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April 2, 2019

VIA HAND DELIVERY

James D. Bradshaw
Senior Deputy Chief,
Audio Division – Media Bureau
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Received-FCC
APR - 2 2019
Bureau / Office

RE: K229DD, San Francisco, CA
File No. BLFT-20170519AAW
Facility ID No. 144139
Informal Objection – Interference Complaint (1800B3-KV)

Mr. Bradshaw,

Lazer Licenses, LLC (“Lazer”), licensee of KXZM(FM), Felton, California (Facility ID No. 4698) (“KXZM”), hereby responds to Hispanic Family Christian Network, Inc.’s (“HFCN”) March 27, 2019, request (“Request”) that its FM translator, K229DD, San Francisco, California (Facility ID No. 144139) (“K229DD”), be permitted to resume operations. HFCN’s Request was filed in response to your letter (“Letter”) dated March 25, 2019, ordering HFCN to cease operations of K229DD for failing to resolve interference to KXZM. For the reasons stated herein, Lazer opposes HFCN’s Request, and asks that the FCC not permit K229DD to resume operations.

The FCC’s March 25, 2019 Letter ordered HFCN to cease operations of K229DD immediately. The decision was based on 2 basic tenets:

- HFCN failed to resolve all interference complaints; and
- Parties to the interference complaints were intimidated to the point of dropping the complaints.

On both counts, Lazer believes that the FCC acted appropriately and with proper cause.

As stated in the Letter, HFCN failed to resolve the complaints of Torres, Peña, and Zarate. Without definitive proof that the 3rd attempted antenna relocation had completely eliminated all interference for all complainants, K229DD should not be allowed to resume operations. As the FCC also correctly noted in the Letter, several complainants indicated that they felt threatened, intimidated, or coerced into dropping their complaints. Phrases including “You will be made to appear before a judge” were used in correspondence between HFCN and the complainants. Despite the fact that such an



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activity would not take place in the resolution of translator interference, the listener would not know whether or not that was true.

In their Request, HFCN apologizes for using threatening and intimidating language in their correspondence, claiming it was unintentional. Lazer believes that it is disingenuous for a Hispanic-focused company to claim that their terminology in contacting Latino complainants was unintentional. Clearly, members of HFCN's staff speak, read, and write in fluent Spanish. HFCN has no defensible argument that the phraseology in their correspondence was anything less than an intentional attempt to intimidate the listeners into dropping their complaints. Lazer also asserts that the number of complainants that suddenly became unresponsive or asked not to be further contacted was a direct result of HFCN's intimidation tactics.

In HFCN's Request, HFCN indicates that it relocated K229DD's antenna and adjusted its polarization to eliminate any interference to KXZM. During the 16-month interval between November 14, 2017 (when such adjustments were completed) and K229DD's suspension of operations on March 25, 2019 pursuant to the Letter, however, Lazer did receive additional interference complaints from KXZM's listeners. During this time, Lazer determined that it would not submit any additional interference complaints to save its listeners from potential harassment and intimidation by HFCN during the complaint resolution process. Lazer instead patiently waited for the FCC to follow its due process and eliminate the interference.

In point of fact, interference to KXZM's signal caused by K229DD's operations has persisted during the past 16 months despite HFCN's claims that the antenna adjustments resolved all interference issues. Indeed, HFCN has failed to resolve the Zarate interference complaint, as demonstrated by Zarate's follow-up complaint attached hereto. The supplemental Zarate complaint is dated March 30, 2018 – 4 months after HFCN allegedly eliminated interference to KXZM's signal by adjusting K229DD's antenna.

With the cessation of K229DD's transmission on March 25, 2019, the KXZM signal has returned to normal coverage – but the resulting return of listenership has yet to be determined. For 16 months, listeners of KXZM were faced with ongoing and damaging interference to their ability to listen to the station. Despite HFCN's multiple attempts to relocate K229DD's antenna and adjust polarization (an activity that should not have been necessary if the antenna was constructed and mounted according to its construction permit), the KXZM audience continued to experience interference caused by the translator until the FCC ordered it to suspend operations. During the process, listeners to KXZM that live in or travel through the affected areas have experienced great fatigue in expecting the station to return to "normal," and have very likely moved on to other broadcast outlets for their entertainment and emergency information. Since these listeners are no longer listening to KXZM, it is impossible for Lazer to inform them that, finally, the interference from K229DD has been eliminated. Regaining that lost audience will be an extremely difficult and expensive process as external marketing in the San Jose metropolitan area is very costly.

Permitting HFCN to resume operations of K229DD would set in motion another lengthy and costly process for the FCC and Lazer – while potentially exposing Lazer to further losses of listenership, ratings, and revenue. HFCN's Request comes at the very first days of the Spring Nielsen ratings period



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(March 28 – June 19, 2019). KXZM has already experienced devastating losses of listenership, and Lazer can ill afford to be subject to another 16 months (or more) of interference with KXZM's licensed operations. If K229DD is allowed to resume broadcasting, KXZM listeners may be subjected to renewed intimidation and coercion by HFCN into dropping their interference complaints. None of the above serves the public interest.

For these reasons, Lazer respectfully requests that the FCC deny HFCN's Request and not allow K229DD to resume operations.

Sincerely,

Joshua L. Mednick
Chief Operating Officer

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

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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) 02-15-18

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

NOW WITHOUT INTERFERENCE San Jose CALIFORNIA
San Francisco, Hayward.

COMMENTS Llevo vario tiempo que escucho la
radio y me molesta que halle interferencia y
cambio de idioma cuando manejo en algunos lados

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

SIGNED  DATE 03-30-18

(01050061-3)

Translation of Comments:

“I have listened to the radio for some time and it bothers me that there is interference and a change in language while I am driving in certain areas.”