

**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

**PETITION TO DENY OF KRTY, LTD.**

KRTY, Ltd. ("KRTY") (FRN 0006038954), licensee of Station KRTY(FM), Los Gatos, California (Fac. ID #35569), by its attorney, pursuant to Section 73.5006(b) of the Commission's Rules, hereby petitions to deny the above-captioned FM translator new-station application filed by SCA—PALO ALTO, LLC ("SCA"), and asks the Commission to deny or, at most, conditionally grant it. In support whereof, KRTY shows the following:

1. This Petition to Deny is timely filed in response to *Public Notice, Broadcast Applications, Report No. 29131*, released December 13, 2017, p. 22, in which the Commission accepted for filing SCA's San Francisco FM translator fill-in application to augment SCA's Station KDOW(AM), Palo Alto, California, reception and allowed 15 days for the filing of petitions to deny.

2. KRTY is a party-in-interest herein and has standing to file this Petition because Exhibit 1 of SCA's application recognizes that the proposed FM translator station is located proximate to the protected 60 dBu contour of co-channel Station KRTY(FM), Chan. 237A, Los Gatos. While SCA maintains that there is no predicted contour overlap between KRTY and its proposed station, KRTY will demonstrate in this Petition that SCA's station will interfere with established listening audiences

of KRTY located outside of KRTY's 60 dBu contour, which actual interference will violate Sections 74.1204(f) and 74.1203(a) of the Rules and should be prohibited.

3. The centerpiece of this Petition is an Engineering Statement prepared by Erik C. Swanson, a partner in the firm of Hatfield & Dawson Consulting Engineers of Seattle, Washington. Mr. Swanson has reviewed five listener letters (attached) and has plotted their coordinates in Exhibit A, which shows that three of the five listeners are located well within SCA's proposed 60 dBu contour. Mr. Swanson declares (at p. 2) that operation of the SCA translator is especially likely to cause interference to reception of KRTY in areas south and east of the translator's 60 dBu contour.

4. To further support his conclusions, Mr. Swanson has made a Longley-Rice study of the predicted interference situation in Exhibit B, which graphically illustrates both the likelihood that KRTY can be received within the translator's 60 dBu contour, as well as 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. Indeed, Mr. Swanson concludes that interference is predicted to affect 1,958,997 persons who would otherwise receive at least a 50 dBu signal from KRTY (Statement, p. 3)!

5. Under these circumstances, KRTY respectfully requests that SCA's application should be denied for failure to adequately demonstrate under Section 74.1204(d) that no actual interference to KRTY will occur. Alternatively, any construction permit granted to SCA should contain a stringent operating condition, stating that the SCA translator station shall immediately and permanently cease operations if KRTY presents SCA with any proof of actual interference to KRTY listeners.


6. In sum, SCA's translator 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

LAW OFFICES OF JEROLD L. JACOBS  
1629 K Street, N.W. Suite 300  
Washington, D.C. 20006  
(202) 508-3383

Its Attorney

Dated: December 22, 2017



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DAVID J. PINION, PE  
ERIK C. SWANSON, PE

THOMAS S. GORTON, PE  
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MAURY L. HATFIELD, PE  
(1942-2009)  
PAUL W. LEONARD, PE  
(1925-2011)

**Engineering Statement  
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 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").

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.

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.*

SCA's proposed translator facility would operate from a transmitter site on Mount San Bruno, which is one of the primary San Francisco market transmitter sites for FM and TV. From this location the San Francisco translator would overlook densely-populated areas in all directions, including San Francisco, South San Francisco, Brisbane, San Bruno, Pacifica, and Daly City. Within the 60 dBu contour of SCA's proposed facility reside over 790,000 persons per the 2010 Census. While this area is located outside the KRTY 60 dBu contour, the language of §74.1203(a) clearly protects existing reception of KRTY in this area.

Several listeners have provided statements to KRTY to express their concern that they not lose the programming provided by KRTY. The attached contour map Exhibit A plots the locations of 3 listeners who report listening to KRTY and whose addresses are located within the 60 dBu contour which SCA has proposed in BNPFT-20171201AOT. (Additionally, two other listeners are included here for the sake of a complete record, whose listening locations plot just outside the translator 60 dBu contour.)

A	Sarah Scott 630 Hickey Blvd Pacifica, CA	
B	Amy DeCoito 660 Santa Barbara Ave Millbrae, CA 94030	
C	Todd Vaars (work) San Francisco International Airport 109 McDonnell Road South San Francisco	(located just outside the translator 60 dBu)
D	Kristina Olney 297 Sequoia Ave South San Francisco, CA 94080	
F	Helen Smathers 1018 Park Pacifica Ave Pacifica, CA	(located just outside the translator 60 dBu)

Furthermore, operation of the San Francisco translator is likely to cause interference to reception of KRTY in areas south and east of the translator 60 dBu contour, in areas such as San Mateo and Oakland. Indeed, KRTY operates from an elevated transmitter site overlooking much of the densely-populated San Francisco Bay Area. Line-of-sight conditions to the greater Bay Area are quite extensive, such that despite the relatively low power of KRTY (870 watts ERP), the station's signal can be received widely, in extensive areas outside the KRTY 60 dBu contour.

A study has been made of the predicted interference to reception of KRTY has been performed using Longley-Rice methodology. While evaluation using Longley-Rice methodology is not



explicitly accommodated in the FM translator allocation rules in Part 74, Subpart L, the methodology is well-known and well-understood among consulting broadcast engineers and at the Commission. The study results are included in this Engineering Statement in order to graphically illustrate both the likelihood that KRTY can be received within the translator's 60 dBu contour, as well as the widespread interference which operation of the San Francisco translator can reasonably be expected to cause to reception of KRTY in the greater Bay Area.

On the attached map Exhibit B, areas which are shaded either red or green are predicted to receive a signal strength of at least 50 dBu from KRTY, which is a quite sufficient signal level, particularly for mobile reception. Areas shaded green are not predicted to be subject to interference from the San Francisco translator, using a D/U signal ratio of 20 dB for cochannel operation. Areas shaded red are predicted to be subject to interference from the San Francisco translator; the interference is predicted to affect 1,958,997 persons who would otherwise receive at least a 50 dBu signal from KRTY.

While for the most part the areas of predicted interference are located outside the KRTY protected contour, they are nevertheless protected from actual interference by the language of §74.1203 of the Commission's Rules, which states in relevant part that:

*(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to:*

*...  
(3) The direct reception by the public of the off-the-air signals of any authorized broadcast station including TV Channel 6 stations, Class D (secondary) noncommercial educational FM stations, and previously authorized and operating FM translators and FM booster stations. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.*

Should the San Francisco translator be authorized by the Commission, despite the clear violation of §74.1204(f) described above, SCA can expect KRTY to be vigilant in asserting its interference protection rights under §74.1203 of the Commission's Rules.

**Statement of Engineer**

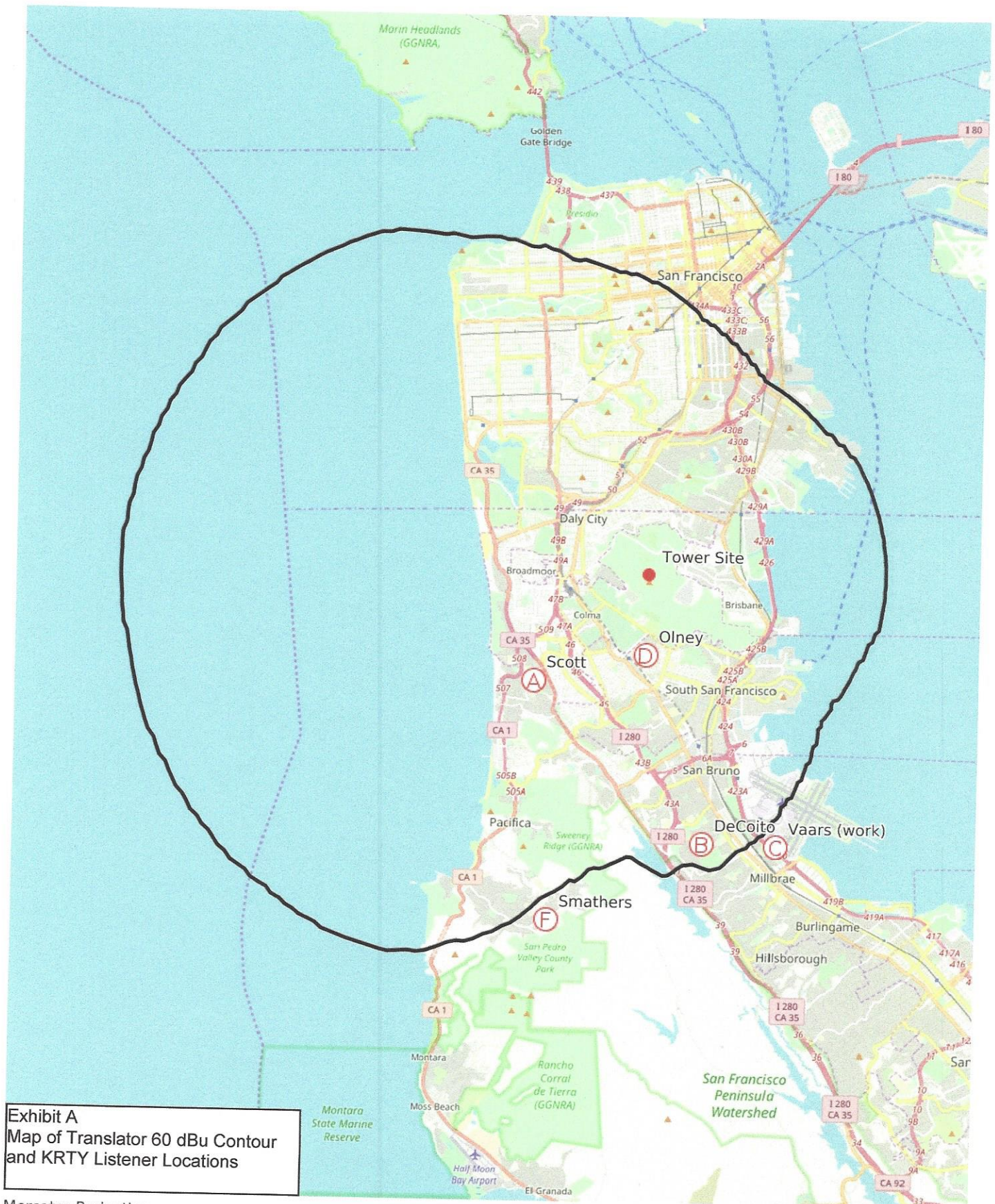
This Engineering Statement has been prepared by Erik C. Swanson. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am registered as a Professional Engineer in the States of Washington and Colorado. I hereby declare that the facts set out in the foregoing Engineering Statement,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

Signed this 20<sup>th</sup> day of December, 2017



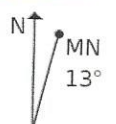
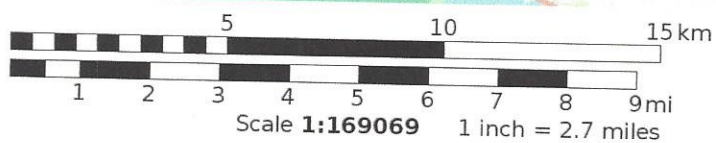
Erik C. Swanson, P.E.



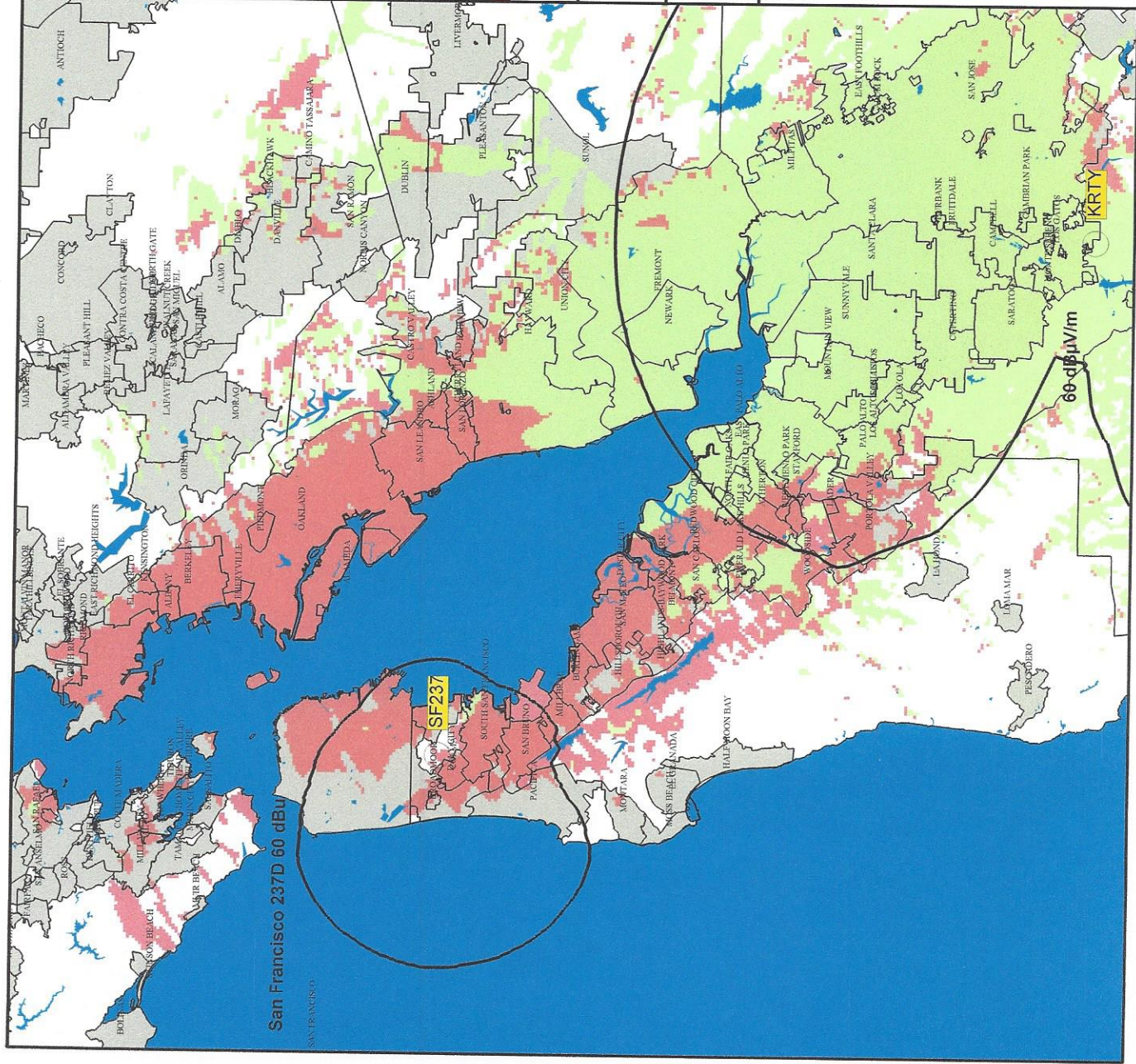


**Exhibit A**  
**Map of Translator 60 dBu Contour**  
**and KRTY Listener Locations**

Mercator Projection  
 NAD27 Conus  
 USNG Zone 10SEG  
 CalTopo.com







SIGNAL TM: KRTY 237A Los Gatos

Prop. model 1: Longley-Rice v1.2.2  
Time: 50.0% Loc.: 50.0%  
Prediction Confidence Margin: 0.0dB  
Climate: Continental Temperate  
Land use (clutter): none  
Atmospheric Abs.: none  
K Factor: 1.333

#### Sites

Site: KRTY  
N37°41'21.00" W121°56'56.00" 558.0 m  
KRTY Tx.Ht.AGL: 17.0 m Total ERPd: -0.60 dBkW  
Model: 1 Isotropic-horizontal/0.0° 95.3000 MHz

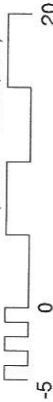
Site: SF237  
N37°41'21.00" W122°26'08.00" 367.0 m  
SF237 Tx.Ht.AGL: 57.0 m Total ERPd: -13.01 dBkW  
Model: 2 Use file-horizontal/0.0° 95.3000 MHz

C/I ratio Primary Group TXs to Second Group TXs

>= 20.0 dB  
< 20.0 dB

Display threshold level: -64.6 dBmW  
RX Antenna - Type: ISOTROPIC  
Height: 9.1 m AGL Gain: 0.00 dBd

KILOMETERS (Scale - 1:500,000)



#### Exhibit B: Interference Study

Hatfield & Dawson

Exhibit

Dec 2017

Mark Dorsi  
439 Fieldcrest Drive, San Jose Ca  
4083654137  
3 October 2017

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

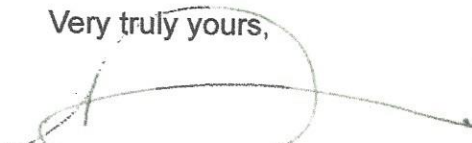
Mr. Nate Deaton  
General Manager  
Station KRTY(FM)  
750 Story Avenue  
San Jose, CA 95122

Dear Mr. Deaton:

I commute from 439 Fieldcrest Drive San Jose California to 1 Waters Park Drive San Mateo California on a daily basis. 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,



Mark Dorsi



Kristina Olney  
297 Sequoia Avenue  
South San Francisco, CA 94080  
650-296-2311  
October 3, 2017

**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 297 Sequoia Avenue, South San Francisco, CA 94080. I am an avid listener of KRTY (20 years) and listen at my home and when I am in my car 7 days a week and for at least 10 hours during that 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, this would be truly heartbreaking for me and my family.

I have no relation to anyone at KRTY.

Very truly yours,



Kristina Olney

Sarah Scott  
630 Hickey Blvd, Pacifica  
650-922-1857  
10/4/17

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

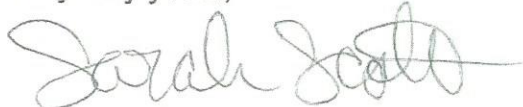
Mr. Nate Deaton  
General Manager  
Station KRTY(FM)  
750 Story Avenue  
San Jose, CA 95122

Dear Mr. Deaton:

I reside at 630 Hickey Blvd, Pacifica. 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,

A handwritten signature in cursive script, appearing to read "Sarah Scott", written in dark ink.

Sarah Scott



Todd Vaars  
307 Concord Drive  
Menlo Park, CA 94025  
October 4, 2017

**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 Southwest Airlines at the San Francisco International Airport at 109 McDonnell Road in South San Francisco. I am an avid listener of KRTY and listen at my home, work and when I am travel by motorized vehicle 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,

  
Todd Vaars

Amy DeCoito  
660 Santa Barbara Ave.  
650-766-3177  
October 6, 2017

**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 660 Santa Barbara Ave., Millbrae, CA 94030. 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,

Amy DeCoito



**CERTIFICATE OF SERVICE**

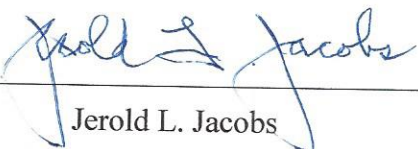
I, Jerold L. Jacobs, hereby certify that on this 22nd day of December, 2017, I caused the foregoing "Petition to Deny of KRTY, Ltd." to be filed in ECFS and to be sent via First Class United States Mail and via e-mail to the following:

Marlene H. Dortch, Secretary\*  
Federal Communications Commission  
Portals II, Filing Center, TW-A325  
Washington, D.C. 20554

Peter Doyle, Esq.\*  
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Arlington, VA 22209-3801

  
\_\_\_\_\_  
Jerold L. Jacobs

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\*BY HAND