

Before the
Federal Communications Commission
Washington, D.C. 20554

In Re Application of)	
)	
GINGER BROADCASTING)	File No. 0000184945
)	
For Minor Modification of FM Translator Station)	
Station K262DK/K261FF, Facility Identification)	
Number 156181, Muscatel, California)	

Directed to: Office of the Secretary
Attention: Chief, Audio Division, Media Bureau

JOINT PETITION FOR RECONSIDERATION

Bott Communications, Inc. ("Bott"), licensee of KCIV(FM), Facility Identification Number 6504, Mt. Bullion, California¹, and KMAK-FM, LLC ("KMAK"), licensee of KMAK(FM), Facility Identification Number 56145, Orange Cove, California² (collectively, "Joint Petitioners"), by their respective counsel, hereby respectfully submit their Joint Petition for Reconsideration of the grant of the above-captioned application of Ginger Broadcasting ("Ginger") for modification of the licensed facilities of its FM translator station with Facility Identification Number 156181, which previously was assigned call sign K262DK and is now assigned call sign K261FF (the "Translator"), due to predicted interference to regular listeners of both KCIV and KMAK.

Pursuant to Section 74.1204(f) of the Commission's Rules, an application for an FM translator may not be accepted for filing if a grant of the requested authorization will result in

¹ KCIV operates on Channel 260B.
² KMAK operates on Channel 262A.

interference to the reception of a regularly used, off-the-air signal of a first adjacent channel broadcast station. 47 C.F.R. §74.1204(f). In this instance, the newly authorized facilities of K261FF will cause interference to the reception of two different, first-adjacent channel FM broadcast stations, KCIV and KMAK.

Furthermore, Section 74.1284(b) requires that a translator must obtain the prior consent of the primary station whose programming is to be rebroadcast by the translator. In this case, Joint Petitioners have been advised that no such permission has been obtained, despite the fact that Ginger has certified in at least three applications³ that it *had* obtained such permission. For both of these reasons, the grant of the Ginger application seeking modification of the Translator's authorization to specify operation on Channel 261 must be rescinded and dismissed as inadvertently accepted for filing. With respect thereto, the following is stated:

As an initial matter, Joint Petitioners recognize that neither of them participated with regard to the above-captioned application prior to its grant, and that Section 1.106(b)(1) of the Commission's Rules requires that such a petitioner state why it was unable to participate earlier. 47 C.F.R. §1.106(b)(1). Here, the major factor is the speed with which the application was granted by the FCC, combined with the amount of time needed to prepare an objection based upon predicted interference to another station, including gathering the requisite listener statements specified by the FCC's Rules.⁴ The Ginger application was filed on February 16, 2022, but did not appear on public notice until February 23, 2022, *Public Notice*, "Applications," Report No. PN-1-220223-01, released February 23, 2022. The application was granted a mere nine calendar and seven business days later, on March 4, 2022. The Commission has previously

³ See, File Nos. 0000157690, 0000163684, 0000184945.

⁴ See, 47 C.F.R. §74.1204(f).

considered and granted requests for reconsideration when an application's grant occurred so quickly as to preclude participation during the time it was pending. *See, e.g., Aspen FM, Inc.*, 12 FCC Rcd 17852, 17854-55 (1997); *Ted and Jana Tucker*, 4 FCC Rcd 2816 (1989); *Max M. Leon, Inc.*, 58 F.C.C.2d 114 (1976); *Barnes Enterprises, Inc.*, 55 F.C.C.2d 721 (1975); *KPTJ(FM), Grape Creeks, Texas*, 31 FCC Rcd 2217 (MB 2017); *Robert W. Sanborn, III*, 30 FCC Rcd 38 (MB 2015). While some of the periods in these cases were even shorter than the one involved here, the Commission must recognize that the process of demonstrating predicted interference to a regularly used station is more time-consuming than what was required under previous rules.

Specifically, pursuant to Section 74.1204(f), in order to demonstrate interference to the reception of an existing station, an objector must first locate from six to 25 listeners that would be affected and would be willing to complain to the Commission, then have them provide precise information as to their individual and distinct listening location(s), then have its engineer plot the listener locations relative to the objector's station and calculate the undesired/desired signal ratios at each location. *See*, 47 C.F.R. §74.1204(f). Additionally, the objector must contact the translator applicant to attempt private resolution of the matter before it may submit its complaint to the Commission. Every step of this process requires time, and especially those steps which require interaction with a number of other, largely disinterested people, who often are acting out of the goodness of their hearts, and have no familial or business-related incentive to do so. By the same token, it should be noted that a translator applicant will have every incentive to dodge another station's calls or other communications as long as possible in order to drag out the time so that its application might be granted before the other station can file an objection demonstrating predicted interference. In any event, a mere nine days is simply insufficient for a

station to recognize that an application proposes interfering facilities, locate the regular listeners who will receive such interference, obtain their signed statements, and prepare an engineering showing to demonstrate the issues.

Moreover, the harm that would result from a failure to rescind the grant of the K261FF construction permit would be contrary to the public interest and, by itself, justifies grant of this petition. If Ginger is allowed to proceed with construction of K261FF, the inevitable result will be interference to the regular reception of both KCIV and KMAK, to the detriment of the listeners of both stations. While it is true that KCIV and KMAK could then file complaints against K261FF, this process would require further expenditure of the resources of both licensees and the Commission, would not immediately remove the harm that would be caused to listeners, and would likely lead to Ginger's loss of its investment in new facilities. Clearly, the public interest would be much better served by nipping this problem in the bud instead of allowing further, and predictable, adverse effects to all parties and the Commission.

As noted above, Section 74.1204(f) of the Commission's Rules precludes acceptance of any translator application, the grant of which will result in interference to, *inter alia*, the regularly used, broadcast signal within the 45 dBu contour of an authorized first adjacent channel broadcast station. Section 73.1204(f) also lays out the method by which adversely affected stations may demonstrate prohibited interference.

One threshold requirement is that complaining stations must be authorized on channels likely to receive interference. In this case, KCIV is licensed to operate on Channel 260 (*see*, BLH-20030228ABH),⁵ and KMAK is licensed to operate on Channel 262 (*see*, BLH-

⁵ Bott successfully fought interference from another translator authorized to operate on first adjacent Channel 259 at South Fresno, California, in the same market as is involved here (Fresno) in 2019.

19900911KB), both of which are first adjacent channels to the channel for which Ginger applied, Channel 261. Furthermore, in order to assess the likelihood of interference, the facilities with which a station is actually operating must be considered. In this instance, both KCIV and KMAK are operating with their licensed facilities. *See*, Declaration of Allan Brace, attached hereto in Exhibit A at Exhibit 3.1, and Declaration of Richard Smith, attached hereto at Exhibit B.

A further initial demonstration that must be made is that the complaining station has used “commercially reasonable efforts” to inform the translator licensee of the interference issue and has attempted private resolution. 47 C.F.R. §74.1204(f)(4). This requirement also has been met, as both Bott and KMAK have contacted Ginger on more than one occasion, have presented the issue, and have noted that no immediately obvious solution is available. *See*, Exhibits A at Exhibit 3.1 and Exhibit C. Ginger has not responded with any suggestions of its own or otherwise tried to resolve the issue. In light of the fact that K261FF is a secondary station, while KCIV and KMAK are both full-power, primary FM stations, it is K261FF that has the responsibility to avoid interference. Bott and KMAK have now done as much as they can without the co-operation of or participation by Ginger in the effort to resolve the issue which is primarily Ginger’s.

In order to demonstrate that there is, in fact, regularly used, off-the-air service from a complaining station, the Commission has required that a licensee provide the number of listener complaints specified in Table 1 of Section 74.1203(a)(3) of the Commission’s Rules. Attached hereto are the Technical Report of Bott’s consulting engineer, Justin W. Asher, and the Technical Exhibit of KMAK’s consulting engineers, duTreil, Lundin, and Rackley, Inc. *See*, Exhibits A and D. Both of these technical showings include both the requisite number of listener complaints and maps plotting the location of each complaining listener. These maps indicate

that all identified listener locations are within the respective 45 dBu contour of either KCIV or KMAK and the zone of likely interference from K261FF. Furthermore, for each listener, each of the engineering reports demonstrates that the undesired to desired signal ratio at the listener location exceeds the ratio as specified in Section 74.1204(f)(5). Thus, each of the identified listeners would receive interference from the operations of K261FF if built. Taking all these facts together, it is clear that Bott and KMAK have satisfied all of the requirements set forth in Section 74.1204(f) of the Commission's Rules for demonstrating predicted interference to existing services. Likewise, it is also clear that the facilities of K261FF, if built, would cause objectionable interference to regularly used broadcast services from not one, but two, full-power FM stations. The conclusion is therefore inescapable that the grant of the K261FF construction permit must be rescinded, and the application must be dismissed as inadvertently accepted for filing.

As a separate matter, which also is fatal to the K261FF application, despite its certifications to the contrary, based upon the Declaration of Alfredo Plascencia attached here to as Exhibit E, Ginger has not obtained the permission of its stated primary station to rebroadcast that station's programming. Making this false certification even the more serious is the fact that it has happened not merely once but at least three times. The first such instance was as a part of Ginger's application to modify construction permit, File No. 0000157890, submitted August 19, 2021, shortly before the construction permit was to expire, in which Ginger certified that "written authority has been obtained from the licensee of the station whose programs are to be retransmitted." *See*, File No. 0000257890. It made precisely the same certification in its application for license to cover construction permit, File No. 0000163684, filed October 13, 2021, then, in its application for construction permit for minor modification of licensed facilities,

File No. 0000184945, filed February 16, 2022. In each application Ginger certified that it would rebroadcast Station KAAT(FM), Oakhurst, CA (Facility ID 8341). The only problem is that none of these certifications appears to have been true. In the attached Declaration of Alfredo Plascencia, Manager of Lazer Licenses, LLC (“Lazer”), licensee of Station KAAT(FM), he clearly states that no such permission to rebroadcast KAAT(FM) has been granted. *See*, Exhibit E. Leaving aside for the moment the question of a serious and repeated misrepresentation of a relevant fact, this lack of rebroadcast permission is a clear violation of Section 74.1284(b). On this basis alone, the grant of the Ginger application must be rescinded, and the application must be dismissed. While it is simple enough for a translator to change its primary station, a quick *post hoc* change would not excuse a false assertion of rebroadcast permission, nor would it alter the cavalier disregard for the Commission’s rules that such a false certification reflects.

Further adding to the uncertainties surrounding the operation of the Translator is the fact that it does not appear to currently be on the air rebroadcasting the programming of any primary station. Attached hereto as Exhibit F is the Declaration of Kevin Davis, who is an engineer employed by the contract engineering firm for KCIV. As set forth therein, Mr. Davis has visited a location in close proximity to the licensed transmitter site, and not only did he not hear any broadcasts from the Translator, but he did not see a tower there. Instead, while at that location, where Mr. Davis would have almost certainly heard the translator if it were operating, Mr. Davis heard the broadcasts of other stations. While to Joint Petitioners’ knowledge, the Translator has not requested Special Temporary Authority to remain silent, the only logical conclusion from observation is that the Translator is not currently operating. This apparent failure to seek an STA to remain silent provides another example of the Translator’s failure to heed FCC rules and could


even raise questions as to whether and when the Translator was constructed and what may have happened since.

In sum, Bott and KMAK each has conclusively demonstrated that its respective station has a significant number of regular, over-the-air listeners in the zone of predicted interference from the facilities specified in Ginger's Channel 261 application and also within each station's own 45 dBu contour. Furthermore, the attached technical statements show that at each identified listener location, actual interference is predicted. Accordingly, at the time of submission, Ginger's application was unacceptable for filing. This fact, standing alone is enough to dictate rescission of the Ginger application's grant and its dismissal, but there is more in that Ginger also repeatedly has falsely certified that it had permission to rebroadcast its specified primary station and has otherwise failed to adhere to Commission rules. Taking these matters together, it is clear that Ginger's permitted facilities on Channel 261 cannot be allowed to move forward.

WHEREFORE, the premises considered, Bott and KMAK respectfully request that the grant of Ginger's application for modification of the Translator's license be rescinded and that the application be dismissed.


Respectfully submitted,

BOTT COMMUNICATIONS, INC.

By: 
Kathleen Victory
Anne Goodwin Crump

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April 7, 2022

Exhibit A

Technical Report In Support of a 47 C.F.R. Section 74.1204(f) Showing of Predicted Interference

against

*K261FF.C - Muscatel, CA
LMS-0000184945
(Facility ID: 156181)
CH261D - 100.1 MHz*

*47 C.F.R. Section 74.1204(f)
Dismissal of FM Translator Authorization
due to predicted interference within the
affected 45 dB μ Service Contour.*

April 2022

Asher Broadcast Consulting LLC
justinasher@consultant.com
1(202)875-2986

EXPLANATION OF STATEMENT: This Technical Report has been prepared to support a 47 C.F.R. Section 74.1204(f) Showing of Predicted Interference as submitted by Bott Communications, Inc. ("Bott"), licensee of station KCIV(FM) - Mount Bullion, CA. This Showing is being filed against FM Translator Authorization LMS-0000184945 for K261FF.C(CH261D) - Muscatel, CA (Facility ID No. 156181). This Construction Permit ("CP") is held by Ginger Broadcasting ("Ginger"). The Construction Permit in question proposes operation on CH261D (100.1 MHz) with 0.250 kW ERP at 168.2 meters AMSL. Bott station KCIV(FM) - Mount Bullion, CA (Facility ID No. 6504), operates under License BLH-20030228ABH with 1.9 kW ERP at 1337.0 meters AMSL on CH260B (99.9 MHz). Therefore KCIV(FM) operates first adjacent to Translator K261FF.C(CH261D).

Support: In accordance with 47 C.F.R. Section 74.1204(f), an application for an FM Translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if a grant of the authorization will result in interference to the reception of a regularly used, off-the-air signal of any authorized broadcast station within the 45 dBu field strength contour of the desired station. In implementing 47 C.F.R. Section 74.1204(f), the Commission has established five (5) criteria necessary to demonstrate a grant of an FM Translator Construction Permit Application "*will result in interference to the reception*" of an existing station. As noted herein, these five (5) criteria have been documented. Therefore, the Translator Proposal in question is no longer acceptable for filing and thus subject to immediate dismissal. The necessary criteria, as previously established by the Commission, have been addressed below.

Criteria 1 - The required minimum number of valid listener complaints as determined using Table 1 of §74.1203(a)(3) and as defined in §74.1201(k). Affected station KCIV(FM) serves a population of 440,417 within its Class B, 54 dBμ F(50:50) Service Contour. Table 1 of §74.1203(a)(3) mandates a minimum of nine (9) listener complaints for populations ranging from 400,000-499,999. There are nine (9) total listeners participating in this 47 C.F.R. Section 74.1204(f) Showing of Predicted Interference. Information concerning the affected station's service contour has been included in the ***Exhibit 1.1*** map. Each location has also been noted on the ***Exhibit 1.1*** map. The name and contact information of each listener also appears in the Listener Complaints as found in ***Exhibit(s) 2.1 to 2.9***. A summary of each location has been provided below.

Name	Home Address Contact information	Description of (Claimed) Listening Area
Vincent Palacios	5100 N 6th St; Suite 109; Fresno, CA 93710 1(559)903-4238 vincentpalacios49ers@yahoo.com	Home Address: 5100 N 6th St; Suite 109; Fresno, CA 93710 (36-48-39.60 N; 119-45-40.20 W or 1a on map) Other Locations: Community Regional Medical Center 2823 Fresno St; Fresno, CA 93721 (36-44-34.70 N; 119-47-05.30 W or 1b on map)
Rudy Rojas	2055 East Shaw Ave; #G; Fresno, CA 93710 1(650)283-5208 episod8@gmail.com	Home Address: 2055 East Shaw Ave; #G; Fresno, CA 93710 (36-48-29.90 N; 119-45-10.70 W or 2a on map)
Kathleen Berry	4558 N Maple Ave; Fresno, CA 93726 1(559)292-5019 kbccclovis@aol.com	Home Address: 4558 N Maple Ave; Fresno, CA 93726 (36-48-02.10 N; 119-44-42.10 W or 3a on map) Other Locations: Intersection of State Route 41 & McKinley Ave(SR-41 Exit 129) (36-45-54.10 N; 119-46-36.80 W or 3b on map)
Patricia A. Cota	861 East Pinedale Ave; Fresno, CA 93720 1(559)313-9513 pacota@sbcglobal.net	Home Address: 861 East Pinedale Ave; Fresno, CA 93720 (36-50-36.20 N; 119-46-08.40 W or 4a on map) Other Locations: Intersection of Shaw Ave & Cedar Ave (36-48-31.00 N; 119-45-14.90 W or 4b on map)
Janet Hardy	3570 West Cornell Ave; Fresno, CA 93722 1(559)388-1469 jnthardy@live.com	Home Address: 3570 West Cornell Ave; Fresno, CA 93722 (36-46-38.90 N; 119-51-26.20 W or 5a on map) Other Locations: Intersection Golden State Hwy & Fresno St(G.S.Hwy Exit 132B) (36-43-51.50 N; 119-47-56.50 W or 5b on map)
Doug Weldon	Box 9094; Fresno CA 93750 1(559)276-2268 mclc432@gmail.com	Other Locations: Intersection of State Route 41 & Van Ness Ave(SR-41 Exit 126B) (36-43-43.30 N; 119-46-57.60 W or 6a on map) Intersection of State Route 180 & Van Ness Ave(SR-180 Exit 57B)(36-44-56.00 N; 119-47-59.30 W or 6b on map)
La Donna Strid	677 E. Alluvial Ave; Fresno, CA 93722 1(559)474-9970 lstrid51@gmail.com	Other Locations: 3453 East Michigan Ave; Fresno, CA 93703 (36-46-35.30 N; 119-45-59.50 W or 7a on map) Intersection of State Route 41 & E Shields Ave(SR-41 Exit 130) (36-46-46.80 N; 119-47-05.20 W or 7b on map)
Linda M. Jenson	6489 N Constance Ave; Fresno, CA 93722 1(559)277-1611 / 1(559)960-6638 lindamjens@yahoo.com	Home Address: 6489 N Constance Ave; Fresno, CA 93722 (36-49-53.00 N; 119-53-11.20 W or 8a on map) Other Locations: Intersection Golden State Hwy & Ventura St(G.S.Hwy Exit 132A)(36-43-29.70 N; 119-47-33.30 W or 8b on map)
Gloria Verdugo	1325 E Foxhill Dr. #103; Fresno, CA 93720 1(559)394-3886 glo01101952@gmail.com	Other Locations: Intersection of State Route 180 & G.S.Hwy(SR180 Exit 57A) (36-44-26.40 N; 119-48-52.40 W or 9a on map) Intersection of State Route 180 & State Route 41(SR180 Exit 59)(36-45-15.70 N; 119-46-33.30 W or 9b on map)

Within the **Exhibit 1.1** Listener Map, these nine (9) listener declarations have been plotted. Listener areas include stationary home or other addresses and intersections of roads or highways. Locations have been identified by the physical mailing address as well as latitude and longitude coordinates expressed as Degree-Minutes-Seconds.

Pursuant to current Commission Policy regarding listener documentation¹, each listener statement includes (1) the complainant's full name, address, and phone number or email address; (2) a clear, concise, and accurate description of the location where the interference is alleged to occur; (3) a statement that the complainant listens to the desired station using an over-the-air signal at least twice a month, to demonstrate the complainant is a regular listener; and (4) a statement that the complainant has no legal, employment, financial, or familial affiliation or relationship with the desired station, to demonstrate the complainant is disinterested.

¹ Report & Order MB Docket No. 18-119; "Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference"; Adopted and Released May 9, 2019; See Paragraph 17.

Criteria 2 - A map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBu contour. A map plotting the specific location of each interference complaint location in relation to the affected station's 45 dBu F(50:50) service contour has been included in **Exhibit 1.1**. In this case, the minimum number of nine (9) individual complaint locations within the 45 dBu contour have been shown.


Criteria 3 - A statement that the complaining station is operating within its licensed parameters. A declaration that the affected station is operating within its licensed parameters has been included in **Exhibit 3.1**.

Criteria 4 - A statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution. A declaration that the affected station has used commercially reasonable efforts to inform the Translator licensee of the claimed interference and attempted private resolution has been included in **Exhibit 3.1**.

Criteria 5 - U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in 47 C.F.R. Section 73.313. The plotted "U/D", Undesired to Desired, contour relationship between the affected station and the offending Translator has been outlined on the attached **Exhibit 1.1** map. In all cases, KCIV(FM) reception throughout the proposed Translator's U/D calculated interference contour(s) remains subject to first adjacent channel interference greater than 6 dB as outlined in 47 C.F.R. Section 74.1204(a).

SUMMARY OF STATEMENT. As a result of the documentation submitted herein, specifically the existence of nine (9) valid KCIV(FM) listeners representing a substantial number of distinct locations of predicted interference, the Commission is encouraged to immediately enforce the provisions of 47 C.F.R. Section 74.1204(f) whereby the Ginger Broadcasting; FM Translator Construction Permit LMS-0000184945 is no longer deemed acceptable for filing and is therefore subject to immediate dismissal pursuant to 47 C.F.R. Section 74.1204(f).

CERTIFICATION OF TECHNICAL CONSULTANT: *I declare, under penalty of perjury, that the contents of this report are true and accurate to the best of my knowledge and belief. I further certify I have over twenty-three years of experience as a broadcast technical consultant before the Federal Communications Commission ("the FCC"); and am familiar with the Code of Federal Regulations Title 47 ("the Rules") as pertaining to this report and its contents here-in. The underlying data utilized in this report was taken directly from FCC databases or indirectly through third party software vendors securing data directly from FCC databases. This firm cannot be held liable for errors or omissions resulting from the underlying data. The information contained herein is believed accurate to the date reported below.*



Justin W. Asher
Technical Consultant
April 07, 2022

Study Notes: KCIV(FM) reception will be subject to 1st adjacent channel "U/D"
(Undesired to Desired) interference greater than 6 dB per 47 C.F.R. §74.1204(f).

Exhibit 1.1 47 C.F.R. Section 74.1204(f) Predicted Listener Interference from K261FF.C - Muscatel, CA

KCIV.L to K261FF.C

- 54.0 dBμ F(50:50) to 48.0 dBμ F(50:10)
- 53.0 dBμ F(50:50) to 47.0 dBμ F(50:10)
- 51.0 dBμ F(50:50) to 45.0 dBμ F(50:10)
- 49.0 dBμ F(50:50) to 43.0 dBμ F(50:10)
- 47.0 dBμ F(50:50) to 41.0 dBμ F(50:10)
- 45.0 dBμ F(50:50) to 39.0 dBμ F(50:10)

KCIV.L
Mount Bullion, CA
BLH20030228ABH
Facility ID: 6504
Latitude: 37-31-59.80 N
Longitude: 120-01-32.60 W
ERP: 1.90 kW
Channel: 260B (99.9 MHz)
AMSL Height: 1337.0 m
Horiz. Pattern: Omni

54 dBμ F(50:50) Contour
Total Population: 440,417
Total Area: 13,467.5 sq. km

K261FF.C
Muscatel, CA
0000184945
Facility ID: 156181
Latitude: 36-44-16 N
Longitude: 119-47-42 W
ERP: 0.25 kW
Channel: 261D (100.1 MHz)
AMSL Height: 168.2 m
Horiz. Pattern: Directional

K261FF.C - 60 dBμ F(50:50) Contour

NED 03 SEC Terrain Database
US Census 2020 PL Database
NED 1983 Coordinate Datum

Asher Broadcast Consulting LLC
justinasher@consultant.com
1 (202) 875-2986

Scale 1:275,000

0 3 6 9 km

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

____ 5100 n 6th fresno ca

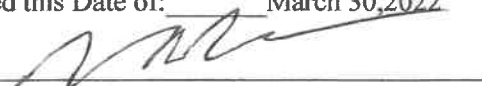
In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	Community Regional Med. Center - 2823 Fresno St
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	Fresno City College - 1101 E University Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127A SR-41 & Ventura St	<input checked="" type="radio"/> Yes <input type="radio"/> No	Manchester Center Mall - 1901 E Shields Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 59 SR-180 & SR-41	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127 SR-41 & Tulare St	<input type="radio"/> Yes <input type="radio"/> No	Walmart Super Center - 1804 E Ashlan Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 60 SR-180 & SR-168	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	Glen Agnes Elderly Center- 530 W Floradora Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St.	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 130 SR-41 & E Shields Ave	Intersection of _____ & _____ in _____	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St.	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 1 SR-168 & McKinley Ave	Intersection of _____ & _____ in _____	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 2 SR-168 & E Shields Ave	Intersection of _____ & _____ in _____	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 3 SR-168 & Ashlan Ave	Intersection of _____ & _____ in _____	

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: March 30, 2022

Signed: 

Printed Name: Vincent Palacios

Address: 5100 n 6th st suite 109

Phone: 559 903 4238

fresno ca 93710

Email: vincentpalacios49ers@yahoo.com

Exhibit 2.2
Copy of
Listener Declaration(s)

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

2055 E Shaw Ave. #G Fresno, CA 93710

<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input type="radio"/> Yes <input type="radio"/> No	Community Regional Med. Center - 2823 Fresno St
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	Fresno City College - 1101 E University Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127A SR-41 & Ventura St	<input type="radio"/> Yes <input type="radio"/> No	Manchester Center Mall - 1901 E Shields Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 59 SR-180 & SR-41	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127 SR-41 & Tulare St	<input type="radio"/> Yes <input type="radio"/> No	Walmart Super Center - 1804 E Ashlan Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 60 SR-180 & SR-168	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	Glen Agnes Elderly Center - 530 W Floradora Ave
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St.	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 130 SR-41 & E Shields Ave	Intersection of _____ & _____ in _____	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St.	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 1 SR-168 & McKinley Ave	Intersection of _____ & _____ in _____	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 2 SR-168 & E Shields Ave	Intersection of _____ & _____ in _____	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 3 SR-168 & Ashlan Ave	Intersection of _____ & _____ in _____	

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: March 23, 2022

Signed: 

Printed Name: RUDY ROJAS

Address: 2055 E Shaw Ave. #G Fresno, CA 93710

Phone: 650-283-5208

Email: episod8@gmail.com

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

4558 N. Maple Ave, Fresno (Home)

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input type="radio"/> Yes <input type="radio"/> No	Community Regional Med. Center - 2823 Fresno St
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	Fresno City College - 1101 E University Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127A SR-41 & Ventura St	<input type="radio"/> Yes <input type="radio"/> No	Manchester Center Mall - 1901 E Shields Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 59 SR-180 & SR-41	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127 SR-41 & Tulare St	<input type="radio"/> Yes <input type="radio"/> No	Walmart Super Center - 1804 E Ashlan Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 60 SR-180 & SR-168	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	Glen Agnes Elderly Center- 530 W Floradora Ave
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St.	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 130 SR-41 & E Shields Ave	<u>Intersection of Gettysburg</u> <u>& Maple Ave in Fresno</u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St.	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 1 SR-168 & McKinley Ave	<u>Intersection of SHAW AVE</u> <u>& CLOVIS AVE in Clovis</u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 2 SR-168 & E Shields Ave	<u>Intersection of _____</u> <u>& _____ in _____</u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 3 SR-168 & Ashlan Ave	<u>Intersection of _____</u> <u>& _____ in _____</u>	

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: March 26, 2022

Signed: Kathleen Berry

Printed Name: Kathleen Berry

Address: 4558 N Maple Ave

Phone: 559 292 5019

Fresno CA 93726

Email: kbccclouis@aol.com

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

861 E. Pinedale Ave., Fresno, CA 93720

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input type="radio"/> Yes <input type="radio"/> No	Community Regional Med. Center - 2823 Fresno St
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	Fresno City College - 1101 E University Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127A SR-41 & Ventura St	<input type="radio"/> Yes <input type="radio"/> No	Manchester Center Mall - 1901 E Shields Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 59 SR-180 & SR-41	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127 SR-41 & Tulare St	<input type="radio"/> Yes <input type="radio"/> No	Walmart Super Center - 1804 E Ashlan Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 60 SR-180 & SR-168	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	Glen Agnes Elderly Center- 530 W Floradora Ave
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St.	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 130 SR-41 & E Shields Ave	Intersection of <u>Herndon Ave</u> & <u>Milbrook Ave</u> in <u>Fresno</u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St.	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 1 SR-168 & McKinley Ave	Intersection of <u>Cedar Ave.</u> & <u>Bullard Ave</u> in <u>Fresno</u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 2 SR-168 & E Shields Ave	Intersection of <u>Shaw Ave.</u> & <u>Cedar Ave</u> in <u>Fresno</u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 3 SR-168 & Ashlan Ave	Intersection of _____ & _____ in _____	

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: March 24, 2022

Signed: Patricia A. Cota

Printed Name: Patricia A. Cota

Address: 861 E. Pinedale Ave.

Phone: 559-313-9513

Fresno, CA 93720

Email: pacota@sbcglobal.net

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

3570 W. Cornell Ave, Fresno, CA 93722

23625, Pierce Ave, Fresno, CA 93725

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	Community Regional Med. Center - 2823 Fresno St
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	Fresno City College - 1101 E University Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127A SR-41 & Ventura St	<input type="radio"/> Yes <input type="radio"/> No	Manchester CenterMall - 1901 E Shields Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 59 SR-180 & SR-41	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127 SR-41 & Tulare St	<input checked="" type="radio"/> Yes <input type="radio"/> No	Walmart Super Center - 1804 E Ashlan Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 60 SR-180 & SR-168	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	Glen Agnes Elderly Center- 530 W Floradora Ave
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St.	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 130 SR-41 & E Shields Ave	Intersection of <u>Clinton</u> & <u>Brawley</u> in <u>Fresno</u>	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St.	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 1 SR-168 & McKinley Ave	Intersection of <u>Clovis Ave.</u> & <u>Kings Canyon</u> in <u>Fresno</u>	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 2 SR-168 & E Shields Ave	Intersection of <u>Fresno Street</u> & <u>Herndon</u> in <u>Fresno</u>	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 3 SR-168 & Ashlan Ave	Intersection of <u>Butler</u> & <u>Willow</u> in <u>Fresno</u>	

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: 03/28/2022

Signed: Janet Hardy *Janet Hardy* Printed Name: Janet Hardy

Address: 3570 W. Cornell Ave, Phone: (559)388-1469

Fresno, CA 93722 Email: jnthardy@live.com

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

I Regularly Listen to KCIV about Every Day And to Cars
Really Frustrating when there's Interference so don't let me start

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input type="radio"/> Yes <input type="radio"/> No	Community Regional Med. Center - 2823 Fresno St
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	Fresno City College - 1101 E University Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127A SR-41 & Ventura St	<input checked="" type="radio"/> Yes <input type="radio"/> No	Manchester Center Mall - 1901 E Shields Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 59 SR-180 & SR-41	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127 SR-41 & Tulare St	<input checked="" type="radio"/> Yes <input type="radio"/> No	Walmart Super Center - 1804 E Ashlan Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 60 SR-180 & SR-168	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	Glen Agnes Elderly Center - 530 W Floradora Ave
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 130 SR-41 & E Shields Ave	Intersection of _____ & <u>ALL</u> in <u>City</u>	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 1 SR-168 & McKinley Ave	Intersection of _____ & <u>ALL</u> in <u>County</u>	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 2 SR-168 & E Shields Ave	Intersection of _____ & <u>ALL</u> in <u>State</u>	
<input checked="" type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 3 SR-168 & Ashlan Ave	Intersection of _____ & <u>ALL</u> in <u>America</u>	

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: 4-2-22

Signed: [Signature]

Printed Name: Paul Weller

Address: Box 9094

Phone: 559-276-2268

Fresno Ca. 93740

Email: mclc432@gmail.com

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

3453 E. Michigan Ave. Fresno, Ca. 93703; and my home DAILY & at night - 677 E. Alluvial Ave. Fresno, Ca. 93720

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections: I listen daily in my car to and from work/

<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input type="radio"/> Yes <input type="radio"/> No	Community Regional Med. Center - 2823 Fresno St
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input type="radio"/> Yes <input type="radio"/> No	Fresno City College - 1101 E University Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127A SR-41 & Ventura St	<input checked="" type="radio"/> Yes <input type="radio"/> No	Manchester Center Mall - 1901 E Shields Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 59 SR-180 & SR-41	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 127 SR-41 & Tulare St	<input checked="" type="radio"/> Yes <input type="radio"/> No	Walmart Super Center - 1804 E Ashlan Ave
<input type="radio"/> Yes <input type="radio"/> No	State Route 180 - Exit 60 SR-180 & SR-168	<input type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	Glen Agnes Elderly Center- 530 W Floradora Ave
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St.	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 41 - Exit 130 SR-41 & E Shields Ave	Intersection of <u>Shaw</u> and <u> </u> & <u>Marks</u> <u> </u> in <u>Fresno</u> <u> </u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St.	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 1 SR-168 & McKinley Ave	Intersection of <u>Herndon</u> <u> </u> & <u>Blackstone</u> <u> </u> in <u>Fresno</u> <u> </u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input checked="" type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 2 SR-168 & E Shields Ave	Intersection of <u>Herndon</u> <u> </u> & <u>Marks</u> <u> </u> in <u>Fresno</u> <u> </u>	
<input type="radio"/> Yes <input type="radio"/> No	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input type="radio"/> Yes <input type="radio"/> No	State Route 168 - Exit 3 SR-168 & Ashlan Ave	Intersection of <u>Shaw</u> <u> </u> & <u>Marty</u> <u> </u> in <u>Fresno</u> <u> </u>	

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: 4/4/22

Signed: La Donna Strid Printed Name: La Donna Strid

Address: 677 E. Alluvial Ave. Fresno, Ca. 93722 Phone: (559) 474-9970

Email: lstrid51@gmail.com

Exhibit 2.8
Copy of
Listener Declaration(s)

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

6489 N Constance Ave., Fresno, CA 93722
40093 Rd. 36, Kingsburg, CA 93631

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

- | | | | | | |
|---|---|---|--|---|--|
| <input type="radio"/> Yes <input type="radio"/> No | State Route 180 - Exit 57A
SR-180 & G.S.Hwy (SR99) | <input checked="" type="radio"/> Yes <input type="radio"/> No | Golden St Hwy - Exit 136
G.S.Hwy & Clinton Ave | <input checked="" type="radio"/> Yes <input type="radio"/> No | Community Regional Med.
Center - 2823 Fresno St |
| <input type="radio"/> Yes <input type="radio"/> No | State Route 180 - Exit 57B
SR-180 & Van Ness Ave | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 41 - Exit 126B
SR-41 & Van Ness Ave | <input checked="" type="radio"/> Yes <input type="radio"/> No | Fresno City College -
1101 E University Ave |
| <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 180 - Exit 58
SR-180 & Blackstone Ave | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 41 - Exit 127A
SR-41 & Ventura St | <input checked="" type="radio"/> Yes <input type="radio"/> No | Manchester Center Mall -
1901 E Shields Ave |
| <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 180 - Exit 59
SR-180 & SR-41 | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 41 - Exit 127
SR-41 & Tulare St | <input checked="" type="radio"/> Yes <input type="radio"/> No | Walmart Super Center -
1804 E Ashlan Ave |
| <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 180 - Exit 60
SR-180 & SR-168 | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 41 - Exit 129
SR-41 & McKinley Ave | <input checked="" type="radio"/> Yes <input type="radio"/> No | Glen Agnes Elderly Center -
530 W Floradora Ave |
| <input checked="" type="radio"/> Yes <input type="radio"/> No | Golden St Hwy - Exit 132A
G.S.Hwy & Ventura St. | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 41 - Exit 130
SR-41 & E Shields Ave | Intersection of <u>Hendon</u>
& <u>Polk</u> in <u>Fresno</u> | |
| <input checked="" type="radio"/> Yes <input type="radio"/> No | Golden St Hwy - Exit 132B
G.S.Hwy & Fresno St. | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 168 - Exit 1
SR-168 & McKinley Ave | Intersection of <u>W Shaw</u>
& <u>N. Marks</u> in <u>Fresno</u> | |
| <input checked="" type="radio"/> Yes <input type="radio"/> No | Golden St Hwy - Exit 134
G.S.Hwy & Belmont Ave | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 168 - Exit 2
SR-168 & E Shields Ave | Intersection of <u>W Shaw</u>
& <u>N. Blackstone</u> in <u>Fresno</u> | |
| <input checked="" type="radio"/> Yes <input type="radio"/> No | Golden St Hwy - Exit 135B
G.S.Hwy & McKinley Ave | <input checked="" type="radio"/> Yes <input type="radio"/> No | State Route 168 - Exit 3
SR-168 & Ashlan Ave | Intersection of <u>Rd 36</u>
& <u>Ave 400</u> in <u>Kingsburg</u>
<u>Intersection of W. Hendon</u>
<u>+ Golden State in Fresno</u> | |

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of: March 31, 2022

Signed: Linda M. Jensen Printed Name: Linda M. Jensen

Address: 6489 N Constance Ave. Phone: (559) 227-1611 + (559) 960-663.
Fresno, CA 93722 Email: lindamjense@yahoo.com

Listener Declaration:

I am a regular listener of KCIV(FM) which broadcasts on 99.9 (FM) in Fresno / Mount Bullion, California.

Soon a new radio station may begin broadcasting on 100.1 (FM). I am concerned this station will interfere with my regular listening of KCIV(FM) on 99.9 (FM).

I regularly listen to KCIV/99.9 (FM) over the air at least twice a month at my home, or over the air at least twice a month at the following addresses which I fear will be subject to future interference:

<input checked="" type="radio"/> <input type="radio"/>	State Route 180 - Exit 57A SR-180 & G.S.Hwy (SR99)	<input checked="" type="radio"/> <input type="radio"/>	Golden St Hwy - Exit 136 G.S.Hwy & Clinton Ave	<input checked="" type="radio"/> <input type="radio"/>	Community Regional Med. Center - 2823 Fresno St
<input checked="" type="radio"/> <input type="radio"/>	State Route 180 - Exit 57B SR-180 & Van Ness Ave	<input checked="" type="radio"/> <input type="radio"/>	State Route 41 - Exit 126B SR-41 & Van Ness Ave	<input checked="" type="radio"/> <input type="radio"/>	Fresno City College - 1101 E University Ave
<input checked="" type="radio"/> <input type="radio"/>	State Route 180 - Exit 58 SR-180 & Blackstone Ave	<input checked="" type="radio"/> <input type="radio"/>	State Route 41 - Exit 127A SR-41 & Ventura St	<input checked="" type="radio"/> <input type="radio"/>	Manchester Center Mall - 1901 E Shields Ave
<input checked="" type="radio"/> <input type="radio"/>	State Route 180 - Exit 59 SR-180 & SR-41	<input checked="" type="radio"/> <input type="radio"/>	State Route 41 - Exit 127 SR-41 & Tulare St	<input checked="" type="radio"/> <input type="radio"/>	Walmart Super Center - 1804 E Ashlan Ave
<input checked="" type="radio"/> <input type="radio"/>	State Route 180 - Exit 60 SR-180 & SR-168	<input checked="" type="radio"/> <input type="radio"/>	State Route 41 - Exit 129 SR-41 & McKinley Ave	<input checked="" type="radio"/> <input type="radio"/>	Glen Agnes Elderly Center- 530 W Florsdora Ave
<input checked="" type="radio"/> <input type="radio"/>	Golden St Hwy - Exit 132A G.S.Hwy & Ventura St	<input checked="" type="radio"/> <input type="radio"/>	State Route 41 - Exit 130 SR-41 & E Shields Ave	Intersection of <u>Shapard</u> & <u>Champlain</u> in <u>Fresno, CA 93720</u>	
<input checked="" type="radio"/> <input type="radio"/>	Golden St Hwy - Exit 132B G.S.Hwy & Fresno St	<input checked="" type="radio"/> <input type="radio"/>	State Route 168 - Exit 1 SR-168 & McKinley Ave		
<input checked="" type="radio"/> <input type="radio"/>	Golden St Hwy - Exit 134 G.S.Hwy & Belmont Ave	<input checked="" type="radio"/> <input type="radio"/>	State Route 168 - Exit 2 SR-168 & E Shields Ave	Intersection of <u>Sierra</u> & <u>Herndon</u> in <u>Clovis</u>	
<input checked="" type="radio"/> <input type="radio"/>	Golden St Hwy - Exit 135B G.S.Hwy & McKinley Ave	<input checked="" type="radio"/> <input type="radio"/>	State Route 168 - Exit 3 SR-168 & Ashlan Ave		
				Intersection of <u>Milburn</u> & <u>Herndon</u> in <u>Clovis</u>	

In addition, I regularly listen to KCIV/99.9 (FM) over the air at least twice a month in my car along the following routes/locations, or while I drive through the following road intersections:

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to resolve this potential interference. Other than being a regular, over the air listener, I have no legal, employment, financial, or familial affiliation or relationship with KCIV/99.9 (FM) or its parent company, Bott Communications, Inc.

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of:

April 5, 2022

Signed:

Gloria Verdugo

Printed Name:

Gloria Verdugo

Address:

1325 E. Forkhill Dr #
103, Fresno, Ca 93720

Phone:

(559) 344.3886

Email:

glo01101952@gmail.com

Exhibit 3.1 - Declaration of Licensed Operation and Statement of Commercially Reasonable Efforts Employed

DECLARATION

Re: KCIV(FM), Mount Bullion, CA

I, Allan Brace, hereby declare and state as follows:

I am the Corporate Director of Engineering of Bott Communications, Inc., licensee of FM Station KCIV(FM), Mount Bullion, CA (Facility ID Number 6504), and am familiar with the operations of KCIV(FM). Pursuant to 47 C.F.R. Section 74.1204(f)(3) of the FCC's Rules, I hereby affirm that KCIV(FM) is and has been operating with its authorized parameters as outlined in current license BLH-20030228ABH. The licensed parameters currently in operation are as follows:

Frequency: 99.9 MHz (CH260B)
Antenna Coordinates: North Latitude: 037 deg 32 min 00 sec
West Longitude: 120 deg 01 min 29 sec
Effective radiated power (kiloWatts): 1.90 kW
Height of radiation center above ground (Meters): 74 meters
Height of radiation center above mean sea level (Meters): 1337 meters
Antenna Description: ERI Model LPX-2E-HW (2 bay; half-wave) (non-directional)
Transmitter output power: 3.1 kW

I further declare that during the first part of March, 2022, I became aware that FM translator station K262DK, Facility ID Number 156181, Muscatel, California, licensed to Ginger Broadcasting, had been granted a construction permit for minor modification of its licensed facilities, which included a change in channel to Channel 261, the first adjacent channel to KCIV's licensed channel, and a change in call sign to K261FF. It was brought to my attention that the authorized modifications would result in interference to the service that KCIV provides to its listeners, and I was involved in efforts to contact Dan J. Alpert, the principal of Ginger Broadcasting. Attached hereto are copies of counsel's attempts to reach Mr. Alpert so that we might discuss the interference issues. It is my understanding that one sentence pertaining to other matters was redacted from the March 18, 2022 e-mail from Mr. Alpert.

Following this exchange of e-mails, we did hold a conference call on March 22, 2022, and presented our concerns to Mr. Alpert, along with the findings of our consulting engineer, Justin Asher, that there does not appear to be a suitable alternate channel for the Ginger Broadcasting translator. At that point, Mr. Alpert did not appear to be aware that the Ginger Broadcasting translator had been granted a license prior to the filing of its modification application, and he acknowledged that the translator had been silent for a period of time. While Mr. Alpert did not refuse to co-operate, he offered no suggestions for resolving the interference issue, and no one connected with KCIV has heard from Mr. Alpert regarding this matter since then. KCIV therefore can only request that the approval of the Ginger Broadcasting translator's change to Channel 261 be rescinded as mistakenly accepted for filing.

I declare under penalty of perjury that this Declaration is true and correct to the best of my knowledge and belief.

Dated this 7th day of April, 2022.



Allan Brace

Subject: Conference call, Dan Alpert, Kathleen Victory, Bott Radio Network
Location: <https://bottradiionetwork.zoom.us/j/84690028004>
Start: Tue 3/22/2022 11:30 AM
End: Tue 3/22/2022 12:00 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Eben Fowler

Please note the options to call in by phone below.

Join Zoom Meeting

<https://bottradiionetwork.zoom.us/j/84690028004>

Meeting ID: 846 9002 8004

One tap mobile

+13126266799,,84690028004# US (Chicago)

+16465588656,,84690028004# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 720 707 2699 US (Denver)

+1 253 215 8782 US (Tacoma)

Meeting ID: 846 9002 8004

Find your local number: <https://bottradionetwork.zoom.us/j/kccK7uRcuL>

Subject:

FW: K262DK/K261FF

From: dja@commlaw.tv [mailto:dja@commlaw.tv]

Sent: Friday, March 18, 2022 1:05 AM

To: Kathleen Victory <victory@fhhlaw.com>

Subject: RE: K262DK/K261FF

I was out and "out of it" after a lengthy dental procedure yesterday, and was not in a position to talk.

Can we talk tomorrow (Friday)? Anytime after 10:30 is fine.

[REDACTED]

An e-mail message from:

Dan J. Alpert

The Law Office of Dan J. Alpert

2120 N. 21st Rd.

Arlington, VA 22201

703-243-8690 (business)

703-539-5418 (fax)

Website: www.commlaw.tv

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review, dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

From: Kathleen Victory <victory@fhhlaw.com>

Sent: Thursday, March 17, 2022 11:35 AM

To: Dan J. Alpert <dja@commlaw.tv>

Subject: RE: K262DK/K261FF

Hi Dan. I saw that you read the email below yesterday not long after I sent it. Can you please provide some times for a call to discuss ASAP?

Kathleen

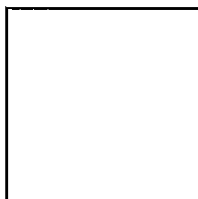
From: Kathleen Victory
Sent: Wednesday, March 16, 2022 2:49 PM
To: Dan J. Alpert <dja@commlaw.tv>
Subject: K262DK/K261FF
Importance: High

Dan, I need to set up a time either tomorrow AM (say some time between 10-11) or Friday (a little more flexible) to discuss your/Ginger Broadcasting's translator. My client Bott Communications, Inc., which is the licensee of KCIV(FM), Mt. Bullion, CA and which operates on first adjacent channel 260, is predicted to receive significant interference from the translator as authorized in the recently granted CP. Attached is a map prepared by Bott's consulting engineer Justin Asher. The area in red is the area predicted to receive interference.

As you know, under the FCC's new rules, we are required to confer cooperatively before a complaint is filed. We would very much like to avoid having to file a complaint. I would note that Bott was successful a couple years back in an interference complaint against another first adjacent translator.

Can you advise times that you could be available so I can coordinate a call with my client?

Kathleen Victory, Member
Fletcher Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100, Arlington, VA 22209
Tel: 703-812-0473 | fax: 703-812-0486 | cell: 202-255-0922



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Exhibit B

DECLARATION

Re: KMAK(FM), Orange Cove, CA

I, Richard B. Smith, hereby declare and state as follows:

I am the sole owner of KMAK-FM, LLC, licensee of FM Station KMAK(FM), Orange Cove, California (FCC Facility ID Number 56145), and am familiar with the operations of such station. Pursuant to 47 C.F.R. Section 74.1204(f)(3) of the FCC's Rules, I hereby affirm that KMAK(FM) is and has been operating with its authorized parameters as outlined in its current license (File No. BLH-19900911KB). The licensed parameters currently in operation are as follows:

Frequency: 100.3 MHz (CH262A)

Antenna Coordinates (NAD 27): North Latitude: 36 deg. 44 min. 45 sec.

West Longitude: 119 deg. 16 min. 58 sec.

Effective radiated power (Watts): 72

Height of radiation center above ground (Meters): 12

Height of radiation center above mean sea level (Meters): 1036

Antenna Description: Nondirectional

I declare under penalty of perjury that this Declaration is true and correct to the best of my knowledge and belief.

Dated this 6 day of April 2022.



Richard B. Smith

Sole member of KMAK-FM, LLC

Exhibit C

DECLARATION

Re: KMAK(FM), Orange Cove, CA

I, Stephen T. Lovelady, hereby declare and state as follows:

I am an attorney with the law firm of Shainis & Peltzman, Chartered, representing KMAK-FM, LLC, licensee of FM Station KMAK(FM), Orange Cove, CA (FCC Facility ID Number 56145).

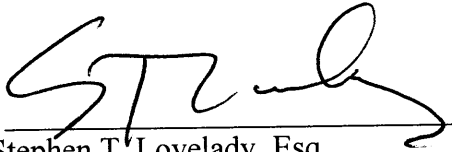
I declare that on March 1, 2022, Richard B. Smith, the owner of KMAK-FM, LLC, informed me that an application (LMS File No. 0000184945) had been filed for a construction permit for modification of FM translator station K262DK, Facility ID Number 156181, Muscatel, California, licensed to Ginger Broadcasting. Mr. Smith, in consultation with his engineer, calculated that the proposed minor modification of K262DK's licensed facilities, which included a change in channel to Channel 261, the first adjacent channel to KMAK's licensed channel, and a change in call sign to K261FF, would result in interference to the service that KMAK provides to its listeners. On March 4, 2022, the Commission granted the application and issued a construction permit to Ginger Broadcasting to modify the facilities of FM translator K262DK (now K261FF).

I, together with my colleague, Susan A. Marshall, on March 8, 2022, contacted by telephone Daniel J. Alpert, the legal representative/owner of Ginger Broadcasting to inform him of this potential interference by the modified facilities of K262DK and to open discussions regarding resolution of the issue. I confirmed our phone conversation by email to Mr. Alpert on the same date (copy attached hereto). The next day I sent another email to Mr. Alpert with a copy of a map showing prepared by our client's engineer illustrating the calculated zone of potential interference (also attached hereto).

As of the date of this Declaration I have not received a reply or any other communication from Mr. Alpert regarding this matter, nor, to my knowledge, has anyone else in my law firm.

I declare under penalty of perjury that this Declaration is true and correct to the best of my knowledge and belief.

Dated this 6th day of April 2022.



Stephen T. Lovelady, Esq.
Counsel to KMAK-FM, LLC

Steve Lovelady

From: Steve Lovelady
Sent: Tuesday, March 8, 2022 6:10 PM
To: 'dja@commlaw.tv'
Cc: Susan Marshall
Subject: Ginger Broadcasting FM Translator Mod. for K262DK, Muscatel, CA

Hi Dan,

As we discussed today on the phone with Susan Marshall, our client believes that the facilities authorized in the recent granted c.p. for modification of Ginger Broadcasting's FM translator K262DK, Muscatel, CA will interfere with our client's station, KMAK(FM), Orange Cove, CA, which is licensed to operate on 100.3 MHz.

We will check with our client, KMAK-FM, LLC (Richard Smith) about sending to you the potential interference maps that his engineer, Jeff Reynolds, has prepared.

We are looking forward to amicably settling this matter.

Best,

Steve

Stephen T. Lovelady
Shainis & Peltzman, Chartered
1850 M Street NW, Suite 240
Washington, DC 20036
Office Phone: 202-293-0011, ext. 113
Cell Phone: 410-371-8809

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Steve Lovelady

From: Steve Lovelady
Sent: Wednesday, March 9, 2022 10:24 AM
To: 'dja@commlaw.tv'
Cc: Susan Marshall
Subject: RE: Ginger Broadcasting FM Translator Mod. for K262DK, Muscatel, CA
Attachments: Map Mod of K262DK Interference Within KMAK 45 dBu.pdf

Hi Dan,

Attached is the predicted interference map that Jeff Reynolds generated. It shows the overlap between our client's KMAK(FM) and the c.p. facilities for Ginger's K262DK.

Our client's suggestion is to possibly find another frequency for Ginger's translator, other than either 100.1 MHz or 101.3 MHz (and maybe which will also avoid interfering with Kathleen Victory's client – Bott Communication's station KCVI on 99.9 MHz – but that's really none of our business).

Best,
Steve

Stephen T. Lovelady
Shainis & Peltzman, Chartered
1850 M Street NW, Suite 240
Washington, DC 20036
Office Phone: 202-293-0011, ext. 113
Cell Phone: 410-371-8809

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From: Steve Lovelady
Sent: Tuesday, March 8, 2022 6:10 PM
To: 'dja@commlaw.tv' <dja@commlaw.tv>
Cc: Susan Marshall <susan@s-plaw.com>
Subject: Ginger Broadcasting FM Translator Mod. for K262DK, Muscatel, CA

Hi Dan,

As we discussed today on the phone with Susan Marshall, our client believes that the facilities authorized in the recent granted c.p. for modification of Ginger Broadcasting's FM translator K262DK, Muscatel, CA will interfere with our client's station, KMAK(FM), Orange Cove, CA, which is licensed to operate on 100.3 MHz.

We will check with our client, KMAK-FM, LLC (Richard Smith) about sending to you the potential interference maps that his engineer, Jeff Reynolds, has prepared.

We are looking forward to amicably settling this matter.

Best,
Steve

Stephen T. Lovelady
Shainis & Peltzman, Chartered
1850 M Street NW, Suite 240

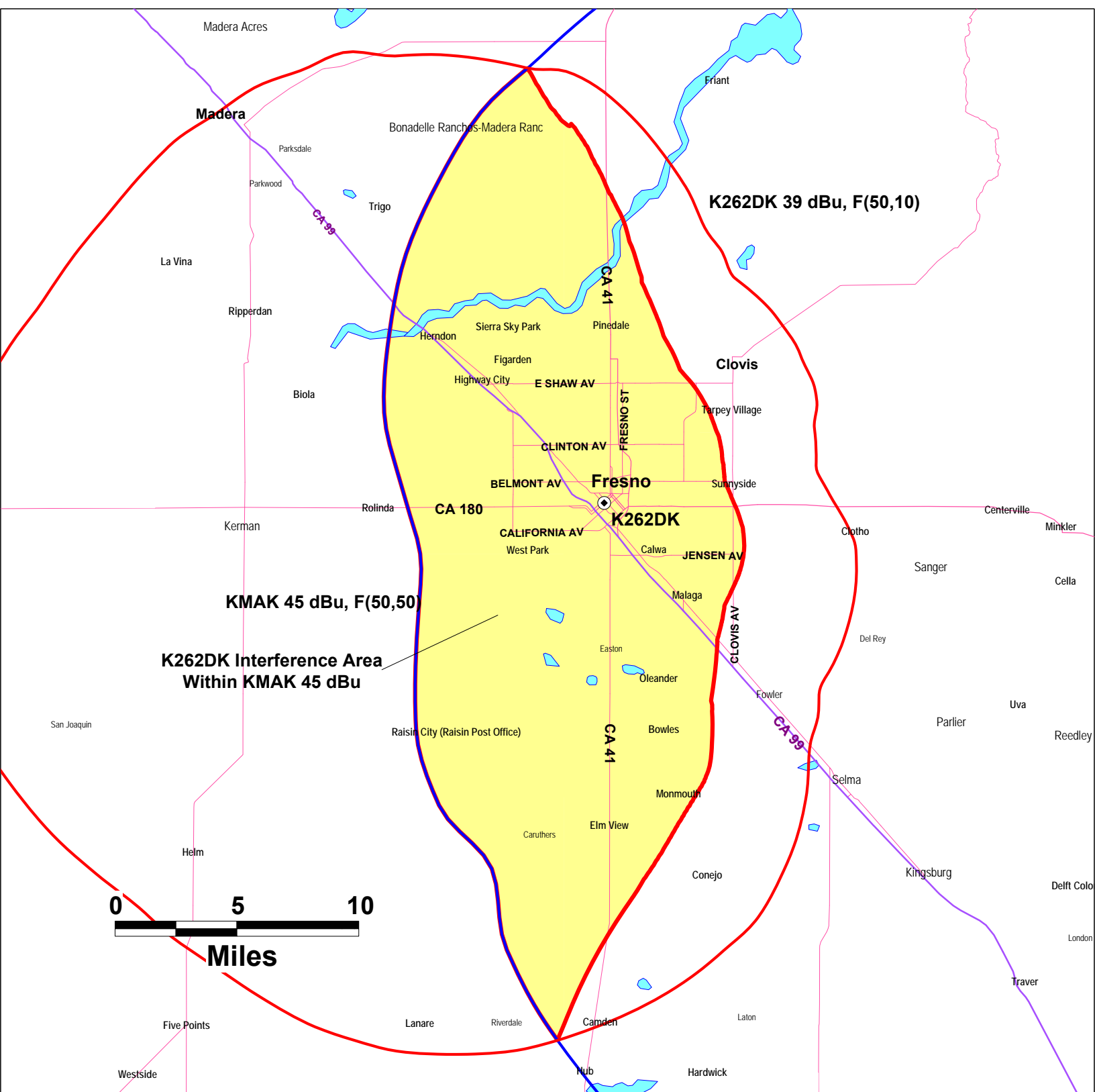


Exhibit D

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF A
JOINT PETITION FOR RECONSIDERATION
OF THE GRANT OF THE CONSTRUCTION PERMIT FOR
FM TRANSLATOR STATION K261FF
MUSCATEL, CALIFORNIA
LMS FILE NO. 0000184945
FCC FACILITY ID 156181

This technical exhibit was prepared on behalf of KMAK-FM, LLC, licensee of FM station KMAK on channel 262A (100.3 MHz) at Orange Cove, California (BLH-19900911KB) in support of a Joint Petition for Reconsideration of the grant of the application for construction permit for K261FF on co-channel 261 (100.1 MHz) at Muscatel, California (“K261FF”, LMS File No. 0000184945, Facility ID 156181).¹ Specifically, the purpose of this technical exhibit is to demonstrate, pursuant to Section 74.1204(f), that the authorized operation of K261FF will cause actual, actionable interference to the required number of regular KMAK listeners.

Under the recently adopted translator interference complaint procedures, the FCC established the 45 dBu contour as the limit within which interference complaints will be considered actionable, established a minimum number of listener complaints proportionate to the population served by the complaining station and adopted a contour-based U/D ratio method as a threshold causation test to establish that the complaining listener is within a “zone of potential interference”.²

Station K261FF is authorized to operate on channel 261 (100.1 MHz) which is a first adjacent channel to KMAK’s licensed operation on channel 262A (100.3 MHz). First adjacent channel interference is predicted to occur if the U/D signal strength ratio exceeds -6 decibels (dB). Therefore, interference from K261FF within the KMAK 45 dBu contour was calculated based on a -6 dB U/D ratio using the FCC’s F(50,50) curves for determination of KMAK’s desired signal and the F(50,10) curves for determination of K261FF’s undesired signal. The resulting zone of predicted interference within KMAK’s 45 dBu contour from K261FF has been depicted on Figure 1 with yellow tinting.

¹ K261FF is currently licensed (LMS File No. 0000163684) to operate on channel 262 (100.3 MHz) at Muscatel with call letters K262DK.

² See *Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference, Report and Order, MB Docket No. 18-119, FCC 19-40 (rel. May 9, 2019 (FM Translator Interference Report and Order))* and Section 74.1203(a)(3).

Also shown on Figure 1 is a portion of the KMAK protected 60 dBu contour which contains a 2010 Census population of 136,509 persons.³ Therefore, based on Table 1 of Section 74.1203(a)(3), a minimum of six (6) listener complaints are required for an interference claim. Figure 2 provides a tabulation of 6 regular home/office KMAK listeners who submitted interference complaints and who are predicted to receive interference within the zone of predicted interference depicted on Figure 1. The tabulation includes each listener's name, address, phone number and the geographic coordinates where each listener is predicted to receive interference. The listener locations are also depicted on Figure 1.

Figure 3 provides the individual interference calculations based on the U/D signal strength ratio methodology for either listener's location (i.e. home or office). The geographic coordinates (NAD83) are tabulated for each location identified on Figures 1 and 2 along with resulting U/D signal strength ratio method calculations. As noted above, K261FF will operate on a first adjacent channel to KMAK. As such, first adjacent channel interference is predicted to occur if the U/D signal strength ratio exceeds -6 decibels (dB). The U/D ratio to the identified regular listener locations is significantly greater than the required -6 dB U/D ratio in all cases as illustrated by the last column of Figure 3 which provides the amount, in dB, that the actual interfering signal exceeds the -6 dB threshold value. Therefore, the authorized K261FF operation is predicted to cause interference to the all of the identified listeners of KMAK under Section 74.1204(f).

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my personal knowledge and belief.



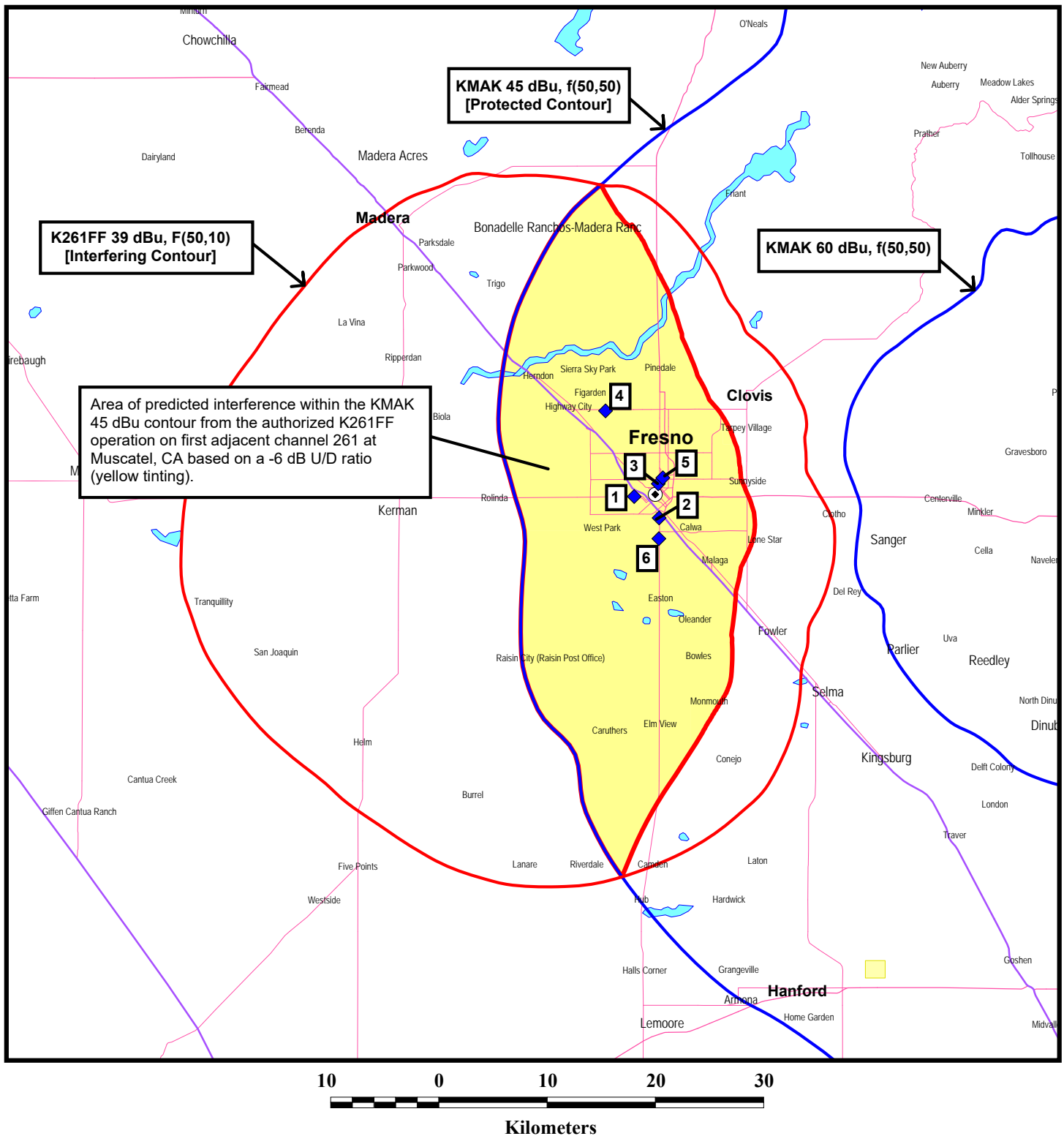
W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
5212 Station Way
Sarasota, Florida 34233
(941) 329-6013
JEFF@DLR.COM

April 5, 2022

³ It is noted that the 2020 Census population within the KMAK 60 dBu is 141,561 persons.

Figure 1



SECTION 74.1204(F) ANALYSIS

FM TRANSLATOR STATION K261FF
MUSCATEL, CALIFORNIA
CH 261 (100.1 MHZ) 0.25 KW (DA)

du Treil, Lundin & Rackley, Inc. Sarasota, Florida 34237

COMPLAINANT CHART

<u>No.</u>	<u>Complainant</u>	<u>Home/Office Address</u>	<u>Phone Number</u>	<u>Description of Location of Predicted Interference</u>
1	Margarito Beltran	332 W. Whitesbridge Ave. Fresno, CA 93706	559-261-5814	Home, 36-44-10/119-48-57 (NAD 83) (1 on Fig. 1)
2	Maria Castillo	2266 S Poppy Ave. Fresno, CA 93706	559-500-8192	Home, 36-43-06/119-47-24 (NAD83) (2 on Fig. 1)
3	Jose Gonzalez	297 N Blackstone Ave. Fresno, CA 93701	559-558-0743	Office, 36-44-48/119-47-27 (NAD83) (3 on Fig. 1)
4	Raymond Gonzalez	3041 W Shaw Ave. Fresno, CA 93711	559-289-4091	Office, 36-48-26/119-50-44 (NAD83) (4 on Fig. 1)
5	Maria Hernandez	2051 E. White Ave. Fresno, CA 93701	559-266-3487	Home, 36-45-06/119-47-10 (NAD83) (5 on Fig. 1)
6	Adriana Rodriquez	2763 Elm St. Fresno, CA 93706	559-375-1118	Office, 36-42-04/119-47-25 (NAD83) (6 on Fig. 1)

CALCULATIONS OF INTERFERENCE TO WJFD-FM LISTENERS USING
UNDESIRE-TO-DESIRED (U/D) SIGNAL STRENGTH RATIO METHOD

Complainant Location	Coordinates (NAD83)	<u>KMAK Desired Field Strength</u>					<u>K261FF Undesired Field Strength</u>					U/D (dB)	dB above - 6 dB U/D Threshold
		Distance (km)	Bearing (Deg T)	ERP (kW)	HAAT (m)	Field Strength dBu, F(50,50)	Distance (km)	Bearing (Deg T)	ERP (kW)	HAAT (m)	Field Strength dBu, F(50,10)		
1	N36-44-10/W119-48-57	47.5	268.5	0.072	774	49.9	1.9	264.3	0.243	89	91.1	41.2	47.2
2	N36-43-06/W119-47-24	45.3	266.0	0.072	762	50.7	2.2	168.4	0.08	83	83.6	32.9	38.9
3	N36-44-48/W119-47-27	45.3	270.0	0.072	786	51.0	1.1	20.6	0.019	65	87.0	36.0	42.0
4	N36-48-26/W119-50-44	50.6	277.6	0.072	846	49.4	8.9	329.7	0.126	77	61.3	11.9	17.9
5	N36-45-06/W119-47-10	44.9	270.7	0.072	792	51.3	1.7	27.2	0.014	65	79.0	27.7	33.7
6	N36-42-04/W119-47-25	45.5	263.6	0.072	749	50.5	4.1	174.1	0.091	84	74.0	23.5	29.5

Statement

I am a regular listener at least twice a month to KMAK over-the-air on 100.3 FM, which is licensed to Orange Cove, California (check all below that apply):

☒ At my home.

My home address is:

Street: 332 W. WHITES BRIDGE AVE

City, State and Zip: FRESNO CA 93706.

☐ At my office.

My office address is:

Street: _____

City, State and Zip: _____

☐ As I drive my vehicle (please list road names/route numbers with cross streets/exits and/or mile markers to describe your route – for example, I-75 from Exit X to Exit Y, then Any Street from I-75 to Another Street).

- I am providing this Statement to ask the Federal Communications Commission to take action to stop interference to my reception of the KMAK signal from occurring.
- Other than being a regular listener of KMAK, neither I nor any member of my immediate family have any legal, family, employment, business, or financial relationship with KMAK or KMAK-FM, LLC, the owner of the station, or La Especial Media Group, Inc., the station's program broker.
- I declare under penalty of perjury that the information in this Statement is true and correct to the best of my knowledge and belief. I understand that this Statement may be made publicly available.

Printed Name (first and last): MARGARITO BELTRAN.

Street Address: 332 W. WHITES BRIDGE AVE.

City and State: FRESNO CA 93706.

Email: _____

Phone: (559) 261-5814.

Date: 3/31/22

Signature: Margarito Beltran

Statement

I am a regular listener at least twice a month to KMAK over-the-air on 100.3 FM, which is licensed to Orange Cove, California (check all below that apply):

☒ At my home.

My home address is:

Street: 2266 S Poppy Ave

City, State and Zip: Fresno Ca 93706

☐ At my office.

My office address is:

Street: _____

City, State and Zip: _____

☐ As I drive my vehicle (please list road names/route numbers with cross streets/exits and/or mile markers to describe your route – for example, I-75 from Exit X to Exit Y, then Any Street from I-75 to Another Street).

- I am providing this Statement to ask the Federal Communications Commission to take action to stop interference to my reception of the KMAK signal from occurring.
- Other than being a regular listener of KMAK, neither I nor any member of my immediate family have any legal, family, employment, business, or financial relationship with KMAK or KMAK-FM, LLC, the owner of the station, or La Especial Media Group, Inc., the station's program broker.
- I declare under penalty of perjury that the information in this Statement is true and correct to the best of my knowledge and belief. I understand that this Statement may be made publicly available.

Printed Name (first and last): Maria Castillo

Street Address: 2266 S Poppy

City and State: Fresno Ca 93706

Email: _____

Phone: 559 500 8192

Date: 3.25.22

Signature: Maria Castillo

Statement

I am a regular listener at least twice a month to KMAK over-the-air on 100.3 FM, which is licensed to Orange Cove, California (check all below that apply):

☒ At my home.

My home address is:

Street: _____

City, State and Zip: _____

☒ At my office.

My office address is:

Street: 297 N. BLACKSTONE AVE

City, State and Zip: FRESNO CA 93701

☐ As I drive my vehicle (please list road names/route numbers with cross streets/exits and/or mile markers to describe your route – for example, I-75 from Exit X to Exit Y, then Any Street from I-75 to Another Street).

- I am providing this Statement to ask the Federal Communications Commission to take action to stop interference to my reception of the KMAK signal from occurring.
- Other than being a regular listener of KMAK, neither I nor any member of my immediate family have any legal, family, employment, business, or financial relationship with KMAK or KMAK-FM, LLC, the owner of the station, or La Especial Media Group, Inc., the station's program broker.
- I declare under penalty of perjury that the information in this Statement is true and correct to the best of my knowledge and belief. I understand that this Statement may be made publicly available.

Printed Name (first and last): JOSE GONZALEZ

Street Address: 297 N. BLACKSTONE AVE

City and State: FRESNO CA 93701

Email: _____

Phone: 559. 558 0743

Date: 3-24-02

Signature: 

Statement

I am a regular listener at least twice a month to KMAK over-the-air on 100.3 FM, which is licensed to Orange Cove, California (check all below that apply):

☐ At my home.

My home address is:

Street: _____

City, State and Zip: _____

☒ At my office.

My office address is:

Street: 3041 W. SHAW AVE.

City, State and Zip: Fresno, CA 93711

☒ As I drive my vehicle (please list road names/route numbers with cross streets/exits and/or mile markers to describe your route – for example, I-75 from Exit X to Exit Y, then Any Street from I-75 to Another Street).

MARKS AVE. TO CLINTON AVE. TO 99 FWY SOUTH.
TO 180 FREEWAY TO ACADEMY AVE TO SANGER, CA.

- I am providing this Statement to ask the Federal Communications Commission to take action to stop interference to my reception of the KMAK signal from occurring.
- Other than being a regular listener of KMAK, neither I nor any member of my immediate family have any legal, family, employment, business, or financial relationship with KMAK or KMAK-FM, LLC, the owner of the station, or La Especial Media Group, Inc., the station's program broker.
- I declare under penalty of perjury that the information in this Statement is true and correct to the best of my knowledge and belief. I understand that this Statement may be made publicly available.

Printed Name (first and last): RAYMOND GONZALEZ

Street Address: 3041 W. SHAW AVE.

City and State: Fresno, CA 93711

Email: RAYMONDGONZALEZ251@YAHOO.COM

Phone: (559) 289-4091

Date: 3/29/22

Signature: Raymond Gonzalez

Statement

I am a regular listener at least twice a month to KMAK over-the-air on 100.3 FM, which is licensed to Orange Cove, California (check all below that apply):

☒ At my home.

My home address is:

Street: 2051 E White Ave

City, State and Zip: FRESNO, Ca 93701

☐ At my office.

My office address is:

Street: _____

City, State and Zip: _____

☐ As I drive my vehicle (please list road names/route numbers with cross streets/exits and/or mile markers to describe your route – for example, I-75 from Exit X to Exit Y, then Any Street from I-75 to Another Street).

- I am providing this Statement to ask the Federal Communications Commission to take action to stop interference to my reception of the KMAK signal from occurring.
- Other than being a regular listener of KMAK, neither I nor any member of my immediate family have any legal, family, employment, business, or financial relationship with KMAK or KMAK-FM, LLC, the owner of the station, or La Especial Media Group, Inc., the station's program broker.
- I declare under penalty of perjury that the information in this Statement is true and correct to the best of my knowledge and belief. I understand that this Statement may be made publicly available.

Printed Name (first and last): Maria Hernandez

Street Address: 2051 E White Ave

City and State: FRESNO, Ca 93701

Email: Caseta1435@yahoo.com

Phone: 559-266-3487

Date: 3/25/22

Signature: Maria Hernandez

Statement

I am a regular listener at least twice a month to KMAK over-the-air on 100.3 FM, which is licensed to Orange Cove, California (check all below that apply):

☐ At my home.

My home address is:

Street: _____

City, State and Zip: _____

☒ At my office.

My office address is:

Street: 2763 Elm Ave 1

City, State and Zip: Fresno CA 93706

☐ As I drive my vehicle (please list road names/route numbers with cross streets/exits and/or mile markers to describe your route – for example, I-75 from Exit X to Exit Y, then Any Street from I-75 to Another Street).

- I am providing this Statement to ask the Federal Communications Commission to take action to stop interference to my reception of the KMAK signal from occurring.
- Other than being a regular listener of KMAK, neither I nor any member of my immediate family have any legal, family, employment, business, or financial relationship with KMAK or KMAK-FM, LLC, the owner of the station, or La Especial Media Group, Inc., the station's program broker.
- I declare under penalty of perjury that the information in this Statement is true and correct to the best of my knowledge and belief. I understand that this Statement may be made publicly available.

Printed Name (first and last): Adriana Rodriguez

Street Address: 2763 Elm Ave

City and State: Fresno CA 93706

Email: Central valley mattress@gmail.com

Phone: 559-375-1118

Date: 3-31-22

Signature: Adriana Rodriguez

Exhibit E

DECLARATION OF ALFREDO PLASCENCIA

I, **ALFREDO PLASCENCIA**, hereby declare as follows:

1. I am the Manager of Lazer Licenses, LLC ("Lazer"), licensee of Station KAAT(FM), Oakhurst, CA (Facility ID 8341).
2. I have been advised, and understand based on documentation filed with the FCC, that FM Translator K262DK, Muscatel, CA (Facility ID 156181) currently owned by Ginger Broadcasting, lists KAAT as the primary station rebroadcast by K262DK. I have also been advised, and understand based on documentation filed with the FCC, that a recently granted application for modification of K262DK (LMS 0000184945) to authorize it to change channel to Channel 261 (K261FF) similarly lists KAAT as the primary station to be rebroadcast by the modified FM translator.
3. Lazer Licenses, LLC did not authorize Ginger Broadcasting to rebroadcast the signal of KAAT on K262DK, nor on the modified facility K261FF.
4. I authorize Bott Communications, Inc., licensee of KCIV(FM), Mt. Bullion, CA, to submit this Declaration to the FCC in connection with its Petition for Reconsideration of the grant of the K261FF construction permit.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on April 1, 2022



Alfredo Plascencia

Exhibit F

DECLARATION OF KEVIN DAVIS

I, Kevin Davis, declare and state as follows:

I am an engineer employed by Broadcast Technical Services, which is the contract engineering firm for KCIV, Mount Bullion, California, which is licensed to Bott Communications, Inc. ("Bott"), and I work in the area of Fresno, California.

On April 7, 2022, I was asked by Bott to verify whether the FM translator now licensed as K262DK, Muscatel, California is currently operating. Accordingly, I drove to a location near the licensed transmitter site for K262DK, as depicted on the attached Google map. The red marker on that map marks the licensed co-ordinates, as also listed at the top of the map. The blue dot indicates the nearby location at which I parked to attempt to listen to the translator. While parked there, I tuned my radio to 100.3 MHz. When I did so, I could hear only KBRG, San Jose, California, which also is licensed to operate at 100.3 MHz. I did not hear a rebroadcast of KAAT, the primary station of K262DK. Clearly, that close to the authorized tower site for K262DK, I would have heard that station, rebroadcasting the programming of KAAT, if it were on the air.

While at the identified location, I noticed there is just an empty field at that location. There are no towers nor tall buildings. The only structures located there are single story strip-mall buildings. The location is near the intersection of W. Shield Avenue and N. Brawley Avenue. The only tower that is in the area is to the northeast of the licensed location at the corner of N. Valentine and I99, just south of W. Dakota Avenue.

While listening to my radio, I drove north on I99 and turned around and came back on I99, but I observed little no difference in what I could hear at 100.3 MHz. I spent a good amount of time driving in the neighborhood and reception would fade between KBRG and KMAK in Orange Cove, CA, which also is licensed at 100.3 MHz.

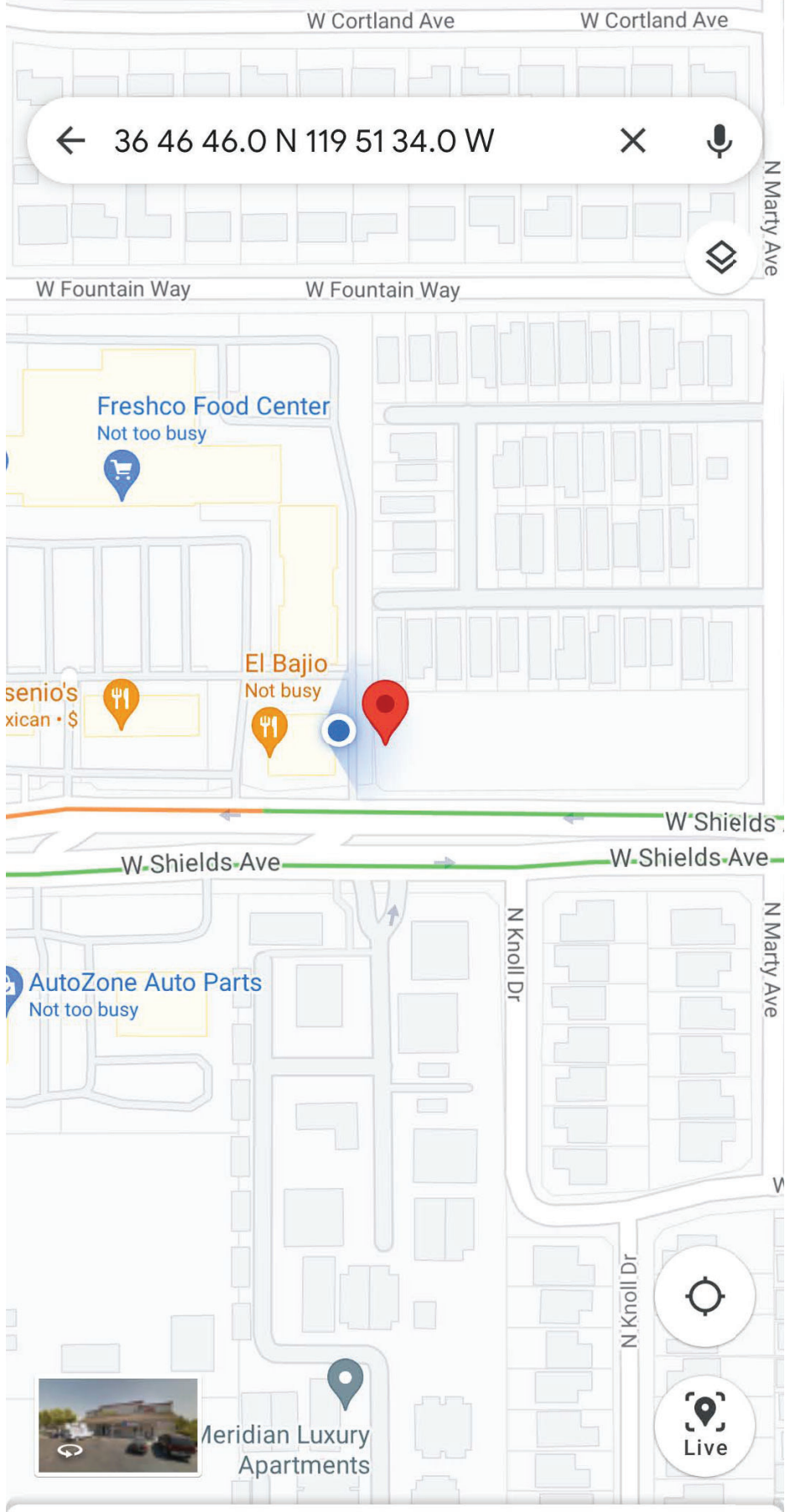
I therefore concluded that K262DK is not currently operating on the air.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 7th day of April, 2022.



Kevin Davis



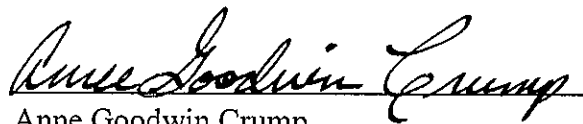
36°46'46.0"N 119°51'34.0"W

[Directions](#) [Start](#) [Save](#) [Share](#)

CERTIFICATE OF SERVICE

I, Anne Goodwin Crump, of Fletcher, Heald & Hildreth PLC, hereby certify that a true and correct copy of the foregoing “Joint Petition for Reconsideration” was sent on this 7th day of April, 2022, via e-mail, to the following:

DJA@COMMLAW.TV
Dan J. Alpert, Esquire
Ginger Broadcasting
2120 N. 21st Road
Arlington, VA 22201


Anne Goodwin Crump