the station on air.



#### Summary of status, circumstances and progress:

Please note this emergency request for extension of time involves two Timeshared LPFM facilities that are co-locating to a single facility: the Esperanza Center (FacID# 197088), which is providing the property, and the Martinez Street Women's Center (FacID# 197562). Both applicants were originally part of FCC LPFM MX Group # 340 (see Public Notice FCC 14-211, Released: December 23, 2014).

Complications began before these LPFM permits were granted in April 2015. In December 2014, application BPH-20141229AGM was Accepted for Filing for KROX FM (FacID# 54659) a Full-Power station, which immediately introduced a difficult short-spaced condition, as detailed below.

Additionally, the status of a third applicant of MX Group 340, not included in this request but also subject to the involuntary timeshare, also still introduce uncertainty and figured into decision-making, also detailed below

#### **Shipping status of the new LPFM-Certified transmitter:**

The more immediate and significant issue concerns the FM transmitter. Per the emails below, we only recent learned that BW Broadcast suddenly stopped production on the TX 300 V2, and new line of 300-watt LPFM-Certified transmitters – the TX 300 V3 – was already expecting delays until the end of March. Additionally, the new TX300 V3 transmitters were higher than budgeted.

Even so, the applicants decided to commit to paying the higher cost, and were willing to wait until that time. Usually the transmitters ship from North Carolina to Texas within 3-5 days.

Now, per the most recent email, the new TX300 V3 are not expected to arrive for another few weeks. The email from our stateside supplier below does not mention that once BWB units arrive from the U.K., they wait in U.S. Customs for inspection before being released to for shipping.

The antenna is already installed, and studio ready to produce, but without the transmitter, the applicant is unable to proceed with equipment and programming tests per § 73.1610 and § 73.1620.

Alternately, although the Low Power FM Construction Permit specifies, and that Commission Rules § 73.1660, 73.1665 and 73.1670 expressly state, that only 'LPFM-Certified' transmitters will be authorized for the license, it has been suggested that tests can be conducted at reduced power using standard 'Type Accepted' or 'Type Approved' FM transmitter, which we are willing to consider if so approved by way of an Engineering STA.

Otherwise, in order to be issued the final LPFM License, we default to recommending to all new Low Power FM applicants to remain in full compliance, and to wait until they have received their new LPFM Certified transmitters before proceeding with tests at the maximum power.

At the recommendation of Media Bureau staff during exchanges this week, we have also included information below concerning the difficulties encountered and overcome to help the LPFM applicants here land and co-locate onto the property of the Esperanza Center in light of the new short-spacing introduced by KROX FM, as well as the status of neighboring LPFM app# BNPL-20131028AEP.

We'd appreciate full consideration to these circumstances, and plead to either allow additional time for the FM transmitter to arrive and ship to the facility, and/or allow for tests at reduced power under an Engineering STA using a standard Type-Accepted / Type-Approved FM transmitter.

Respectfully submitted  
on behalf of San Antonio LPFM applicants,

*Clayton J. Leander*

**Clay Leander**  
Broadcast Engineering Consultant  
Common Frequency  
P.O. Box 4301  
Davis, California 95617  
[cjleander@commonfrequency.org](mailto:cjleander@commonfrequency.org)

/S/

**Graciela Sanchez**  
**Esperanza Peace and Justice Center**  
922 San Pedro Avenue  
San Antonio, Texas 78212  
(210) 228-0201  
[graciela@esperanzacenter.org](mailto:graciela@esperanzacenter.org)

/S/

**Andrea Figueroa, MPA, CNP**  
**Martinez Street Women's Center**  
1510 S. Hackberry Street  
San Antonio, Texas 78210  
(210) 534-6638  
[afigueroa@mswomenscenter.org](mailto:afigueroa@mswomenscenter.org)

Cc: Victoria M. McCauley  
Attorney/Advisor  
Audio Division  
Media Bureau

Attachments:     - Timeline / additional information on progress in establishing facility  
                      - Email communications with equipment supplier – March & April 2018  
                      - Invoice / Shipping of antenna – March 2018  
                      - Photos: Property, Roof and antenna pole on 922 San Pedro Ave – San Antonio



#### Timeline / Additional Information

- Progress in establishing LPFM facility

Note: this request for an extension for time involves two LPFM Permits co-locating to a common site. Time-shared applicants were originally part of FCC LPFM MX Group # 340 (Public Notice FCC 14-211, Released: December 23, 2014).

- **December 23, 2014:** Public Notice FCC 14-211 released outlining timeline and procedure for Low Power FM Settlement Window #3, including Texas. Martinez Street Women's Center and Esperanza Center grouped into LPFM MX Group # 340.
- **December 29, 2014:** KROX FM (FacID# 54659) files modification via # BPH-20141229AGM. Applications of Martinez St. Women's Center and Esperanza Center short-spaced, limiting moves.
- **April 2015:** Martinez St. & Esperanza Center granted new Low-Power FM permits. KROX application filed in December 2014 still pending, short-spacing of LPFMs unresolved.
- **July 20, 2015:** Informal Objection against MX#340 application BNPL-20131028AEP raising issues to determine 'real party of interest' and cross-ownership. Martinez St. & Esperanza Center watch for outcome, as change in timeshare would weight decision whether to lease and locate to commercial tower sites (ie: limited hours under 3-way timeshare at only 100 watts not financially viable).
- **July 12, 2016:** MX#340 application # BNPL-20131028AEP is granted, Objection dismissed, forcing 3-way timeshare. Martinez St. & Esperanza Center monitor status of BPH-20141229AGM.
- **March 9, 2017:** KROX FM modification # BPH-20141229AGM is finally granted. Martinez St. & Esperanza Center consider remaining options for tower sites in light of limitations under timeshare and short-spaced conditions. Consults with Clay Leander at Common Frequency.
- **October 2017:** Follow up with Common Frequency regarding remaining options for antenna sites. Several possible locations are identified, will require engineering studies regarding short-spacing.
- **January 2018:** Potential locations narrowed down. Further information required on capacity of each site to accommodate antenna, transmitter, studio, STL and/or LPFM transmitter equipment, and if compliant with TOWAIR and Second-Adjacent waivers. Additional information also sought on LPFM co-location in short-spacing scenarios.
- **February 2018:** Audio Division staff clarifies rules, timeshared LPFMs may co-locate to a common site even in short-spaced scenarios. LPFM application BMPL-20180220AAH is prepared and filed, allowing Esperanza Center to co-locate with Martinez Street Womens Center.

Budgets for equipment purchases are approved by the nonprofit organizations, orders commence.

- **March 4 2018:** Supplier for BW Broadcast transmitters informs engineer that BW TX300 V2 transmitter has been discontinued and no more available. Unit is replaced by TX300 V3, but not expected for several weeks. Applicants are will to wait
- **April 2018:** Follow up with supplier. Further delay on shipping of TX300 V3 transmitters from U.K. Units will be subject to US Customs when arrive. Budget does not accommodate higher-priced transmitter or overnight shipping of heavy items. Engineering crew scheduled for weekend of April 14 on standby.
- **April 11, 2018:** Consultant for the Applicants contacts Media Bureau staff for emergency extension of additional time on LPFM construction permits, expiring April 16, 2018. Staff confirms that requests for extensions must be printed and submitted by mail or courier to the Office of the Secretary.

----- Original message -----

From: Chuck Maines <[chuckm@scmsinc.com](mailto:chuckm@scmsinc.com)>

**Date: 4 Mar 2018 15:14:22 +0000**

Subject: Invoice - BW TX 300 V3 + shipping

To: cjeander

Cc: Doug Tharp

Clay, we are at the point where BW Broadcast is going to start shipping their new V3 version of the TX300 in about 4 weeks; we're currently out of the TX300V2, and there are no more available.

The new V3 includes:

- 30-330W RF output power
- Direct-to-channel digital modulation
- GPS inputs for SFN application
- XLR analogue & digital inputs
- Dual MPX / SCA ins and outs
- Lab Grade DSP stereo generator
- RDS generator
- DSPX multi-band processor inside
- VSWR and temp monitoring
- Slide-in & Hot Swap power supplies
- Events, Alarms and Actions
- RS232, Telnet, SNMP
- Mobile-ready web browser control

Attached is our pro forma invoice with ground shipping

Thanks!

Best regards,

Chuck Maines

Sales Manager | SCMS, Inc.

Toll-Free: 844-436-4327 | Mobile: 765-914-7306 |

[www.scmsinc.com](http://www.scmsinc.com) <<http://www.scmsinc.com/>>



----- Original message -----

From: Chuck Maines <[chuckm@scmsinc.com](mailto:chuckm@scmsinc.com)>

Date: Wed, Apr 11, 2018

Subject: Invoice & Shipping of BWB TX300 V3 to San Antonio, TX

To: cjeleander <[cjeleander@commonfrequency.net](mailto:cjeleander@commonfrequency.net)>

Cc: Doug Tharp <[dougt@scmsinc.com](mailto:dougt@scmsinc.com)>

Hi, Clay,

Please note that the BW TX300V3 transmitters are currently on backorder and we expect it could be a few more weeks before we receive them into our warehouse. The initial stock we had of the BW TX300V3 did not last as long as we'd hoped.

As you know, the V3 series replaced the V2 series, so we are in a period where we have no V2 versions of this transmitter left in stock, and the factory isn't building any more.

Best regards,

Chuck Maines

Sales Manager | SCMS, Inc.

Toll-Free: 844-436-4327 | Mobile: 765-914-7306 | [www.scmsinc.com](http://www.scmsinc.com)

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Invoice No: **010764**

Customer No: 36227

# INVOICE

## Shipping Information

ESPERANZA PEACE AND JUSTICE  
GRACIELA SANCHEZ  
922 SAN PEDRO AVE  
SAN ANTONIO, TX 78212-4642  
(210)228-0201

## Billing Information

ESPERANZA PEACE AND JUSTICE  
GRACIELA SANCHEZ  
922 SAN PEDRO AVE  
SAN ANTONIO, TX 78212-4642  
(210)228-0201

PAYMENT TERMS	REFERENCE / PO	SHIP VIA	SALES REP	INVOICE DATE
WEBSITE	8411	UPS Ground	Sara	3/22/2018

[illegible]

SUB TOTAL	SALES TAX	SHIPPING COST	CARD NO.
\$99.95	\$0.00	\$33.45	

<b>INVOICE TOTAL</b>
<b>\$133.40</b>

Made In The United States of America, Terms C.I.F., 1 Packages, 6 Lbs. Total Weight, (Dimensional weight may apply).

Master Tracking # 1ZE8E3940399595991

**Note: Please Allow 24-48 Hours For Tracking Number To Become Active. Additional Duties & Taxes May Apply To Certain Products**

*We certify that the goods in this invoice comply with the origin requirements specified for these goods in the North American Free Trade Agreement, and that further processing or assembly in a third country has not occurred subsequent to processing in the NAFTA region.*

## Photos of antenna site – 922 San Pedro Ave – San Antonio

Front of building

Esperanza Center – 922 San Pedro Ave - 4/12/2018 (G.Sanchez)

→ site Granted via [BMPL-20180320ACB](#)



Pole on roof – 922 San Pedro Ave



Antenna mounted on pole – 4/12/2018







# SALES ORDER

3401020

Apr 11, 2018

## Sold To

Esperanza Center  
922 San Pedro Ave.  
San Antonio, TX 78212  
USA

## Ship To

Esperanza Center  
922 San Pedro Ave.  
San Antonio, TX 78212  
USA

**Corporate Office**  
Pineville / Charlotte NC

1-800-438-6040  
ph. 704-889-4508  
fax 704-889-4540  
sales@scmsinc.com

Sales Rep		Cust. PO		Ship Via		Terms		Rep PO	
Chuck Maines		Clay - 041118		Ground		Net 30			
Line	Qty	Manufacturer	Part #	Description		Unit Price	Ext. Price		
1	1	BW Broadcast	TX300V3	BW Broadcast TX300 V3 FM Transmitter		\$			
2	1	Times Microwave	LMR400-100NMN M	100' 3/8" coax with N-M on each end					
3	1	Times Microwave	LMR400-50NMN M	50' 3/8" coax with N-M on each end					
4	1	RFI	RFN-1013-1	Barrel connector adapter, N-F both ends					

<b>SUBTOTAL</b>	\$
<b>TAX</b>	
<b>SHIPPING</b>	
<b>TOTAL</b>	\$

TERMS & CONDITIONS: Quote is valid for 30 days with the exception of price increases from the manufacturer. All prices are FOB Origin. Taxes, e-procurement fees, and freight are not included. Any freight charges shown are estimates only and customer will be billed for actual charges. Package Sale Price is for payment within terms only, otherwise list price shown will be due. Net 30 Days terms are subject to credit approval. Partial Invoicing for partial shipments will be allowed. All items remain the property of SCMS until paid for in full with all legal expenses required for collection paid by purchaser. Any stated deliveries are subject to SCMS stock availability and/or manufacturer's stock and production schedules at time of order. All used equipment is on a "first come first serve" basis. All non-defective returned products and cancellations are subject to a 20% restocking fee. All credit card purchases are subject to a surcharge. Only manufacturer warranties are applicable.

3401020

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### Application Search Details

<b>File Number:</b>	BMPL-20180320ACC
<b>Call Sign:</b>	KMSW-LP
<b>Facility Id:</b>	197562
<b>FRN:</b>	0023134919
<b>Applicant Name:</b>	MARTINEZ STREET WOMEN'S CENTER
<b>Frequency:</b>	101.5
<b>Channel:</b>	268
<b>Community of License:</b>	SAN ANTONIO, TX
<b>Application Type:</b>	MINOR MODIFICATION TO A CONSTRUCTION PERMIT
<b>Status:</b>	GRANTED
<b>Status Date:</b>	03/26/2018
<b>Expiration Date:</b>	04/16/2018
<b>Tolling Code:</b>	
<b>Application Service:</b>	FL
<b>Disposed Date:</b>	03/26/2018
<b>Accepted Date:</b>	03/21/2018
<b>Last Public Notice:</b>	03/29/2018
<b>Last Report Number:</b>	49203
<b>Authorization</b>	<a href="#">View Authorization</a>
<b>Engineering Data</b>	<a href="#">View Engineering Data</a>
<b>Legal Actions</b>	<a href="#">View Legal Actions</a>
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<b>File Number:</b>	BMPL-20180320ACB
<b>Call Sign:</b>	KEPJ-LP
<b>Facility Id:</b>	197088
<b>FRN:</b>	0023129182
<b>Applicant Name:</b>	ESPERANZA PEACE AND JUSTICE CENTER
<b>Frequency:</b>	101.5
<b>Channel:</b>	268
<b>Community of License:</b>	SAN ANTONIO, TX
<b>Application Type:</b>	MINOR MODIFICATION TO A CONSTRUCTION PERMIT
<b>Status:</b>	GRANTED
<b>Status Date:</b>	03/26/2018
<b>Expiration Date:</b>	04/16/2018
<b>Tolling Code:</b>	
<b>Application Service:</b>	FL
<b>Disposed Date:</b>	03/26/2018
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04/12/2018

## Addendum to Request for Extension of Time to Complete Construction

### Timeshared LPFM facilities in San Antonio, Texas:

Martinez Street Women's Center	Esperanza Center
KMSW-LP - Facility ID# 197562	KEPJ-LP - Facility ID# 197088
BMPL-20180320ACC	BMPL-20180320ACB

At the request of Media Bureau legal staff, information and a timeline of progress made to date for establishing the timeshared facilities has been provided in the attachments in support of the request.

To recap, an assessment was made following the March 2017 grant of an application for full-power station KROX FM, which introduced new short-spacing to the above-captioned LPFM applications. Over the past year, several sites were identified and studied for compliance with the technical rules, as well as a cost/benefit & logistical analysis on the pros and cons of whether the sites would be viable.

Equally important, was that at least two of the timeshared LPFM applicants were willing to colocate and work cooperatively. With new management at the Martinez Womens Center collaborating with the Esperanza Peace Center, the groups have worked out a plan to share costs, space, equipment, resources and expertise to establish a community radio facility and stay on the airwaves. However the ongoing search continued for where best to establish the facility.

After long and careful studies of numerous sites, the breakthrough came when realized that a pathway existed within the rules to colocate the facilities by way of the LPFM timesharing rules, and then make the final move onto the property of the Esperanza Center. It turned out that rules on short-spacing allowed for rounding to the nearest kilometer, for which the site of Esperanza was actually compliant.

Moving to 922 San Pedro solves numerous technical, logistical and financial issues. The site eliminates need for STLs, internet installation, monthly billing of electrical and tower site costs, access and security involved with third-party sites, maintenance, troubleshooting and keeping transmitter on correct schedule.

The first set of modifications for co-location were granted in February, and the final modifications were filed and granted in March. The budget allocations were made, and the parties proceeded with ordering equipment. As outlined above, the LPFM Certified transmitter originally specified was no longer being manufactured, with delays estimated for arrival of new units from the UK, hence the request for extension.

As of April 12, the antenna is installed, cables are enroute to arrive and be installed by Saturday and all will be ready for the transmitter as soon as it arrives. Initial setup is usually completed in an afternoon.

Once the transmitter is delivered, the antenna and cables (RF & audio) will be connected, the unit powered up, and set to the assigned frequency, starting at reduced power. FM tuners will be used to confirm and compare the incoming and outgoing signal on the correct frequency. The scheduling function on the transmitter will also be set to the assigned timeshare hours, along with signal processing functions.

The Form 319s for the Licenses will be filed specifying ERP and TPO once the unit is confirmed as functioning properly and on schedule, and the timeshare applicants will commence with program tests announcing the call sign and community of license. Readings will be recorded for modulation, transmitter power output, and VSWR, with the engineer making adjustments as needed.

After the License is granted, facility will be set to full allowable ERP. Station staff will proceed with scheduled programming and operations, and will introduce new community voices to the local airwaves.