> Since the current rules were adopted in 1964, the state of the art has advanced enormously. The FM receivers of today are far less susceptable [sic] to second and third adjacent channel interference. Therefore, to impose restrictive hardships on stations with second and third adjacent short-spacings would be especially unnecessary.

(Attachment C, emphasis supplied.)

The reason for KGB's flip-flop is not hard to find. At the time, KGB was pursuing a move north to Cowles mountain--that is, aggravating the existing short-spacing to Par. (File No. BPH-861125IG). That application was granted by the Commission, under the older version of the rules, although KGB's permit subsequently expired without construction. Par did not oppose KGB's effort to improve its signal to the north. Unfortunately, in order to preserve its "historic level of competition in the market," KGB has tried to exercise a veto over our efforts to improve our coverage to the south.

To compound the irony, as pointed out in the Technical Exhibit (page 17), the two moves, vis-a-vis each other, are quite comparable. The Commission should treat similarly-situated applicants in a similar fashion--particularly where, as here, KGB has gone on the public record to oppose unnecessary restrictions on third-adjacent relocations. As KGB stated: "Many of the stations here would be effectively locked into their present sites, prohibiting them from adequately serving the entire metropolitan area."

In essence, what we are asking for is not so much a waiver of the third-adjacent spacing requirement. Better expressed, what we are asking for, in the context of this application, is a waiver of KGB's sole veto power over a move we could otherwise make.

The factors that justify our request follow.

V WHY A WAIVER IS JUSTIFIED

1. Our present signal is inadequate. As discussed above (page 3), approximately 47% of the people within our current 54 dBu contour are shadowed. The severity of the problem is shown, if by nothing else, by the fact that we went to the trouble and expense of putting up eight boosters within our predicted service contour to try to deal with it.

Our signal problems are hardly of our own imagining. They have been remarked upon by others in the market we serve.

Attachment D is a newspaper article quoting the program director at WAVE (now KSDO-FM) as saying "Magic 102 in North County [that is, Par], quite frankly, doesn't have the signal to reach everybody."

Attachment E is a column by a media writer stating that KSDO "[p]rivately... discounts the lightweight competition of classic rocker KGMG-FM (Magic 102), which has never been able to generate anything more than ambivalent ratings with its relatively poor signal."

Attachment F quotes a consultant who "said he doesn't expect North County Classic Rocker KGMG to be a significant factor. 'They do extremely well in North County, but they don't have the signal penetration they need in San Diego,' he explained. 'From the research it was quite clear that their lack of a signal was really detrimental. Most people in San Diego don't view KGMG as a local station.'"

The terrain-based problems we encounter in serving our market are well-recognized--by ourselves, our competitors, and our listeners.

2. Broadcasting from our proposed site will improve our coverage. We believe the facilities we request in this application would go a long way towards bettering the signal problems we have.

The Technical Exhibit included as part of our application states (page 14):

> The existing KGMG-FM predicted <u>interference-free</u> 54 dBu contour provides service within a land area of 5,052 km² to 1,482,760 persons. It has been estimated that the proposed facility will provide predicted interference-free 54 dBu service within a U.S. land area of 5,976 km² to 1,760,907 persons. Thus, in terms of population, the proposal will result in a net gain in predicted interference-free 54 dBu service of 278,147 persons. This gain figure is actually much larger, considering the fact that hundreds of thousands of people within the current KGMG-FM predicted 54 dBu contour receive a significantly attenuated signal due to the Double Peak, Mt. Whitney, and Franks Peak mountain range. Hence, the proposal, which will provide line-of-sight service to most of the urban area to the south, will result in an even greater than predicted improvement in service.

It is in the public interest to provide a new media voice, particularly to persons within our predicted service contours who do not receive an adequate signal because of terrain obstructions. In an era when the Commission is moving ahead to provide ever more media alternatives to the people of the United States, it makes no sense to deny Par the ability to put an effective signal over our market, particularly when to do so will decrease, not increase, predicted interference areas and populations vis-a-vis the short-spaced station (see below). In these circumstances, Section 73.217 does not serve the public but operates as a harmful regulatory barrier.

3. Our move will improve a first-adjacent short-spacing. As previously noted, we are currently short-spaced to KLIT-FM, Glendale. That station operates on a first-adjacent channel. There is an existing shortfall of 22 km of the required 169 km separation between the stations. The move would result in 8.8 km further separation (Technical Exhibit, page 8)--thus, a partial cure of the shortage.

Surely the improvement of an existing first-adjacent shortfall should be of importance to the Commission. The Commission's own rules, since they provide for more separation between first- than third-adjacent stations, show the relatively higher level of concern that the former kind of stations be separated. We simply have no way to meet the spacing requirements vis-a-vis KLIT-FM to the north except by moving

south. The move will thus be in complete conformity with the clear intent behind the spacing rules--that is, to keep stations on closer channels further apart.

4. Our move will reduce predicted interference areas and populations to and from our first-adjacent neighbor. The Technical Exhibit of du Treil, Lundin & Rackley, Inc. calculates (Figure 17) that the predicted interference areas, both to and from KLIT-FM, considering both population and area, will be reduced significantly.

	Existing	Proposed	Percent Reduction
To KLIT			
Persons	330,422	167,270	49.4%
Area (km^2)	1,247	758	39.2%
From KLIT			
Persons	269,484	98,440	63.5%
Area	1,349	878	34.9%

These reductions in predicted interference areas and populations support our request.

5. Our move will reduce predicted interference areas and populations to and from our third-adjacent neighbor. It is not surprising, as shown in the previous paragraph, that areas and populations subject to predicted interference to and from KLIT-FM, the first-adjacent station, will be reduced by our new facilities. We propose, after all, to move further from that station. What is perhaps surprising is that the move will have the same kind of impact on KGB, the third-adjacent station to

which we will be moving closer.

The Technical Statement (Figure 17) shows that predicted interference areas and populations vis-a-vis KGB will be reduced as follows:

	Existing	Proposed	Percent Reduction
To KGB			
Persons	33,899	13,971	58.8%
Area (km^2)	105	49	53.3%
From KGB			
Persons	173,025	97,437	43.7%
Area	137	68	50.4%

At first blush it may seem strange that interference areas and populations to and from KGB will be decreased as we further decrease the separation. In actuality, however, the explanation is not hard to seek. Our understanding is that the reason, in this case, is that KGB's signal will be stronger the closer we move, and so predicted interference as a ratio of signal strength would be less.

We submit that these reductions of predicted interference areas vis-a-vis KGB and substantial and dramatic, and provide ample justification for our waiver request.

The spacing rules were not set out by the FCC as a mere whim, as an exercise in bureaucratic arbitrariness. They serve a purpose. That purpose is obvious. It is to protect the public from interference. The Technical Exhibit (page 19) concludes that the move will result in a more than 53% reduction in population subject to predicted interference. An application

such as ours which demonstrably <u>furthers</u> the purpose of the rule should be entitled, where necessary to a waiver of the letter of the rule. And a station such as KGB should not be heard to object to a change which would <u>decrease</u> interference areas and populations vis-a-vis itself!

6. The Commission has recently recognized that third-adjacent shortfalls are of little consequence. In doing so, the Commission returned in part to the rationale which underlay the earlier version of Section 73.213, which would have allowed our relocation regardless of KGB's objection.

In 1964, Commission looked at the risk of interference from grandfathered third- (as well as second-) adjacent stations. The Commission decided that such stations should be allowed to maximize their power and height (<u>Revision of FM Rules</u>, 3 RR 2d 1571, 1582-3):

> Because of the restrictions which would be imposed, the usually small amount of additional interference resulting, and the overall benefits to be obtained on balance, we will permit stations to disregard short-spaced stations on second and third adjacent channels in making requests for increased facilities.

Subsequently, in 1987, the "Second Report and Order" in MM Docket No. 86-144 closed the opportunity.[8] Yet the Commission's

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[8] Not the least of the ironies in this application is that, as noted above, KGB <u>opposed</u> the rule change and argued with great force for the preservation of the earlier version of the rule! KGB's comments in that proceeding are included as Attachment C.

Report and Order referred to no evidence of real-world interference problems caused by the rule. Instead, the Commission cited an apparently hypothetical "risk" of interference under that rule. 63 RR2d 1262, 1271.

The full Commission has recently shown a willingness to return to its earlier, correct approach regarding third adjacents. On April 24, 1991, the Commission released a "Memorandum Opinion and Order" (FCC 91-104) regarding the applications of Educational Information Corporation (BPED-840328CA) and Campbell University, Inc. (BPED-880810MA).

Both of these applications were for modification of noncommercial FM stations. Both sought a waiver of Section 73.509. That rule, part of the Commission's regulation of noncommercial FM stations, bars signal strength overlap with other reserved-band stations, in accord with a chart of values. The regulation of noncommercial FM stations is thus similar to the spacing requirements which govern our application.

In the "Memorandum Opinion and Order" (paragraph 1), the Commission stated that "[t]hese cases involve the Commission's current policy regarding second and third adjacent channel contour overlap" for noncommercial FM stations.

The Commission came to the following conclusion (paragraph 9):

> [W]e wish to take this opportunity to re-examine our waiver policy in the limited area of proposed second or third adjacent channel overlap of noncommercial educational stations. Overlap of co-channel or first adjacent channel signals is a more serious matter since the interference that may occur results in the loss of

> service over a wide area. Second or third adjacent channel overlap may result in the replacement of one signal by another (not the complete loss of service) and is confined to a very small area around the transmitter of the interfering station. In addition, the potential for such interference to occur depends to a great extent on the quality of the receivers used within the affected area.

Finally, the Commission decided (paragraph 10) to grant waivers of second or third adjacent channel overlap in circumstances where the benefit of increase service heavily outweighs the potential for interference in very small areas.

We wish to respectfully urge the Commission to decide that <u>precisely the same calculus should be applied in the case of commercial FM stations</u>.

We naturally are aware that the Commission's decision in the above case was limited to noncommercial stations. Yet the FM signal behaves in exactly the same way whether the licensee enjoys commercial or noncommercial status. The electromagnetic waves simply do not know the legal/regulatory basis of the originating station. Just as the propagation characteristics are the same for commercial and noncommercial FM stations, the likelihood of interference problems caused by relocating third adjacent facilities is equally remote. The factors relied upon by the Commission (at worst replacement, not loss of service; the confinement of possible problems to a "very small area around the transmitter;" importance of the quality of receivers[9]) apply with

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[9] As KGB itself observed, "FM receivers of today [1986] are far less susceptable [sic] to second and third adjacent channel interference. Therefore, to impose restrictive hardships on stations with second and third adjacent short-spacings would

equal force to commercial as well as noncommercial operation.

The Commission did not make its policy change for noncommercial stations in a vacuum. One of the factors it relied upon was the "growing demand for such service". Memorandum Opinion and Order, paragraph 10. Yet the Commission must be aware that, by relying on that factor, it has introduced an indefensible element of arbitrariness into its regulation of FM stations. For it was because the commercial FM service was becoming more crowded that the Commission in Docket No. 86-144 in part decided to prohibit commercial third-adjacents from decreasing their existing spacing (63 RR2d 1262, 1271)!

The Commission is well aware that there is demand for both commercial and noncommercial service. It is illogical and inconsistent to rely upon this selfsame demand in order to (1) disregard third adjacencies for noncommercial upgrades, but (2) to require strict adherence to the third-adjacent spacing requirements for commercial upgrades. The different approach to commercial and noncommercial third-adjacents is simply anomalous and unjustifiable. The Commission should adopt the same liberal practice for commercial waivers that it recently adopted for noncommercial stations.

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be especially unnecessary." See Attachment C hereto, paragraph 5. In the subsequent five years since KGB made this argument--with which, of course, we entirely agree--receiver technology has naturally improved rather than deteriorated. Many of the receivers in use in 1986, whether home-based, personal, or automotive, have been replaced. Thus, KGB's argument has all the more force today.

Whether or not the Commission decides to act favorably on the pending Joint Petition for Rule Making[10], the Commission at the very least should be disposed to grant a waiver to allow increased third-adjacent shortfalls in appropriate circumstances for commercial operators. We respectfully submit that our application presents a special set of circumstances uniquely deserving of a waiver.

7. The transmitter move will alleviate a severe receiver-induced third-order intermodulation interference situation. The Technical Exhibit included as part of our application contains a discussion of our receiver-induced third-order intermodulation (RITOI) problem, which currently exists in the area of the Mount Soledad antenna farm in La Jolla. As the Technical Exhibit shows (page 11-13), the RITOI interference was predicted on the basis of a computer model believed to be reliable. The population within the predicted area subject to severe RITOI interference is 106,784 (Technical Exhibit, page 12). This figure does not take into account traffic on heavily-traveled Interstate 5. Further, actual RITOI interference was observed by our engineering consultant on five of six test receivers.

The Technical Exhibit concludes (page 13):

> The Par proposal provides a necessary increase in KGMG-FM signal strength in the vicinity of Mount Soledad to alleviate much of the RITOI interference currently suffered by KGMG-FM. Thus, the instant proposal will reduce the number of KGMG-FM listeners currently

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[10] As previously noted, favorable Commission action on that Petition would make this waiver request not needed.

subject to RITOI interference.

8. The new facilities would enable Par to cease its current reliance on boosters. As previously noted, we are currently licensed for eight boosters in an attempt to alleviate our terrain-based signal difficulties--a number of boosters which we believe to be far in excess of those used by any other FM licensee in this country.[11] That large number of boosters is itself convincing evidence of the seriousness of our signal problems. The Technical Exhibit (page 10) estimates that an astonishing 535,348 persons reside within the land area served by the boosters.

Although the boosters have been of some help, they are far from a perfect solution. To some degree, boosters cause interference with the primary signal Further, boosters under the Commission's scheme are a secondary service. We believe that upon licensed operation of the facilities for which we now apply, we will be able to discontinue use of at least some of these boosters because primary service should be adequate. It is of course clearly impossible for us to predict in advance which boosters could be deactivated, prior to program test authority. But it is obviously in the public interest to provide service by a strong primary signal.

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[11] We are in the process now of relocating one of those boosters currently not on the air. If the new location results in an appreciable change in total areas and populations served by boosters, we will notify the Commission.

9. The Commission has granted a similar application by the short-spaced station to relocate towards Par. As noted above, the Commission granted an application by KGB to move its transmitter to the north--that is, to increase the existing shortspace to Par (File No. BPH-861125IG.) That permit subsequently expired. Our application to relocate south is similar indeed to KGB's application Although KGB's application was processed under the prior version of Section 73.213, the fact remains that the same underlying standard ought to apply in both cases. The Commission is required to consider the public interest in its determination whether to grant or deny any application. Here, the Commission should treat similarly-situated applicants in a similar fashion, particularly where, as here, we have shown that our move will <u>reduce</u> predicted interference areas and populations vis-a-vis KGB.

10. The proposed facilities will allow us to maintain the required level of service to Oceanside. There is no question here that our service to our community of license would be compromised by a grant of our application.

11. There is a public benefit to allowing broadcasters to relocate to the new communications facility. As discussed above, the new site will accommodate both public and private communications users. We will, if necessary (and if we become the site operator), develop that site regardless of the Commission's action on our application.

We believe, nevertheless, that development of such joint-user sites is in the public interest This type of facility simplifies regulatory and administrative matters. It also results in savings for the public and private users, since they are not required to acquire and develop their own individual sites. Economies of scale are realized in such areas as real estate and utilities costs. For these reasons, it is preferable to allow broadcasters to relocate to new major multi-user sites.

VI CONCLUSION

We are caught in a trap. Our present signal does not adequately serve the market in which we compete. Since our 1 mV/m contour is completely encompassed by KGB's, we are literally prohibited by the strict language of the new Section 73.213 from moving in <u>any</u> direction without KGB's consent.[12] KGB's group owner has told us unmistakably that it will not consent to a move on our part which might adversely affect its "historic level of competition" in the market (Attachment A hereto).

In these circumstances we have no choice but to ask for waiver of the requirement that we secure KGB's consent for our proposed move.

We are further trapped by a rule change which came into

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[12] Presumably, we would be entitled under Section 73.213 to move our transmitter as long as our contour remains the same. That would not appear to provide much help, if any, towards alleviating our signal problems.

effect as we were attempting to deal with our signal difficulties. Whether that rule change was misguided (as, ironically enough, KGB itself forcefully argued) need not here be addressed. What is so obvious as to hardly need saying is that there is a purpose behind the consent requirement in the new Section 73.213. The Commission's clear intent was to set up a mechanism by which a short-spaced station can protect itself against the risk of increased interference.

But here there is no such risk On the contrary, the predicted interference areas and populations to and from KGB will be reduced by our more. KGB's refusal is self-confessedly based on the purest of anti-competitive motives. Clearly, this is not what the Commission had in mind.

In these circumstances, to bar us from more effectively serving our market simply because KGB's group owner will not consent, is an absurdity--an absurdity which ignores the clear public benefit of increased service and a new media voice to huge numbers of people whom we cannot now reach.

Further, the full Commission has recently relaxed its policy to allow liberal waivers of third-adjacent spacing rules for noncommercial FMs. The reasons which underlay that decision are fully applicable to commercial stations as well. Indeed, not to apply the same reasoning to commercial situations would be utterly arbitrary and unreasonable

Our proposed move will cause no harm to any station. It will better an existing first-adjacent shortfall. It will allow

us (we believe) to overcome many of our existing terrain problems. In addition, because of the uniqueness of our case, it is unimaginable that granting a waiver because of our special set of circumstances would open the floodgates to similar requests by other stations.

For these reasons, we respectfully request that the Commission promptly grant us a waiver of the requirement that we secure the consent of our intransigently hostile competitor, and grant our application so that we may improve our service to the public.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct to the best of my knowledge and belief.

Respectfully submitted,

PAR BROADCASTING COMPANY

By: Stephen O. Jacobs
Stephen O. Jacobs
Partner

Date: 6/11/91

ATTACHMENT A: KGB's Refusal of Consent to Our Move

BROWN
BROADCASTING
COMPANY

9230 Wilshire
Boulevard
Beverly Hills,
CA 90212
(213) 272-3234

Michael J. Brown

June 14, 1990

Mr. Stephen O. Jacobs
General Manager
PAR Broadcasting Company
5735 Kearny Villa Road
Suite G
San Diego, CA 92123

Dear Mr. Jacobs:

Thank you for your letter of June 1, 1990, regarding your transmitter re-location situation. As you know, we both compete in a very competitive market place. Our cooperation in allowing another competitive signal in the San Diego metro would not serve KGB's best interests.

Your suggestion of compensation or addressing some other need of Brown Broadcasting is an amiable gesture but one that is not of interest to us.

I feel that your request for a meeting would yield nothing in the way of compromise on our part and I would not want to be guilty of encouraging false expectations on your part.

We try to accommodate fellow broadcasters in the marketplace in Technical and other areas, but only to the point that it does not impinge upon our historic level of competition in the market. I hope that you will understand our position.

Sincerely,

Michael J. Brown
BBC Partner

KGB
KPOP
KXOA
KXOA-FM
KYNO
KYNO-FM
KKAT-FM
KKSF-FM

ATTACHMENT B: KGB's Statement of Dislike for Increased Competition from Par

was the *San Diego Tribune's* lead story that evening.

Hammond conceded a mistake was made in her broadcast in the mixing up of the names of O'Hara and Cole.

Hammond also said she did not read the grand jury transcripts at the courthouse herself that day and had little time to prepare before the story aired.

The segment was shown to the jury and Hammond said Eckert was seen embracing and kissing an alleged prostitute in a restaurant parking lot.

Later in the segment, Hammond said the woman was O'Hara, though O'Hara was never charged

Radio station wants OK to beam down

By Martin Wisckol
Times-Advocate Staff Writer

SAN MARCOS — The hills may be alive with the sound of music, but Magic 102 would be happier if their radio waves went over the hills and down to radio antennae to the south.

The classic rock station has asked the Federal Communications Commission for permission to move its transmitter from the hills north of Highway 78 in Vista to the hills just south of Lake San Marcos, where the county has communication towers.

But KGB, which broadcasts its classic and contemporary rock from a transmitter near the intersection of Highway 94 and Interstate 805, is not too keen on listeners having another choice on the FM dial.

"I don't want the competition," said KGB general manager Tom Baker. "What they're looking to do is get a strong San Diego signal. They are licensed for Oceanside. They should be serving Oceanside."

An FCC regulation passed earlier this year says that stations near one another on the dial must get a waiver before they can expand their signal area. Magic 102 (102.1 FM) requested a waiver and KGB (101.5) protested it.

According to Magic 102 general manager Steve Jacobs, "Our contention is, even though we're entering their 'short space,' we won't be aggravating any interference."

Briefly

U.S. Postal Service offers automated answer line

Questions about mail rates, stamp collecting, chain letters and dozens of other postal topics can now be answered by calling the U.S. Postal Service's automated telephone system.

Brochures describing the recorded messages available have been sent to postal customers. Us- San dial hey t. ad- dress such topics as obtaining stamps by mail, business mail, post office hours and locations, how to send valuables through the mail, and how to send packages.

Rancho Buena Vista use committees to be formed

VISTA — An Ad Hoc Committee will be meeting Thursday to form citizens' working subcommittees that will help decide the uses for the Rancho Buena Vista.

The meeting will be 4 p.m. at the old nutrition center at 600 Eucalyptus Ave. Some of the issues discussed will be maximum capacity, concessions, security and landscape. All interested citizens are urged to attend and participate.

Rancho Buena Vista is a 144-year-old adobe building located on 1.9 acres near Brengle Terrace Park. The city paid $2.1 million for the property.

For more information, call Cathy Brendel at 724-6121.

Clinic offers flu vaccines for people age 55 and over

VISTA — With the winter season fast approaching, the Vista Community Clinic is offering flu vaccines for people 55 and over at a reduced cost.

The flu vaccine shots will be given each Tuesday in November from 8:30 a.m. to 10:30. The cost is $2. Those interested can call the clinic at 726-1321.

Issuing business licenses may become all-year task

SAN MARCOS — Business licenses may be issued throughout the year instead of at one fell swoop.

The plan, tentatively approved by the City Council last month and expected to gain final approval Nov. 14, would create a one-year period when new licenses would be issued. Currently, licenses expire every June 30. New businesses pay the full fee through Dec. 31 and 50 percent of the fee from Jan. 1 through June 30.

Beginning next June 30, the approximately 3,200 businesses in the city will also go on a staggered schedule when the city issues prorated licenses for four- to 15-month periods so the flow of license renewal can be spread throughout the year, according to City Clerk Sheila Kennedy. The license renewal period will be one year thereafter.

The city currently generates about $125,000 annually from business licenses. Fees range from $20 a year for a business with less than five employees to $500 a year for Signet Armorlite, the city's largest employer with more than 800 workers. The maximum fee that can be charged is $1,000 for an employer with more than 3,000 workers.

Pay of Escondido clerk is increased retroactively

ESCONDIDO — The annual salary of City Clerk Jeanne Bunch has been increased from $49,500 to $54,945, retroactive to July 1.

The pay raise was unanimously approved this morning by the Escondido City Council. Bunch said the increase makes her the fifth-highest paid city clerk among seven other county cities surveyed, including Chula Vista, Oceanside, San Marcos, La Mesa and Encinitas.

State legislative breakfast group postponed to Dec. 1

ESCONDIDO — The Escondido Chamber of Commerce has postponed its state legislative membership breakfast, originally scheduled for Nov. 3.

Gov. George Deukmejian called a special legislative session on Thursday, Friday and Saturday to discuss the recent Bay area earthquake, said Ted Haring, president of the chamber.

The 7:30 a.m. breakfast meeting has been rescheduled for Friday,

ATTACHMENT C: KGB's FCC Comments Against Restrictive Hardships on Stations with Third Adjacent Short-Spacings

DUPLICA
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AUG -5 1986
FCC
Office of the Secretary

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of	)	
	)	
Review of Technical Parameters for FM Allocation Rules of Part 73, Subpart B, FM Broadcast Stations	)	MM Docket No. 86-144

COMMENTS OF KGB, INCORPORATED

1. KGB, Incorporated is the licensee of KGB-FM and KPQP(AM) in San Diego, CA. We hold a construction permit to move our FM transmitter to a new site on Cowles Mountain. This move aggravates a short-spacing to a third adjacent channel. Our comments are directed to Issue 6 of this matter concerning the proposed banning of such moves.

Issue 6: MISCELLANEOUS

2. With regard to limiting short-spaced stations to their present spacing, this "miscellaneous" issue is actually a proposal of major consequences. In the beginning, FM transmitter sites were selected mostly for their low cost, accessability, and ease of development. Typically, FM antennas were mounted on existing AM towers. Centrally located mountaintop sites which would maximize coverage were far too expensive to develop, and too difficult to get to.

3. As the FM broadcast service has matured over the years, it has evolved from being the "stepchild" of its AM parents to the dominant radio broadcast service in the country. During the past few years, hundreds of stations including KGB-FM have realized that in order to survive, they must locate their transmitters at the very best possible sites to maximize coverage, regardless of the cost or difficulty. In many cases, securing and developing these sites has been a very time consuming process. For example, we have been pursuing our move to Cowles Mountain for about 15 years and are only now making promising headway. In other cases, the growth of population over the years redefines the service area. Mountaintop sites which were once on the fringe of a metropolitan area are now in the center of that area.

4. These processes of new site development and population redistribution are ongoing. We strongly disagree with the premise in the proposed rulemaking that short-spaced FM stations have had ample time to make changes in their facilities. Certainly in cases such as ours, the proposed rule could demolish the years of work already done and the tens of thousands of dollars spent to secure the new site. San Diego is rapidly growing to the north. Many of the stations here would be effectively locked into their present sites, prohibiting them from adequately serving the entire metropolitan area.

5. Since the current rules were adopted in 1964, the state of the art has advanced enormously. The FM receivers of today are far less susceptable to second and third adjacent channel

nterference. Therefore, to impose restrictive hardships on tations with second and third adjacent short-spacings would be especially unnecessary.

6. In many cases short-spaced stations are separated by intervening terrain which effectively blocks the interfering signals. This fact must be taken into account by allowing the use of terrain attenuation factors in determining distances to con. ırs, or by allowing stations to make agreements with their short-spaced neighbors permitting the short spacing.

7. For these reasons, KGB Incorporated strongly opposes the proposal to limit short-spaced stations to their present spacing and encourages the Commission to liberalize the spacing rules with regard to existing stations taking into account terrain and improved receiver technology.

Respectfully submitted,

Michael J. Brown
Vice President

KGB Incorporated
7150 Engineer Rd.
San Diego, CA 92111

July 11, 1986

ATTACHMENT D: Newspaper Article Regarding Our Signal Problems