

**Before the  
Federal communications commission  
Washington, District of Columbia 20554**

In re applications of:

Lotus Los Angeles Corp.	)		
For License to Cover	)		
For FM Translator K264CQ	)	File No.	BLFT-20170213ABM
Los Angeles, California	)	Facility ID:	141734

To: Chief, Media Bureau

**Supplement to Opposition to Petition for Reconsideration**

Lotus Los Angeles Corp., a California corporation ("**Lotus**"), licensee of FM Translator K264CQ, Los Angeles, California, Facility ID #141734 (the "**Translator**"), and AM Station KWKW, Los Angeles, California, Facility ID #38454, by its attorneys, supplements its Opposition (as revised May 12, 2017, the "**Opposition**") to the May 1, 2017, Petition for Reconsideration (the "**Petition**") filed by Civic Light Opera Cultural Arts Academy (the "**Petitioner**"),<sup>1</sup> licensee of Low Power Station KCLA-LP, 100.7 FM, San Pedro, California ("**KCLA**"), as supplemented by its filing today (the "**Petition Supplement**").

Lotus has attempted to reach each of Charles Klaus, Jeremy Meza, Dirk Vandenberg and Clayton Barton (each, a "**Declarant**"), the four persons identified in the declarations attached to

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<sup>1</sup> In the Petition Supplement, the Petitioner provides an undated letter from James Rodriguez, Director of the Petitioner, stating that KCLA-LP, Civic Light Opera SPIFFEST and Civic Light Opera of San Pedro are all fictitious business names of the Petitioner. Mr. Rodriguez also states in that California corporation laws exempt nonprofits from filings which would notify the public of the fictitious names under which they do business. That may be so, but it does not explain why the Petitioner used a fictitious name, rather than its legal name, to file the Petition.

the Petition.<sup>2</sup> On May 4, 2017, the undersigned sent a letter (each, a “**Declarant Letter**”) to each Declarant, copies of which were attached to the Opposition. The undersigned called *The Guitar Store* at 424 W. 6<sup>th</sup> Street, San Pedro, California (the address each of Mr. Vandenberg and Mr. Barton provided in his Declaration) and left messages on May 5, May, 15, and May 18, 2017. The undersigned has not received any response to the Declarant Letter or the telephone messages from either Mr. Vandenberg or Mr. Barton. The undersigned was unable to find any telephone listing for Jeremy Meza at the address he provided in his Declaration. Further, as noted on the FedEx Tracking list attached as Exhibit A, FedEx was unable to deliver the Declarant Letter to Mr. Meza.

The only Declarant the undersigned was able to reach was Charles Klaus,<sup>3</sup> who answered the phone when the undersigned called *The Grand Emporium* (the address Mr. Klaus provided in his Declaration) May 18, 2017. The undersigned identified herself to Mr. Klaus and stated that she was calling to follow up on her letter of May 4, 2017. Mr. Klaus said that he had been instructed not to answer the letter and was told that the matter was being handled in another way. The undersigned asked Mr. Klaus who had instructed him not to respond, and he said he did not think he was supposed to say. The undersigned thanked Mr. Klaus for his time and the call ended.

The Petitioner has asked in its Petition Supplement for more time to contact its listeners regarding their original complaints and their current experiences. The Declarants have failed to respond to the Declarant Letters or follow-up telephone calls, and Mr. Klaus has stated that he

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<sup>2</sup> The Petition stated that KCLA would file additional Declarations by Supplement, but it has not done so to date. See, Petition, Paragraph 7.

<sup>3</sup> The undersigned called Mr. Klaus on May 5 and May 15, 2017 and left voicemails. Mr. Klaus did not respond to the earlier telephone messages or to the Declarant Letter.

was instructed not to respond. In any event, the Declarants can have no current experience regarding interference from the Petitioner's licensed site, because the Petitioner is not broadcasting from that site. In its Request for Engineering Special Temporary Authority, filed today, FCC File No. BSTA – 20170522ABC (the "**KCLA STA**"), the Petitioner resubmits an earlier request to permit KCLA to broadcast from a different location while its pending Application for a Minor Modification, FCC File No. BPL-20160602ABB (the "**KCLA Minor Modification Request**"), to move to a new location is processed. The Petitioner explains in the narrative to the KCLA STA that:

"upon filing [the KCLA Minor Modification Request, the Petitioner] was notified by Staff the proposed site would require clearance and approval by the Federal Aviation Administration (FAA). [The Petitioner] therefore prepared an application for FAA Review. Expecting the FAA process would usually be cleared by now, [the Petitioner] made arrangements to fully vacate the original site."

The Petitioner references an April 27, 2017, letter from the FCC, a copy of which is attached as Exhibit B, giving the Petitioner 30 days to address its filings with the Federal Aviation Administration ("**FAA**"). However, it does not appear that the Petitioner (or anyone else) has filed any request with the FAA with respect to the site to which the Petitioner would like to move KCLA. As illustrated by "*Proposed Cases for CA*" attached as Exhibit C, the FAA has no case for the Petitioner's proposed coordinates.<sup>4</sup> It is not clear how the Petitioner will obtain FAA clearance and complete the FCC antenna structure registration process within the 30-day period. In any event, the Petitioner is not broadcasting, and has stated in FCC filings that it

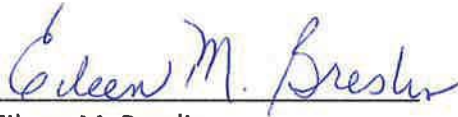
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<sup>4</sup> The FAA Proposed Cases are arranged by latitude in ascending order. The coordinates for the Petitioner's proposed site are 33° 45' 30.71" N, 118° 18' 37.8" W (NAD 83). So, the Petitioner's filing should appear between the two highlighted latitudes.

does not intend to broadcast, from the licensed site at which the Petitioner claims KCLA suffered interference.

Lotus has made a good faith effort to investigate whether KCLA experienced interference and, if so, whether Lotus' stations were involved. In view of the Declarants' lack of response, Lotus has no means of evaluating the interference claim or its cause. In any case, as discussed in the Opposition and above, the Petitioner's decision to discontinue broadcasting from its licensed site renders the issue of interference moot and the Petition should be dismissed.

Respectfully submitted,  
**Lotus Los Angeles Corp.**

By:   
Eileen M. Breslin  
McLaughlin & Stern LLP  
1010 Northern Boulevard, Suite 400  
Great Neck, New York 11021  
516-467-5421  
Its attorneys

**Exhibit A**

**FedEx Tracking List for Jeremy Meza**

FedEx

USPS

UPS

DHL

Canada Post

Search from over 100 carriers!

[Start Now](#)

Track Your Package

&gt;&gt;

Track **FEDEX** Number Here.[Start  
Now](#)Track  
Your  
PackageTrack **FEDEX**  
Number Here.

&gt;&gt;

## FedEx Shipment Details

### General Information

Tracking Number: 811586605588

### Tracking Information

- 5/12/2017 - Returning package to shipper - GARDENA CA
- 5/11/2017 - At local FedEx facility - GARDENA CA
- 5/10/2017 - At local FedEx facility - GARDENA CA
- 5/9/2017 - At local FedEx facility - GARDENA CA
- 5/9/2017 - Delivery exception - GARDENA CA
- 5/9/2017 - On FedEx vehicle for delivery - GARDENA CA
- 5/9/2017 - At local FedEx facility - GARDENA CA
- 5/8/2017 - At local FedEx facility - GARDENA CA
- 5/8/2017 - Delivery exception - GARDENA CA
- 5/8/2017 - On FedEx vehicle for delivery - GARDENA CA
- 5/8/2017 - At local FedEx facility - GARDENA CA
- 5/6/2017 - At local FedEx facility - GARDENA CA
- 5/5/2017 - At local FedEx facility - GARDENA CA
- 5/5/2017 - Delivery exception - GARDENA CA
- 5/5/2017 - Delivery exception - GARDENA CA
- 5/5/2017 - On FedEx vehicle for delivery - GARDENA CA
- 5/5/2017 - At local FedEx facility - GARDENA CA
- 5/5/2017 - At destination sort facility - LOS ANGELES CA
- 5/5/2017 - Departed FedEx location - MEMPHIS TN
- 5/4/2017 - Arrived at FedEx location - MEMPHIS TN
- 5/4/2017 - Left FedEx origin facility - GARDEN CITY NY
- 5/4/2017 - Picked up - GARDEN CITY NY

[« Track Package Again](#)

**FCC Letter to the Petitioner**

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET, SW**  
**WASHINGTON, DC 20554**

MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/media/radio/audio-division](http://www.fcc.gov/media/radio/audio-division)

ENGINEER: GARY A. LOEHR  
TELEPHONE: (202) 418-2700  
FACSIMILE: (202) 418-1410/1411  
MAIL STOP: 1800B3  
INTERNET ADDRESS: [Gary.Loehrs@fcc.gov](mailto:Gary.Loehrs@fcc.gov)

**APR 27 2017**

Civic Light Opera Cultural Arts Academy  
C/O Bob Burchette  
2286 Mariposa Avenue  
Torrance, CA 90502

Re: KCLA-LP, San Pedro, CA  
Facility ID No. 197367  
Civic Light Opera Cultural Arts Academy  
File No. BPL-20160602ABB

Dear Applicant:

The staff has under consideration the above-captioned application for a minor change to a licensed facility.

Pursuant to Section 17.4(a) of the Commission's Rules,<sup>1</sup> any proposed construction of a new antenna structure or proposed alteration of an existing antenna structure that requires notification to the Federal Aviation Administration (FAA) requires registration with the Commission prior to construction or alteration. KCLA-LP was notified on June 7, 2016 of the tower registration requirement. To date there has been no substantial progress demonstrated toward obtaining the antenna structure registration number. The staff has made numerous contacts with Robert Burchette requesting updates of progress or delays in securing tower registration.

Accordingly, to date, over ten months have passed since the application was filed with an antenna location that requires antenna structure registration. No tangible evidence has been presented showing that the proposed antenna structure has been registered or that a different site has been proposed by amendment of the application.

KCLA-LP's overall lack of responsiveness and failure to periodically file status updates of the tower registration process leaves the application subject to dismissal.

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<sup>1</sup> 47 CFR § 17.4(a).



Nevertheless, we are affording KCLA-LP with one final opportunity to file an amendment that either provides a tower registration number or proposes changes to site parameters that comply with antenna structure registration requirements.

Further action on application BPL-20160602ABB will be withheld for a period of thirty (30) days from the date of this letter to provide the applicant an opportunity to file the requested amendment. Failure to correct all remaining grantability defects within this time period will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1).

Sincerely,

  
James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

**FAA Proposed Cases for California**



## Proposed Cases for CA

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Case Number	City	State	Latitude	Longitude	Site Elevation	Structure Height	Total Height
2017-AWP-3697-OE	Blythe	CA	33° 35' 06.79" N	114° 36' 19.06" W	259	195	454
2017-AWP-3695-OE	Blythe	CA	33° 35' 08.48" N	114° 33' 03.45" W	267	195	462
2017-AWP-3726-OE	Blythe	CA	33° 35' 08.69" N	114° 48' 38.08" W	473	195	668
2017-AWP-3685-OE	Blythe	CA	33° 35' 16.74" N	114° 48' 32.47" W	471	195	666
2017-AWP-3686-OE	Blythe	CA	33° 35' 17.55" N	114° 45' 47.62" W	402	195	597
2015-AWP-8527-OE	Irvine	CA	33° 40' 24.63" N	117° 51' 45.28" W	45	385	430
2017-AWP-4216-OE	Foothill Ranch	CA	33° 40' 49.67" N	117° 39' 50.94" W	809	70	879
2015-AWP-8570-OE	Irvine	CA	33° 41' 20.49" N	117° 43' 26.10" W	397	68	465
2017-AWP-4210-OE	Irvine	CA	33° 41' 24.69" N	117° 50' 06.36" W	39	75	114
2017-AWP-2408-OE	Rancho Palos Verdes	CA	33° 44' 51.70" N	118° 20' 13.50" W	1427	111	1538
2015-AWP-10956-OE	Long Beach	CA	33° 45' 56.73" N	118° 05' 58.53" W	15	104	119
2015-AWP-10957-OE	Long Beach	CA	33° 45' 56.74" N	118° 06' 02.02" W	15	104	119
2015-AWP-10953-OE	Long Beach	CA	33° 45' 57.76" N	118° 06' 00.27" W	15	104	119
2017-AWP-4056-OE	Long Beach	CA	33° 45' 58.61" N	118° 11' 35.34" W	6	265	271
2015-AWP-10954-OE	Long Beach	CA	33° 45' 58.74" N	118° 05' 58.51" W	15	104	119
2015-AWP-10955-OE	Long Beach	CA	33° 45' 58.78" N	118° 06' 02.01" W	15	104	119
2015-AWP-10948-OE	Long Beach	CA	33° 46' 01.97" N	118° 06' 03.15" W	15	140	155
2015-AWP-10947-OE	Long Beach	CA	33° 46' 03.40" N	118° 06' 03.16" W	15	140	155
2017-AWP-3937-OE	Palm Desert	CA	33° 46' 39.64" N	116° 21' 00.07" W	160	750	910
2017-AWP-3596-OE	Long Beach	CA	33° 47' 10.53" N	118° 11' 09.89" W	38	14	52

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32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54

Certificate of Service

(Supplement to Petition for Reconsideration: File No. BLFT-20170213ABM)

I, Eileen Breslin, hereby certify that, on May 22, 2017, I caused to be served the Supplement to Opposition to Petition for Reconsideration of Lotus Los Angeles Corp., by first class mail, postage pre-paid, and by email, upon

Peter Doyle, Chief  
Audio Division, Media Bureau  
Federal Communications Commission  
445 Twelfth Street S.W.  
Washington, District of Columbia 20554

and by email to: Peter.Doyle@FCC.gov

Ziggy Mrkich, Manager  
KCLP-LP FM 100.7 – San Pedro  
303 S. Pacific Avenue #102  
San Pedro, California 90731

and by email to: <ziggy.mrkich@gmail.com

Dated: May 22, 2017



Eileen Breslin  
McLaughlin & Stern, LLP