

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

In re Application of:)
)
SCA-PALO ALTO, LLC) File No. BNPFT-20171201AOT
)
(New) FM Translator Station, Chan 237D)
San Francisco CA (Fac. ID #201186))

TO: Secretary, Federal Communications Commission
ATT: Chief, Audio Division, Media Bureau

REPLY TO OPPOSITION TO PETITION TO DENY

KRTY, Ltd. (“KRTY”) (FRN 0006038954), licensee of Station KRTY(FM), Los Gatos, California (Fac. ID #35569), by its attorney, pursuant to Section 73.5006(c) of the Commission’s Rules, hereby replies to the January 8, 2018 “Opposition” of SCA—PALO ALTO, LLC (“SCA”) to KRTY’s Petition to Deny (“Petition”) filed against the above-captioned FM translator new-station application. This Reply is timely under Section 73.5006(c), and asks the Commission to dismiss, deny, or, at most, conditionally grant the subject application. In support whereof, KRTY shows the following:

1. SCA’s Opposition erroneously asserts that the Petition lacks merit and is procedurally defective. It is wrong on both counts.
2. The centerpiece of this Reply is a new Engineering Statement (“Statement”) prepared by Erik C. Swanson, a partner in the firm of Hatfield & Dawson Consulting Engineers of Seattle, Washington. Mr. Swanson has added two more listener letters (attached) to his analysis and has plotted all five listeners’ locations within SCA’s proposed 60 dBu contour in Exhibit A of his Statement. In addition, Mr. Swanson has plotted three listener letters outside of the 60 dBu contour,

explaining (Statement at p. 3) that “[t]heir inclusion alerts SCA to the location of additional documented KRTY listeners who would be impacted should SCA elect to amend the technical facility proposed in their application, serving as a guide to areas SCA would want to avoid extending their proposed 60 dBu contour”. Thus, KRTY’s Petition and this Reply are doing two things: (2) they are meeting the standard of *The Association for Community Education, Inc.*, 19 FCC Rcd 12682, 12685-6 (2004), to provide “convincing evidence” that SCA’s proposed facility will interfere with existing KRTY listenership; and (2) they are providing guidance to SCA as to how they may amend their application to avoid this interference.

3. Similarly, contrary to SCA’s view, KRTY’s Longley-Rice study of the predicted interference situation, found in Exhibit B of the Petition, satisfies the “convincing evidence” standard because it demonstrates that there is no significant terrain obstruction which would impede reception of KRTY’s signal within the translator’s 60 dBu contour, as well as shows the widespread interference which operation of the SCA translator can reasonably be expected to cause to reception of KRTY in the greater San Francisco Bay area. Statement at p. 3. Finally, SCA’s discussion (Opposition at p. 8) about the possible interference to KRTY’s signal by Station KUIC(FM) is immaterial, because KRTY has documented the location of *bona fide* KRTY listeners inside the translator’s proposed 60 dBu contour who have identified KRTY as the source of their programming. Therefore, these listeners are clearly able to listen to KRTY without interference from KUIC. Statement at p. 4.

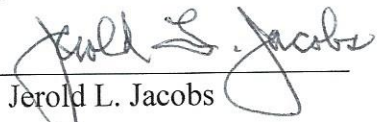
4. Under these circumstances, KRTY urges that SCA’s application does not meet the non-interference criterion of Section 74.1204(f) of the Rules and respectfully urges that the application should be dismissed or denied as inadvertently accepted for filing, or, at most, it should be granted with a stringent condition prohibiting any actual interference to Station KRTY. Because of the

requested stringent condition, SCA may decide to forego building its proposed San Francisco FM translator station.

WHEREFORE, in light of the foregoing, KRTY, Ltd. respectfully requests that the Commission should dismiss or deny the subject SCA application, or, at most, grant the application with a stringent condition against causing actual interference to Station KRTY.

Respectfully submitted,

KRTY, Ltd.

By: 
Jerold L. Jacobs

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Its Attorney

Dated: January 19, 2018

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(1925-2011)

Engineering Statement
Reply to Opposition to Petition to Deny BNPFT-20171201AOT
For a New FM Translator on Channel 237D at San Francisco, California

This Engineering Statement has been prepared on behalf of KRTY, Ltd., licensee of FM station KRTY at Los Gatos, California, in support of a Reply to Opposition to Petition to Deny BNPFT-20171201AOT, an application for a new FM translator on Channel 237D at San Francisco, California, filed by SCA-Palo Alto, LLC ("SCA").

In the Petition to Deny, KRTY presented convincing evidence that the proposed San Francisco translator facility would operate on Channel 237D, cochannel with KRTY's operation on Channel 237A, in an area where there is regularly-used reception of KRTY.

To reiterate, Section 74.1204(f) of the Commission's Rules states plainly that:

(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 the predicted 1 mV/m field strength contour of the FM translator station will overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including Class D (secondary) noncommercial educational FM stations and grant of the authorization will result in interference to the reception of such signal.

The Petition to Deny included statements from several listeners, expressing their concern that they not lose the programming provided by KRTY. Three of those listeners stated that they listen at locations within the 60 dBu contour which SCA has proposed in BNPFT-20171201AOT. Since that time, two additional KRTY listeners (Dekun and Wong) have come forward with statements regarding their listening at locations which are inside the proposed translator's 60 dBu contour.

The attached contour map Exhibit A plots the locations of 5 listeners who report listening to KRTY and whose addresses are located within the 60 dBu contour which SCA has proposed in BNPFT-20171201AOT.

A	Sarah Scott 630 Hickey Blvd Pacifica, CA
B	Amy DeCoito 660 Santa Barbara Ave Millbrae, CA 94030
D	Kristina Olney 297 Sequoia Ave South San Francisco, CA 94080
G	Anne Dekun 361 Arroyo Drive South San Francisco, CA
I	Justin Wong 218 Hampshire Court Daly City, CA 94015

Additional Nearby Listeners

Additionally, three other listeners are included in this statement and on the map for the sake of a complete record, whose listening locations plot just outside the translator 60 dBu contour. Vaars (work) and Smathers were included in the original Petition to Deny, while Hathaway is included for the first time in this Reply.

C	Todd Vaars (work) San Francisco International Airport 109 McDonnell Road South San Francisco	(located just outside the translator 60 dBu)
F	Helen Smathers 1018 Park Pacifica Ave Pacifica, CA	(located just outside the translator 60 dBu)

K	Hathaway (work) 778 Burlway Road Burlingame, CA 94010	(located just outside the translator 60 dBu)
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In its Opposition, SCA decries the inclusion of these additional listeners in KRTY's filing as "procedurally defective". However, the Engineering Statement was candid about the fact that these listeners were located outside the proposed translator's 60 dBu contour.

While the location of these listeners may not be decisionally significant insofar as §74.1204(f) is concerned, their location is nevertheless of relevance to this proceeding. Indeed, the intent behind inclusion of these additional listeners' locations is to facilitate an efficient resolution to this proceeding. Their inclusion alerts SCA to the location of additional documented KRTY listeners who would be impacted should SCA elect to amend the technical facility proposed in their application, serving as a guide to areas SCA would want to avoid extending their proposed 60 dBu contour.

Longley-Rice Study

While SCA attempts to discredit the Longley-Rice showing included in the Petition, they are merely blowing smoke in an attempt to obscure the fact that the Petition has demonstrated the presence of KRTY listeners inside their proposed 60 dBu contour.

Simply put, the Longley-Rice study satisfies the requirement that the Petition provide "*some evidence* that grant of the authorization will result in interference of the desired full-service station". The Longley-Rice study demonstrates that it is indeed reasonable that individuals located within the proposed translator's 60 dBu contour would be able to receive the signal of KRTY. In other words, there is no significant terrain obstruction that would readily discredit the listener statements. Debates about Longley-Rice study assumptions are immaterial, as the "*some evidence*" criterion has been satisfied.

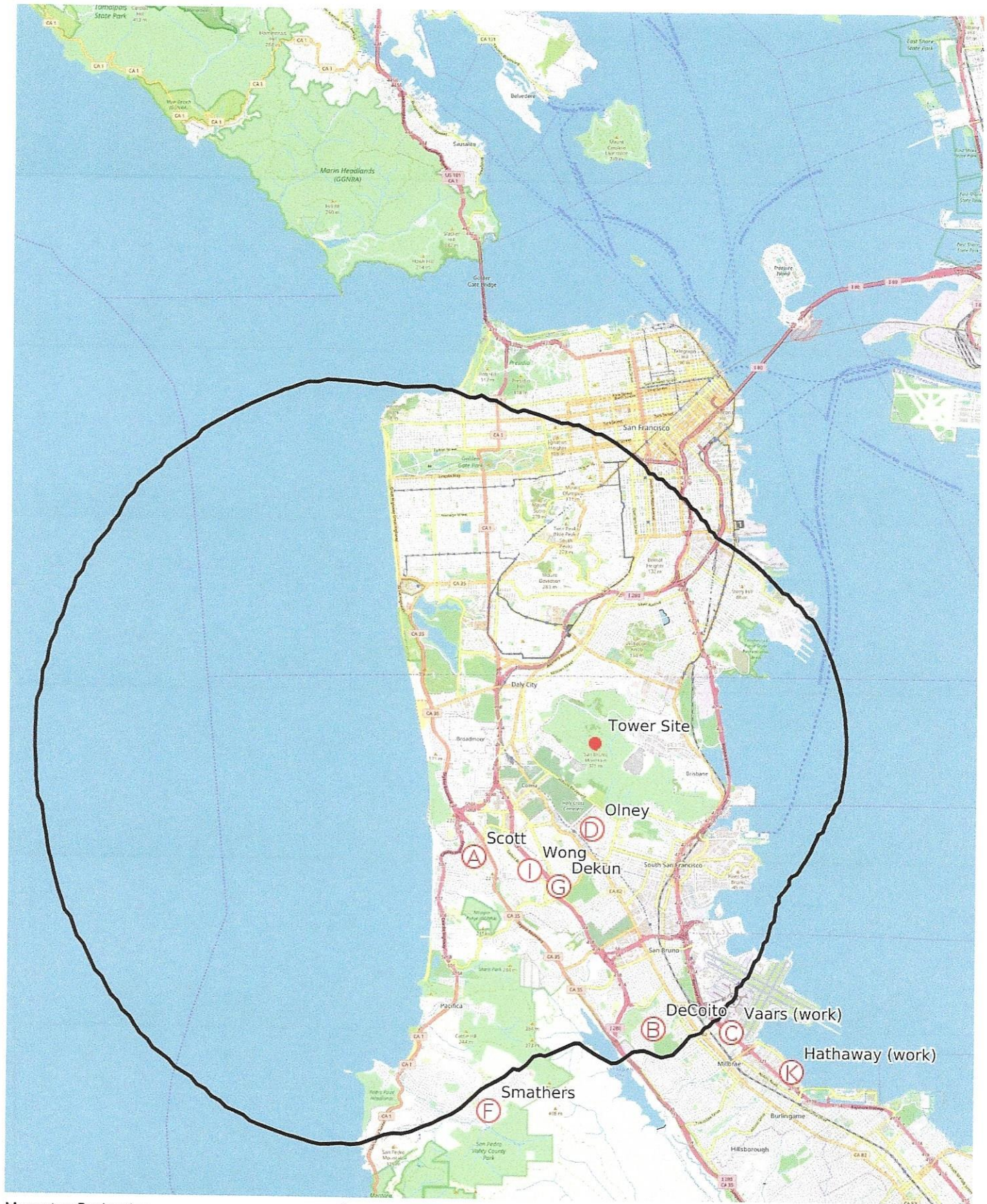
The Petition, contrary to SCA's claim, does not rely upon §73.1203(a) (which addresses actual interference). Rather, references to §73.1203(a) and to the widespread interference to KRTY which would be caused by the translator were included in the Engineering Statement in order to

put SCA on notice that KRTY would be diligent in pursuing claims of actual interference should the translator be constructed.

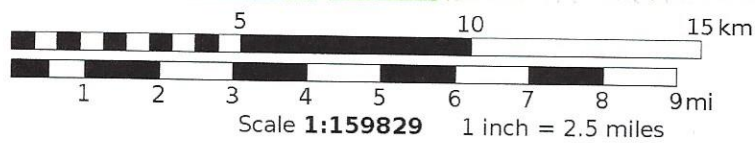
KUIC(FM) Vacaville

SCA additionally attempts to deflect attention from their proposed translator's interference impact on KRTY, over instead to alleged interference impact on KRTY from cochannel KUIC. Whether KUIC may or may not cause any interference to KRTY is immaterial. KRTY has documented the location of *bona fide* KRTY listeners inside the translator's proposed 60 dBu contour. These listeners have identified KRTY as the source of the programming that they listen to. Therefore these listeners are clearly able to listen to KRTY without interference from KUIC. Thus SCA's application is in violation of §74.1204(f) and must be Denied.

EXH. A



Mercator Projection
NAD27 Conus
USNG Zone 10SEG
CalTopo.com



N ↑
MN
13°

Anne Dekun
361 Arroyo Drive, So. SF
510-468-2703
1-11-2018

**RE: APPLICATION OF SCA-PALO ALTO, LLC
BNPFT-20170728ADP**

Mr. Nate Deaton
General Manager
Station KRTY(FM)
750 Story Avenue
San Jose, CA 95122

Dear Mr. Deaton:

I reside at 361 Arroyo Dr, S. San Francisco. I am an avid listener of KRTY and listen at my home and when I am in my car at least 10 hours per week. I am very much opposed to permitting an FM translator station to operate out of San Francisco that will interfere with my ability to listen to KRTY.

I have no relation to anyone at KRTY.

Very truly yours,

Anne Dekun

Justin Wong
218 Hampshire Court – Daly City, CA 94015
(650) 878 - 5614
January 12, 2018

**RE: APPLICATION OF SCA-PALO ALTO, LLC
BNPFT-20170728ADP**

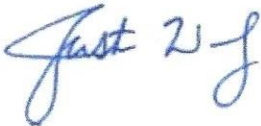
Mr. Nate Deaton
General Manager
Station KRTY(FM)
750 Story Avenue
San Jose, CA 95122

Dear Mr. Deaton:

I reside at Daly City. I am an avid listener of KRTY and listen at my home, work, and in my car for a total of at least 40 hours per week. I am very much opposed to permitting an FM translator station to operate out of San Francisco that will interfere with my ability to listen to KRTY.

I am in no way associated to anyone at KRTY.

Regards,

A handwritten signature in blue ink that reads "Justin Wong". The signature is stylized, with the first name "Justin" written in a cursive-like script and the last name "Wong" written in a more straightforward, slightly slanted script.

Justin Wong

NAME: Elyse Hathaway
ADDRESS: 3413 Meadowlands Lane, San Jose, CA 95135
PHONE # 408.624.6851
DATE: January 12, 2018

RE: APPLICATION OF SCA-PALO ALTO, LLC
BNPFT-20170728ADP

Mr. Nate Deaton
General Manager
Station KRTY(FM)
750 Story Avenue
San Jose, CA 95122

Dear Mr. Deaton:

I work at 778 Burlway Road, Suite 200, Burlingame, CA 94010. I am an avid listener of KRTY and listen at my home and when I am in my car driving to my office and to my client's offices in San Francisco at least 15 hours per week. I am very much opposed to permitting an FM translator station to operate out of San Francisco that will interfere with my ability to listen to KRTY.

I have no relation to anyone at KRTY.

Very truly yours,



Elyse Hathaway

Statement of Engineer

This Engineering Statement has been prepared by Erik C. Swanson. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am registered as a Professional Engineer in the States of Washington and Colorado. I hereby declare that the facts set out in the foregoing Engineering Statement, except those of which official notice may be taken, are true and correct.

Signed this 17th day of January 2018



Erik C. Swanson, P.E.

CERTIFICATE OF SERVICE

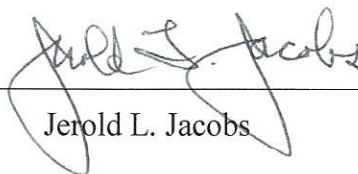
I, Jerold L. Jacobs, hereby certify that on this 19th of January, 2018, I caused the foregoing "Reply to Opposition to Petition to Deny" to be filed in ECFS and to be sent via First Class United States Mail and via e-mail to the following:

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