

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

In re Application of)
)
Lancaster Educational Broadcast Service) FCC File No. 0000182697
) Facility ID No. 195731
For a Minor Modification of License)
of Station KLQS-LP)
Agua Dulce, California)

To: The Commission
Attn: Chief Audio Division, Media Bureau

PETITION TO DENY

KLAX Licensing, Inc. (“*KLP*”), by its attorneys and pursuant to Section 309(d) of the Communications Act of 1934, as amended, and the Commission’s Rules, hereby petitions the Commission to deny the above-captioned application, as amended(the “*Application*”), of Lancaster Educational Broadcast Services for a minor modification of license for low power FM station KLQS-LP, Agua Dulce, California (FCC Facility ID. No 195731) (FCC File No 0000182697).

KLX is the licensee of radio station KLAX-FM, East Los Angeles, California (FCC Facility ID No. 61638) (“*KLAX-FM*”). KLAX-FM operates on Channel 250 (97.9 MHz), which is second adjacent to KLQS-LP (Channel 248 (97.5 MHz)). The Application should be dismissed because the proposed modification to the low power FM station is in direct violation of 47 CFR §73.807(a)(1) which requires low power FM modification applications to meet the distance separations specified in the rule or, if short-spaced, not lessen the spacing to subsequently authorized stations. The Application proposes to move KLQS-LP 6.62 km closer to the KLAX-FM site and does not include a waiver request to permit violation of this part of the FCC rule.

Attachment A – Engineering Statement of Carl E. Gluck, CPBE



**Statement of Carl E. Gluck
In Support of
A Petition to Deny the
Application (File No. 0000182697) of
KLQS-LP Agua Dulce, CA, FAC ID 195731**

Introduction

I am a Senior Engineer in the firm of Carl T. Jones Corporation, an engineering consulting firm in Springfield, VA. My education and experience are a matter of record with the FCC. This firm has been authorized by KLAX Licensing, Inc, licensee of KLAXFM East Los Angeles, CA, to prepare this statement in support of a Petition to Deny an Application for Construction Permit requested for KLQS-LP, Aqua Dulce, CA, FCC File Number BLANK-0000182697 by Lancaster Educational Broadcast Service.

KLAX-FM operates on a second adjacent channel to the proposed LPFM facility. The KLAX-FM transmitter site is located 23.6 kilometers from the proposed LPFM site. KLAX-FM opposes the KLQS-LP application and request for waiver to prevent interference to KLAX-FM listeners.

The KLQS-LP application is in Violation of 47 CFR 73.807

The application to move KLQS-LP from the presently licensed location **CLOSER** to 2nd adjacent KLAX-FM is in direct violation of 47 CFR 73.807(a)(1) that says “LPFM



modification applications must either meet the distance separations in the following table or, if short-spaced, not lessen the spacing to subsequently authorized stations.” The KLQS-LP application proposes to move from the licensed site which is 30.21 km away from KLAX-FM to the application site which is 23.59 km away from the KLAX-FM site. No waiver request is included in the KLQS-LP application to permit violation of this part of the rule. Further, the required separation for the LPFM station from KLAX-FM in the 73.807 table is 67 kilometers. The application is for relocation to a site resulting in only one third of this separation. The initial application specified a directional transmitting antenna. Recently an amendment was filed specifying a non-directional unit.

The KLQS-LP application misstates the facts in its Waiver Request

The KLQS-LP application contains a Second Adjacent Waiver Request that reads:

“Applicant respectfully requests a "second adjacent channel waiver" with regards to Section 47 C.F.R. Section 73.807 of the FCC rules based upon the "Living Way" precedence (Living Way Ministries, Inc., Memorandum Opinion and Order, 17 FCC Red 17054, 17056, ¶ 5 (2002), recon. denied 23 FCC Red 15070 (2008)).”

“For KLAX-FM, the Class B 54 dBu FCC contour has an aberrant offshoot over a mountainous rural area with coverage that deviates from FCC calculated strength. Since FCC FM coverage is based upon a 3 to 16 kilometer sampling,

the contour calculation is “blind” to the mountains past 16 km, projecting an offshoot contour over the area.”

Specifically the sentence that reads: *“For KLAX-FM, the Class B 54 dBu FCC contour has an aberrant offshoot over a mountainous rural area with coverage that deviates from FCC calculated strength”* is contradictory, and makes no sense. An “FCC Contour” deviates from “FCC calculated strength”? Indeed, the FCC 54 dBu contour it refers to is one calculated using the FCC (50,50) curves and proper methodology prescribed in the rules.

The proposed KLQS-LP site lies very close to one of the 8 cardinal radials, at 315 degrees relative to the KLAX-FM transmitter site. The statement that the calculation is somehow blind to existing mountains beyond 16 km on that radial is incorrect. Exhibit 1 attached shows the direct 316.22 degree radial to the KLQS-LP site with a plot of the 3 second NED USGS terrain shown. There are no obstructing mountains beyond 16 kilometers.

Furthermore, the Living Way decision does not introduce the use of the Longley Rice Irregular Terrain propagation model. The arbitrary use of Longley Rice to provide an alternate value for an inconvenient protection requirement is wholly without merit. In the waiver request the only time a Longley Rice value was used is to substantially reduce the calculated area of interference to the KLAX-FM signal. This is an incorrect evaluation of the interference area.

Exhibit 2, attached, shows a correct evaluation of the interference area considering the initially proposed antenna.. KLAXFM has a signal level of 57.4 dBu at the proposed KLQS-LP tower site. The corresponding interference value for the KLQS-LP signal is 97.4 dBu. There are 34 housing units with 109 people within the interference area.

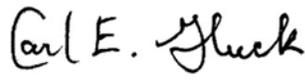
Exhibit 3, attached, is another view of the proposed area of interference to KLAX-FM. It is an aerial view of the area inside of the interfering contour that shows dozens of occupied structure as well as a highway. The applicant's claim of no population within the area of predicted interference is incorrect. Considering the use of a non-directional antenna, Exhibits 4 and 5 depict the area of increased interference to KLAX-FM.

Conclusion

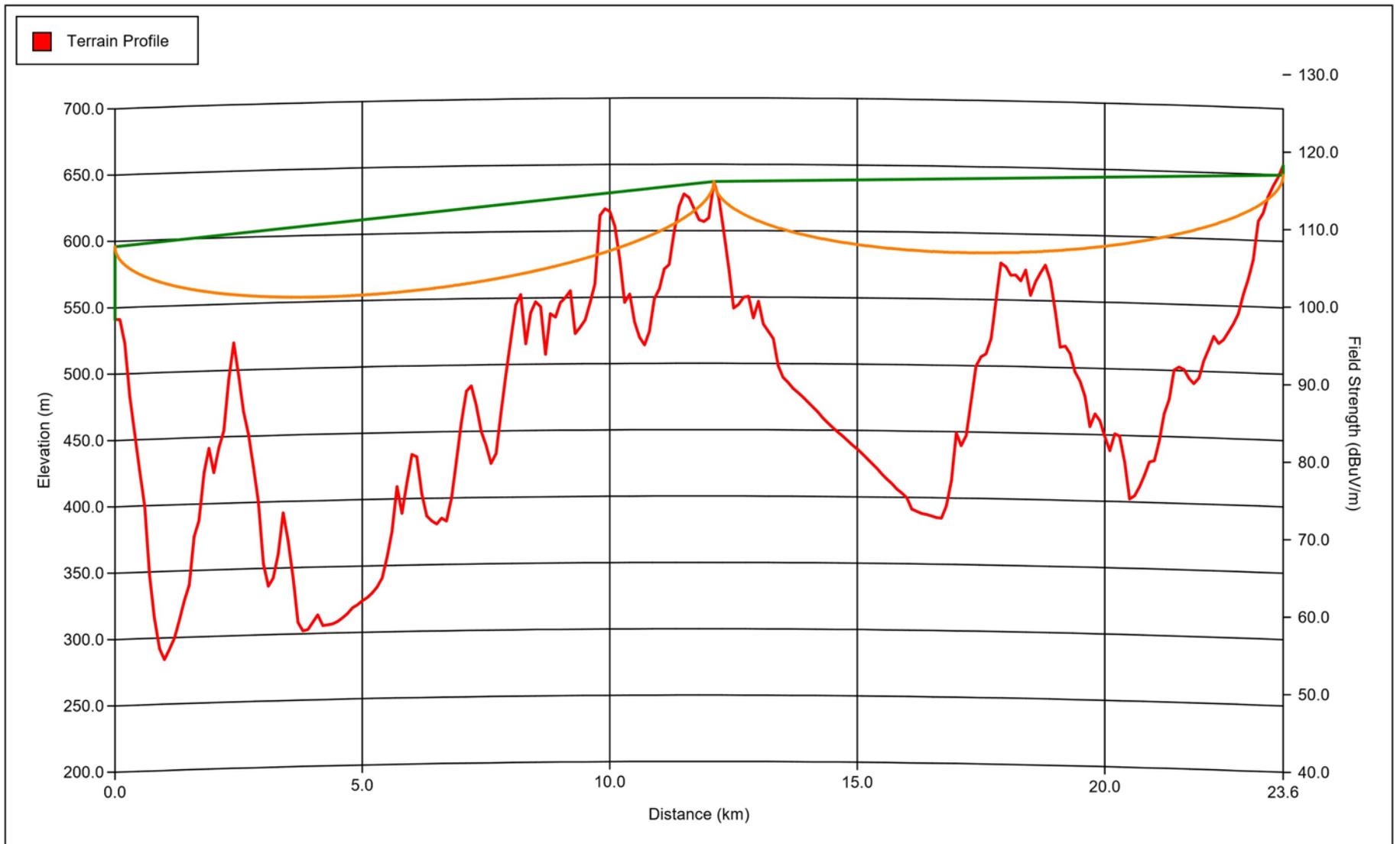
The KLQS-LP application (as amended) proposing relocation of its antenna/transmitter site will result in interference to the protected service of KLAX-FM and fails to comply with the technical requirements of the Commission's Rules and Regulations.

The above statement is true and accurate to the best of my knowledge and belief, under penalty of perjury.

Dated: February 7, 2022

Carl E. Gluck, CPBE



Start Latitude: 34-09-49 N
 Start Longitude: 118-11-47.30 W

End Latitude: 34-19-01.50 N
 End Longitude: 118-22-26 W

Distance: 23.6 km
 Bearing: 316.22 deg

Exhibit 2 - KLQS-LP Application - Population inside Interfering Contour



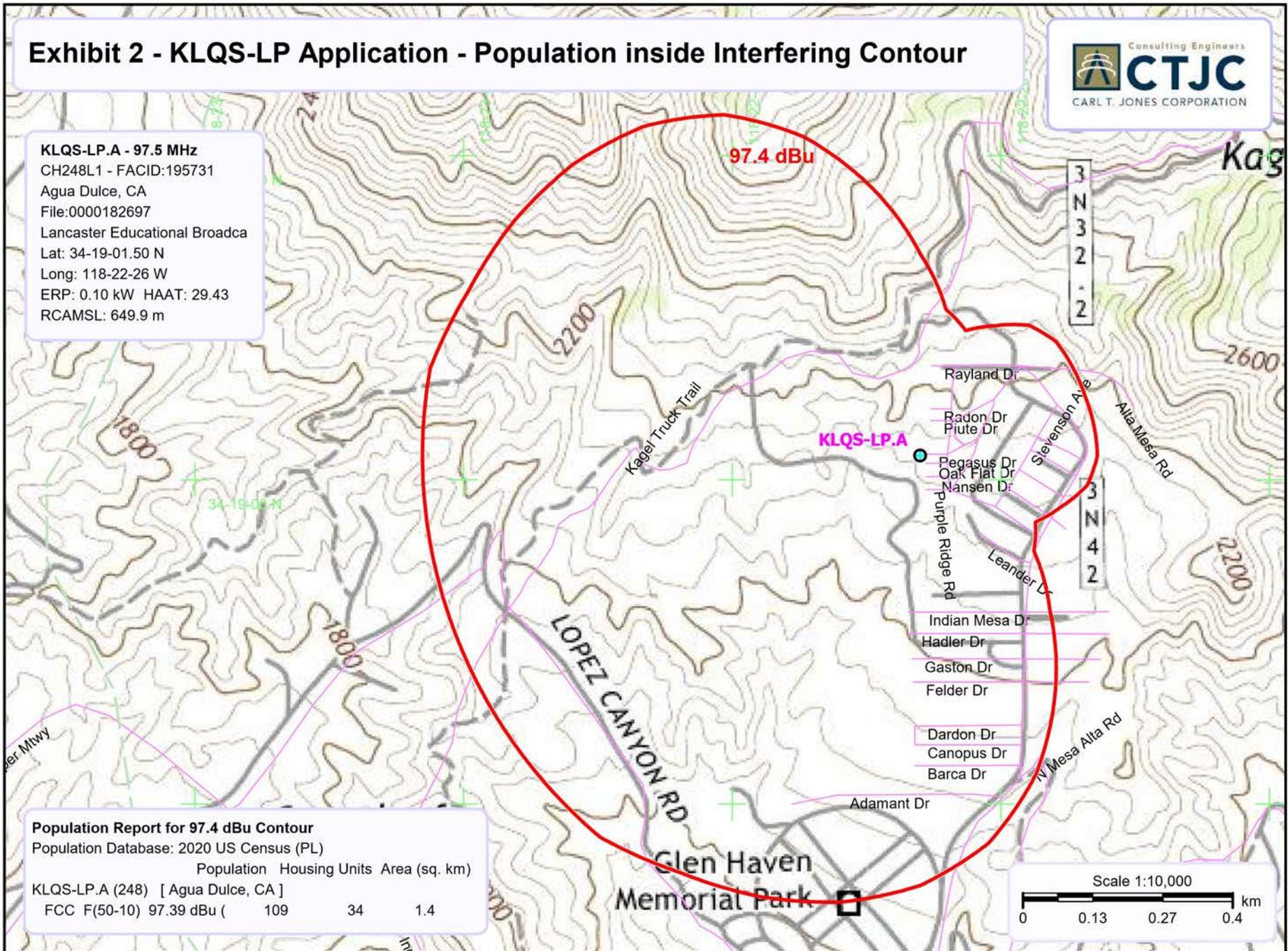
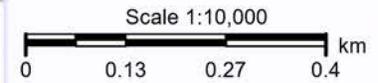
KLQS-LP.A - 97.5 MHz
 CH248L1 - FACID:195731
 Agua Dulce, CA
 File:0000182697
 Lancaster Educational Broadca
 Lat: 34-19-01.50 N
 Long: 118-22-26 W
 ERP: 0.10 kW HAAT: 29.43
 RCAMSL: 649.9 m

97.4 dBu

KLQS-LP.A

Population Report for 97.4 dBu Contour

Population Database: 2020 US Census (PL)
 Population Housing Units Area (sq. km)
 KLQS-LP.A (248) [Agua Dulce, CA]
 FCC F(50-10) 97.39 dBu (109 34 1.4



97.4 dBU Interfering Contour of KLQS-LP

Map shows dozens of occupied structures and a Highway inside the contour.

Legend

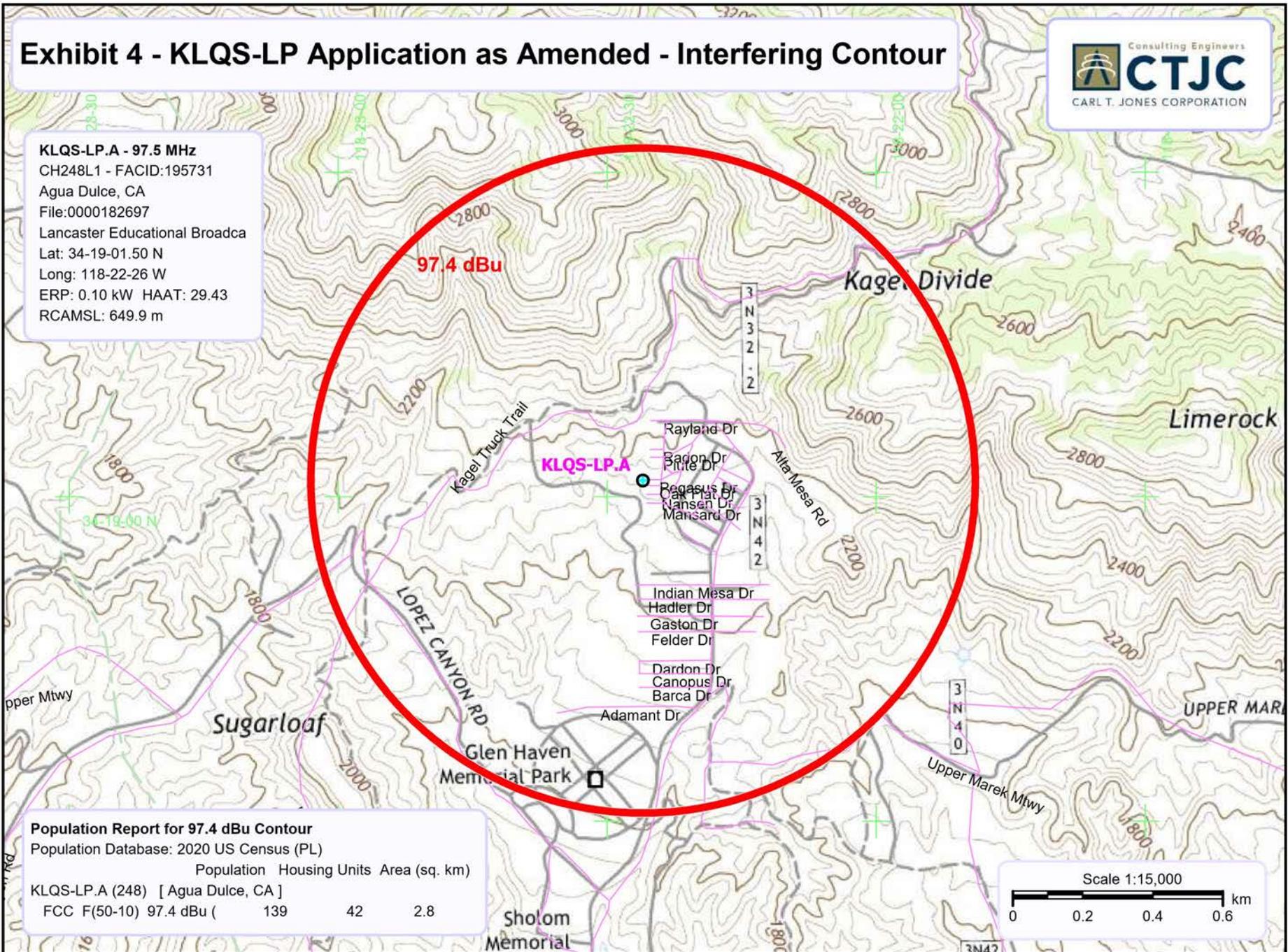
 KLQS-LP.A



Exhibit 4 - KLQS-LP Application as Amended - Interfering Contour

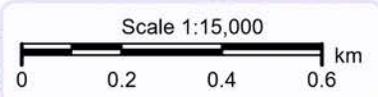


KLQS-LP.A - 97.5 MHz
 CH248L1 - FACID:195731
 Agua Dulce, CA
 File:0000182697
 Lancaster Educational Broadca
 Lat: 34-19-01.50 N
 Long: 118-22-26 W
 ERP: 0.10 kW HAAT: 29.43
 RCAMSL: 649.9 m



Population Report for 97.4 dBu Contour
 Population Database: 2020 US Census (PL)

	Population	Housing Units	Area (sq. km)
KLQS-LP.A (248) [Agua Dulce, CA]			
FCC F(50-10) 97.4 dBu (139	42	2.8



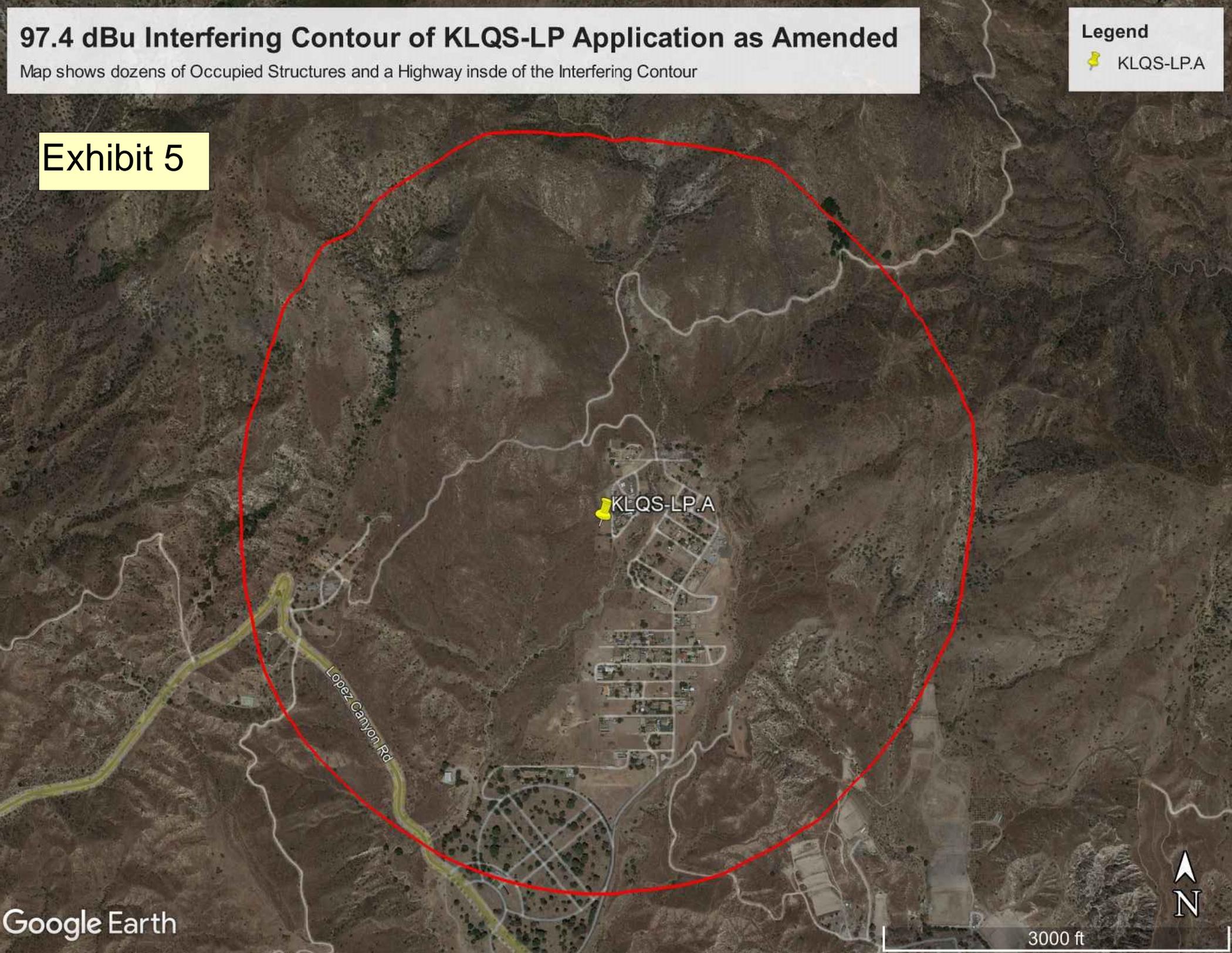
97.4 dBU Interfering Contour of KLQS-LP Application as Amended

Map shows dozens of Occupied Structures and a Highway inside of the Interfering Contour

Legend

 KLQS-LP.A

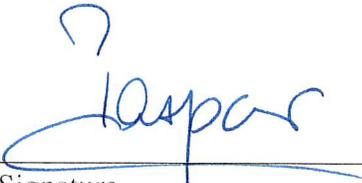
Exhibit 5



DECLARATION

I, Pierre Jaspas, hereby declare under penalty of perjury as follows:

1. I am Vice President of Corporate Engineering at Spanish Broadcasting System, Inc., the indirect parent of KLAX Licensing, Inc., owner and operator of KLAX-FM, East Los Angeles, California.
2. I have reviewed the Petition to Deny to which this Declaration is attached and the facts set forth therein, except those which are attested to by another, are true and correct to the best of my belief and knowledge.


Signature

February 7, 2022

