

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of)	
)	
REDROCK RADIO GROUP LLC)	File No. 0000084281
)	Facility ID No. 141424
)	
For Modification of License of)	
Station K256CA,)	
Navajo Mt./Lake Powell, Utah)	

To: Chief, Audio Division
Media Bureau

**OPPOSITION TO PETITION TO DENY
REQUEST FOR EXPEDITED PROCESSING**

RedRock Radio Group LLC ("RedRock"), licensee of KBDX(FM), Blanding, Utah, and K256CA, Navajo Mountain/Lake Powell, Arizona, hereby opposes the Petition to Deny¹ filed by Lake Powell Communications, Inc. ("LPC"), licensee of KXAZ(FM), KPGE(AM), and K252FG, Page, Arizona requesting denial of the above-captioned application for modification of the license of K256CA, as amended on September, 2019 (the "Amended Application") File No. 0000084281. In support thereof, the following is shown:

The Amended Application

The Amended Application proposes the use KBDX Blanding Ut as the primary station requesting a waiver of the rules that would enable K256CA to be supported by the

¹ The caption "Petition to Deny" is a misnomer. Petitions to deny do not lie against minor modification applications. See, e.g., *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, Report and Order, 21 FCC Red 14212, 14220, 12 (2006)*, Section 73.2586 of the Commission's rules (Procedure for Filing Informal Objections) provides that "the time for filing pleadings provided by in Section 1.45 of the rules shall not be applicable to any objection duly filed under this section."

primary station and to serve the Navajo Mountain Chapter Community with a 60 dBu signal.

The Amended Application includes a request for waiver to allow K256CA to serve an area that is unserved by full-service broadcast stations utilizing commonly-owned station KBDX (which is located outside of the translator's 60 dBu contour) as the translator station's primary input station transmitting with a proposed 10 watt ERP. Grant of the waiver request will result in coverage, to the upper Glen Canyon Lake and the Navajo Mt. Chapter of the Navajo Reservation.

LPC's Objections Are Without Merit

The Petition to Deny, as shown below, its contentions are without merit. Redrock Radio group has provided an amended application supporting the merit of its request.

"White Area" Service

At issue are Sections 74.1231(b) and 74.1232(d) of the Commission's rules, which provide that an other-area or non-fill-in translator station may only retransmit a commercial FM station signal that is received directly off-air and that an authorization for such a translator station will not be granted to any person interested in or connected with the translator's primary commercial FM station. Where a licensee establishes that the proposed facility's service contour will include a substantial amount of "white area," it is the policy of the Commission to grant requests for waiver of Section 74.1232(d). In its 1990 *Translator Report Order*², the Commission stated that it would be "favorably disposed" towards granting waivers of Sections 74.1231(b) and 74.1232(d) for translators that provide service to a "white area."

A grant of the Amended Application will result in the provision service to a substantial "white area" which is not predicted to receive service from any full-time aural broadcast service. The

² *Amendment of Part 74 of the Commission's Rules Concerning FM Translator Stations, Report and Order*, 5 FCC Red 7212, 7215 (1990).

"white area" includes the Native American villages of the Navajo Mountain Chapter, a Navajo Indian tribal community which includes the Navajo Mountain High School, Navajo Mt. Chapter house, Navajo Mt. Community Health Clinic, Naatsis'aan Community School and Rainbow City Assembly of God Church, all of whom do not receive predicted 60 dBu service from a full-time aural facility. All residents in this area would only receive the 60 dBu signal from K256CA, consulting engineer Roy Stype, adding in his report some 500 plus residences would receive the signal and programming from K256CA.

Complainant Lake Powell Communications operates KXAZ and KPGF in a unique marketplace where LPC has no local radio station competitors (i.e., no 60 dBu overlap from any competitor). The nearest FM commercial allotments to Page are in Kanab, Utah some 80 miles away, Flagstaff some 118 miles south and Blanding Utah, 125 miles east. LPC's station provide sole Full-time radio service to the area.

RedRock via its application, is offering to serve a larger audience, namely, an audience that consists of residents in its proposed service area and some of the 4 million plus visitors to the Eastern Glen Canyon Recreational Area, all of whom may not be served by any other full-time aural service. Grant of RedRock's waiver request will result in providing news, weather and public service information to this unique area, information that could be pivotal in adverse weather or other emergency situations in the Glen Canyon Recreational Area.

Redrock Radio Group, via this Reply, respectfully request the commissions expedited processing of the above titled application as it is a duplicate of a filing submitted by LPC in September of 2018 bringing no new merits to the original complaint. Redrock Radio Group's amended filling fully complies with the commission rules and demonstrates the 'white area' via

the engineering statement rendering I.P.C's "Petition to Deny" moot. In its amendment on 10/21/2019, Redrock has added

- Technical Certification.
- White area Map
- Formal request for a Waiver

WHEREFORE, for the foregoing reasons, RedRock respectfully requests expedited processing in that the Commission grant its application to modify the license of K256CA at the earliest possible time as conditions at the transmitter site may make it inaccessible in winter like conditions arriving soon.

Respectfully submitted,

REDROCK RADIO GROUP LLC

By: 

Thomas Troland
Managing Director
Redrock Radio Group LLC

Date:

October 23, 2019

Declaration of Thomas Troland

I, Thomas Troland, declare under penalty of perjury, as follows:

- 1 I am Managing Director and Manager of RedRock Radio Group LLC, the licensee of FM broadcast station KBDX, Blanding, Utah, and FM translator station K256CA, Navajo Mountain/Lake Powell, Utah.
- 2 I have reviewed the "Reply to Petition to Deny" and hereby declare the facts set forth therein are true and correct to the best of my knowledge and belief.

Executed this 23th day of October 2019.



Thomas Troland

CERTIFICATE OF SERVICE

I, Thomas Troland, hereby certify that on this 23th day of July 2019, I have served a copy of the foregoing "Reply to Petition to Deny" on the following:

*James D. Bradshaw,
Senior Deputy Division Chief
Audio Division; Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2A-223
Washington, D.C. 205554
(James.Bradshaw@fcc.gov)

*Robert Gates
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 205554
(Robert.Gates@fcc.gov)

*Cary S. Tepper, Esq.
Tepper Law Firm, LLC
4900 Auburn Avenue, Suite 100
Bethesda, Maryland 20814-2632



Thomas Troland

*/indicates delivery by email

GSB:10387095.1