

Americom, A California Limited Partnership

so fundamental a deviation from our basic licensing requirements. Furthermore, as the Commission does not preempt local building regulations, your request for such relief cannot be entertained.

In view of the above, your petition for reconsideration is hereby denied.

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

March 19, 1986

IN REPLY REFER TO:

8910-HS

December Group
Radio Station KHTX
304 South Broadway
Suite 520
Los Angeles, California 90013

In re: KHTX, Truckee, CA
BMP-850130AD

RECEIVED
MAR 21 1986
BOARD, ...

Dear Sirs:

This is in reference to your application to relocate transmitter site (BMP-850130AD) filed on January 30, 1985. The proposal specifies a transmitter site a distance of 3.9 kilometers from the presently licensed location and 13.4 kilometers from the site approved in construction permit BP-831020AA. Included with the original filing is a request for waiver of Sections 73.3517-73.3520 of the FCC Rules and an associated filing on August 29, 1985 contained a request for waiver of the nighttime coverage rules (Section 73.24(j)).

Station KHTX has been operating under Special Temporary Authority (STA) for several months from the site requested in BMP-850130AD. This is the result of being evicted from your licensed site and your subsequent inability to procure access to the site granted in Permit BP-831020AA.

We have considered your requests for waiver of the aforementioned FCC Rules. First, as it pertains to Sections 73.3517-73.3520, there appears to be no substantive need for waiver of these sections, therefore, your request is dismissed as unnecessary. Secondly, we have reviewed your request for waiver of Section 73.24(j) of the Rules, a rule which requires in pertinent part that the nighttime interference-free contour of a proposed facility encompass the entire principal community to be served. Based upon your engineering exhibits, the KHTX proposed nighttime interference-free contour (22 mV/m) would provide no coverage (0 percent) to Truckee, California. In fact, your 22 mV/m contour, at its closest point to Truckee, would fall a distance of 4 kilometers from the community.

We have consistently viewed service to less than 80 percent of a community as being inadequate. Broadcast Station Assignment Standards, 39 FCC 2d 645, 670 (1973). Only a compelling showing of special circumstances can justify such deficient coverage. Hence, KHTX has not been shown to be so non traditional (see Bay Cities Communications Corp., 83 FCC 2d 210 (1980)) or serving so rapidly growing (see Garrett Broadcasting Service, 56 FCC 2d 372 (1975)) a city as to be beyond the fair and reasonable application of

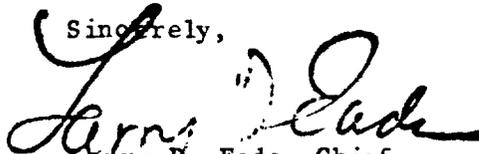
December Group

August 19, 1980). Finally, there are no equitable considerations to guide us, as was the case Orman L. Kimbrough, 85 FCC 2d 594 (1981), where an applicant encountered coverage difficulties only after constructing its facilities in reliance upon Commission information.

It is your position in seeking waiver of Section 73.24(j) that no site offering coverage more comprehensive than that produced from your proposed site is available. However, you fail to introduce any documentation to support this contention. Additionally, you do not attempt to substantiate in any way the benefits to be derived from a facility that would produce absolutely no nighttime coverage of its licensed community as opposed to the resultant inefficient use of the spectrum space involved. Therefore, your request for waiver is denied and your application for site change (BMP-850130AD) is dismissed as being patently defective pursuant to Section 73.3566 of the Commission's Rules. ¹

Additionally, your Special Temporary Authority will be subject to one final ninety (90) day extension, upon request, at such time as the presently effective term has expired. Your best interests would be served during this period if you would explore other options which may lead to filing of an acceptable application to bring KHTX into conformity with the Commission's Rules. These options may involve either an application for a major or a minor change of facilities. Any applications you file will be expedited by my staff.

Sincerely,


Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc:

Farrand, Malti, Cooper & Metzler
Hatfield & Dawson

¹ By separate application (BP-830502AQ), KHTX has presently on file a proposal to change frequency from 1400 kHz to 1180 kHz and increase daytime power. We note that the geographic coordinates specified in that

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FARRAND, MALTI, COOPER & METZLER

A PROFESSIONAL CORPORATION

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December 5, 1986

William J. Tricarico, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Americom, a California Limited Partnership, Truckee
California - File #: BMP860421AB

Dear Mr. Tricarico:

On behalf of Americom, a California Limited Partnership, licensee of KHTX, Truckee, California, I hereby request an extension of the current STA granted to that station.

KHTX has been operating under special temporary authority STA for several months from the site requested in BMP850130AD. The prior history and the reason for that request are reiterated here as if set forth fully herein. Briefly, the licensee's problems are the result of the licensee's lease not being renewed and its subsequent inability to procure final zoning approval for the site granted in permit BP831020AA. Due to the several problems outlined in previous correspondence, KHTX submitted an application to relocate the transmitter site (BMP850130AD). That application was denied as was KHTX's petition for reconsideration of that action.

We hereby request the STA for a period of 90 days in order to carry out the suggestions contained in the Commission's latest (November 7, 1986) letter, to wit, demonstrating that no other site is available or addressing the possibility of changing community of license. Although the Commission's March 19, 1986, letter mentioned one "final" STA, it is not anticipated at this time that the licensee's problems can be solved within 90 days. For example, even had the Commission granted the petition for reconsideration and the 301 application, it would be impossible to build the tower within 90 days. KHTX is located at approximately 6000 feet altitude in the Lake Tahoe area. Construction is impossible in the winter at such elevations; nothing could be constructed until the snow melts and the ground thaws.

KHTX is currently investigating four different solutions to its problem. The first is the proposal of a synchronous transmitter to solve its nighttime interference free coverage

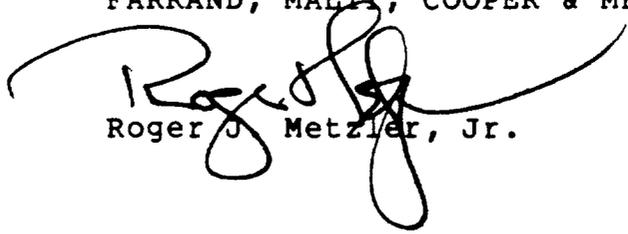
problems in Truckee. Inasmuch as there are substantial zoning problems with erecting a tower in or around Truckee, this will probably result, if at all, in the proposal of a tower/transmitter operation which operates at less than normal FCC efficiency. A second investigation going on at present, as a result of the Commission's suggestion, is looking to specification of an alternate community of license. The third possibility under investigation is the investigation of an alternate site in a "industrial" area near Truckee. Although the site is presently not zoned for radio towers, the licensee hopes that it might get a variance, because the nature of the surrounding area suggests that a tower would not be an objectionable "eyesore." Finally, the licensee will make one more attempt to determine the feasibility of using the site for which it has a construction permit but no permission to build. However, in all candor, KHTX has to advise the Commission that due to the extent and nature of local opposition to that site, it has now all but abandoned any hopes of getting that site.

KHTX will be submitting progress reports on a monthly basis outlining its progress in all four of these possibilities and anticipates filing at least one more request for an STA. It is obvious that even with the prompt selection of one these alternatives and expedited treatment by the FCC of the application filed to select one of these alternatives, the licensee will not be able to have completed construction and be ready to begin operation within 90 days.

If there are any questions, please contact the undersigned.

Very truly yours,

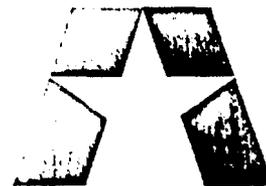
FARRAND, MALTI, COOPER & METZLER



Roger J. Metzler, Jr.

RJM:rfm

cc: KHTX public file
Hatfield & Dawson



Americom

February 5, 1987

6255 Sunset Boulevard
Suite 1901
Los Angeles, California 90028
213/465-7700

William J. Tricarico, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: Americom, a California Limited Partnership,
Truckee, California - File #: BMP860421AB

Dear Mr. Tricarico:

I am writing to provide you with a progress report concerning our
efforts to find a satisfactory transmitter site for KVMV (AM)



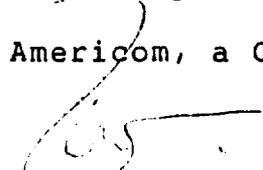
William J. Tricarico
February 5, 1987
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We expect within the next 60 days to either file for a change in our city of license or to finalize a lease on a transmitter site near Truckee. If we find it possible to pursue the second option we will file for a Construction Permit from the FCC and simultaneously ask Nevada County to begin the environmental studies needed for a rezoning.

Please contact me if there are any questions.

Sincerely,

Americom, a California Limited Partnership



Tom Quinn
General-Partner

TQ:lr



Americom

6255 Sunset Boulevard
Suite 1901
Los Angeles, California 90028
213/465-7700

March 23, 1987

William J. Tricarico, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: Americom, a California Limited Partnership,
Truckee, California - File #: BMP860421AB

Dear Mr. Tricarico:

As a follow-up to our letter of last month, we have been continuing our efforts to find a transmitter site for KHTX (AM), Truckee, California.

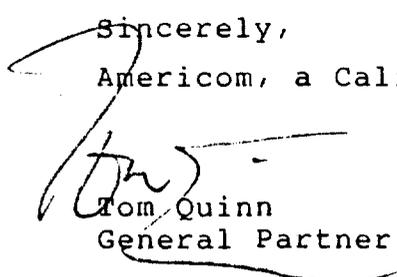
To date we have failed to locate the lessee of the site owned by Southern Pacific Railroad, but with warmer weather approaching we expect that he will soon return to the Truckee area.

In the meantime, our consulting engineer has determined that there is no technical problem with seeking a change in city of license and he has recommended several possibilities. Our preferred location, should we determine that seeking a change in city of license is the best approach, already has another nearby AM tower. The land itself is owned by the University of Nevada. We have contacted the general manager of the other station to see if he would consider allowing us to diplex onto his antenna, but he refused our request. Our new general manager spoke last week with University of Nevada officials and they have promised to review our request for permission to construct our own tower on the property and get back to us within a few weeks.

When we receive a definite answer from the University, or contact the Southern Pacific lessee, we will reprot promptly to you. In the meantime, please contact me if there are any additional questions.

Sincerely,

Americom, a California Limited Partnership


Tom Quinn
General Partner

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APR 01 1987

TQ:lr

FARRAND, COOPER
METZLER & ARUINIERS