

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

)	
In the matter of)	
)	MM Docket No. 99-25
Creation of a Low Power Radio Service)	
)	
)	

OPPOSITION OF REC NETWORKS

1. REC Networks (“REC”) is an entity that is involved in the entertainment, information and support of our community. REC supports a citizen’s access to the airwaves, especially in rural areas. REC is the leading provider of free broadcast engineering data¹ and reports to the LPFM community.

2. Before the record are several Petitions for Reconsiderations (“Petitions”) directed towards the *Third Report and Order* (“3rd R&O”) in the proceeding captioned above². REC opposes the Petitions and requests that the Commission dismiss the Petitions.

3. REC feels that the Commission’s decision³ to limit the number of remaining translator applications specifically to ten (10) is reasonable and is consistent with other windows.

4. We feel that it is in the public interest to impose this limitation to the remaining 20% of the entities that have applied for construction permits within this filing window due to an unfair due to the inequitable balance of permits being issued to

¹ - <http://www.lpfm.ws>

² - See *Federal Register*, Vol. 73, No. 47, Page 12733.

³ - 3rd R&O at 56.

a small number of organizations⁴ as well as the alleged abuses of the system that took place during this filing window including:

- a. Applicants allegedly using automated filing applications to just take names of communities directly from the Census Gazetteer, even though the community name is not the one that is commonly used in the community⁵.
 - b. Applicants who filed short-form applications on the same channel as their co-owned FM station with excessive power for the proposed site's HAAT to allegedly cause a log jam to prevent other applicants from getting stations on that frequency so they can keep their fringe coverage in the nation's #2 market⁶.
 - c. The well-documented profits made by one commonly owned entity through the filing of allegedly speculative applications⁷.
5. We feel that the public interest dictates diversity in ownership of translators as well as to protect a future for upstart local organizations. We agree that conditions have changed and we feel that it is appropriate for the Commission to take this into consideration.

⁴ - We are not suggesting that all 20% of the remaining entities engaged in this abusive behavior, but we agree that the FCC needs to draw a line in the sand. We concede that some limit in the range of 10 to 20 is warranted.

⁵ - See Radio Assist Ministries file numbers BNPFT-20030317EVJ, BNPFT-20030317JQO and Edgewater Broadcasting file number BNPFT-20030317CVM. The community of license used was "El Paso de Robles, CA" even though the community is contemporarily known as Paso Robles, CA. We do not question the legality of this behavior but it just shows how the applicants were picking communities to serve without any knowledge of the area.

⁶ - See numerous filings by Gold Coast Broadcasting in Appendix A. We show that various applications for 104.7 (same frequency as their KCAQ-FM) have been filed and they are filed at power levels that way exceed those allowed for that HAAT under §73.1235(b)(1) and at least 3 applications are short spaced to pending LPFM applications. This licensee has made several aggressive (but legal) steps to enter the Los Angeles market including putting several boosters right on the edge of their service contour within Los Angeles County. All of this behavior gives us the impression that Gold Coast is doing anything they can to maintain their fringe listeners in the Los Angeles Metro market, a market they are not entitled to compete in based on their primary station's service contour.

⁷ - See REC Reply Comments at 6.

6. Ace Radio Corporation's ("Ace") claims that an REC Master Encroachment Report is out of date and questions why there is no revised report⁸. REC provides a weekly encroachment report free of charge to a subscription mailing list. If anything, up until the recent changes in the rules in the *Third Report and Order*, the number of encroachments has increased substantially because of the changes in the Community of License rules. However, with the elimination of second-adjacent channel as being considered legal interference in §73.809, the number of legal encroachments has substantially reduced. REC has identified 86 LPFM facilities that will still potentially be subject to legal interference under §73.809 of the rules due to possible overlap on the co-channel and first adjacent channel. Therefore, Ace's comments are without merit and REC stands by our original Master Encroachment Report submitted into the record.

7. In conclusion, REC feels that based on the information presented as well as the information presented by Prometheus Radio Project in their *Opposition*, that the *Petitions for Reconsideration* be dismissed.

Respectfully yours,
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⁸ - Ace Petition for Reconsideration at 7.

APPENDIX "A"

**STUDY OF PENDING TRANSLATOR
APPLICATIONS ON 104.7 MHz
IN LOS ANGELES AND ORANGE COUNTIES**

104.7		PARTY	D/MEX	BEAR 2MEX	LOBE 2MEX	ERP 2MEX	60dbu CONT 2MEX	1235 (d)(2) CALC	DIST TO LPPFM	INTF TO LPPFM	REQ FOR LPPFM	SHRT TO LPPFM	KW	ANT	HAAT	LIMIT	VIOL	VIOL	VIOL
FACID	CMTY																(b)(1)	(d)(2)	(a)(4)
138856	ONTARIO	LIVING PROOF	191	163.5	1.000	0.010	14.5	176.5	----	----	----	----	0.010	DA	671	0.010	NO	NO	NO
141344	QUARTZ HILL	EMF	257	156.0	0.030	0.001	1.8	255.2	----	----	----	----	0.019	DA	-59	0.250	NO	NO	NO
141349	SIERRA MADRE	EMF	208	154.8	0.950	0.005	12.4	195.6	----	----	----	----	0.005	DA	879	0.010	NO	NO	NO
141726	PLACENTIA	CALVARY/CM	154	161.2	0.040	0.001	6.0	148.0	35.7	27.7	33.3	2.4	0.020	DA	610	0.010	YES	NO	NO
147290	PASADENA	BIG BEND	208	154.8	0.840	0.008	14.8	193.2	----	----	----	----	0.010	DA	875	0.010	NO	NO	NO
157281	PALMDALE	GOLD COAST	256		1.000	0.250	32.6	223.4	----	----	----	----	0.250	ND	613	0.010	YES	NO	NO
157436	SAN DIMAS	GOLD COAST	190		1.000	0.250	17.7	172.3	----	----	----	----	0.250	ND	182	0.010	YES	NO	NO
157500	RANCHO CUCAMO	GOLD COAST	187		1.000	0.250	7.1	179.9	----	----	----	----	0.250	ND	-56	0.250	NO	NO	NO
157677	CORONA	GOLD COAST	154		1.000	0.250	32.7	121.3	35.8	93.4	99.0	-63.2	0.250	ND	615	0.010	YES	NO	YES
157696	PLACENTIA	CALVARY/CM	154	161.2	0.040	0.001	14.8	139.2	35.7	27.7	33.3	2.4	0.020	DA	610	0.010	YES	NO	NO
157699	LONG BEACH	GOLD COAST	171		1.000	0.250	15.2	155.8	27.7	50.3	55.9	-28.2	0.250	ND	139	0.013	YES	NO	YES
158289	IRVINE	GOLD COAST	135		1.000	0.250	23.0	112.0	12.2	69.1	74.7	-62.5	0.250	ND	311	0.010	YES	YES	YES

BEAR 2 MEX - Bearing from translator site to nearest point on Mexican border. Used only on directional antennas.
LOBE 2 MEX - Estimated lobe measurement to Mexican border.
ERP 2 MEX - Calculated ERP in the direction of Mexico
60dBu CONT 2MEX - 60 dBu (50,50) service contour in the direction of Mexico based on the calculated ERP and HAAT.
1235(d)(2) CALC - Distance of the translator's 60dBu contour to the border of Mexico.
DIST TO LPPFM - Distance of the translator site to the Newport Beach/Fountain Valley co-located LPPFM site ("LPPFM Site").
INTF TO LPPFM - 40 dBu (50,10) interference contour in the direction of the LPPFM Site.
REQ FOR LPPFM - Distance required to the LPPFM site (based on interference contour of translator and service contour of LPPFM)
SHRT TO LPPFM - Actual distance where the translator either clears or is short spaced to the LPPFM Site.
KW - ERP of the proposed translator facility
ANT - Antenna type
HAAT - Height above average terrain of the site.
LIMIT - Power limit based on the HAAT as denoted in 74.1235(b)(1).
VIOL 1235(b)(1) - Does the proposed facility violate 74.1235(b)(1)? (power limit based on HAAT)
VIOL 1235(d)(2) - Does the proposed facility violate 74.1235(d)(2)? (radiation limits towards Mexico)
VIOL 1204(a)(4) - Does the proposed facility violate 74.1204(a)(4) specifically towards the LPPFM Site?

APPENDIX B

**LPFM FACILITIES POTENTIALLY SUBJECT
TO ENCROACHMENT UNDER §73.809
(Based on rules in effect on March 17, 2008)**

REC MASTER ENCROACHMENT REPORT

Encroachment Type	City	Facility	LPFM Call	FACILITIES FACING RED ENCROACHMENT Party	AVAILABLE CHANNELS				
					Under current rules	W/ 3rd Adjacent dropped	W/3rd & IF adj dropped	& REC FX proposal	
These 25 facilities are legally encroached and have no other channels to move to (contour overlap should be looked at									
1	CITY	ANCHORAGE AK	124266	NEW	ORGANIZATION FOR NORTHERN DEVELOPMENT D/B/A OUT NORTH	NO	NO	NO	NO
2	CITY	DAVIS CA	123794	KDRT-LP	DAVIS COMMUNITY TELEVISION	NO	NO	NO	NO
3	CITY	OXNARD CA	124258	KOCC-LP	CALVARY CHAPEL OF OXNARD	NO	NO	NO	NO
4	CITY	HONOLULU HI	132054	KXRG-LP	OHANA BROADCASTERS CORPORATION	NO	NO	NO	NO
5	CITY	BATON ROUGE LA	124170	WBRJ-LP	JEFFERSON BAPTIST CHURCH, INC	NO	NO	NO	NO
6	CITY	WEST CREEK NJ	134675	NEW	CALVARY CHAPEL OF SOUTHERN OCEAN COUNTY	NO	NO	NO	NO
7	CITY	CINCINNATI OH	132345	NEW	MEDIA BRIDGES CINCINNATI, INC.	NO	NO	NO	NO
8	CITY	CINCINNATI OH	132321	NEW	VICTORY CHURCH	NO	NO	NO	NO
9	CITY	NORWOOD OH	131426	NEW	OUR LADE OF THE HOLY SPIRIT CENTER	NO	NO	NO	NO
10	CITY	HILLSBORO OR	134266	KQRZ-LP	HERITAGE CHRISTIAN SCHOOL	NO	NO	NO	NO
11	CITY	BAINBRIDGE ISLAND WA	133912	NEW	BAINBRIDGE ISLAND BROADCASTING	NO	NO	NO	NO
12	CITY	BREMERTON WA	134864	NEW	CALVARY CHAPEL OF BREMERTON	NO	NO	NO	NO
13	CITY	FALL CITY WA	134276	KCFL-LP	SAN-SNO EDUCATIONAL MEDIA	NO	NO	NO	NO
14	MAJR	PRESCOTT AZ	133771	KYXS-LP	COYOTE RADIO	NO	NO	NO	NO
15	MAJR	PRESCOTT AZ	134301	KZYS-LP	PRESCOTT COMMUNITY ACCESS CHANNEL, INC.	NO	NO	NO	NO
16	MAJR	MALIBU CA	124207	KWVS-LP	PEPPERDINE UNIVERSITY	NO	NO	NO	NO
17	MAJR	WEIMAR CA	124877	KWMI-LP	WEIMAR INSTITUTE, INC	NO	NO	NO	NO
18	MAJR	CLIFTON CO	131667	KGJN-LP	COLORADO STATE OF TELECOM SERVS	NO	NO	NO	NO
19	MAJR	THE VILLAGES FL	135497	WVLG-LP	THE VILLAGES CHAMBER OF COMMERCE, INC.	NO	NO	NO	NO
20	MAJR	MONTAGUE MA	134445	NEW	MONTAGUE COMMUNITY CABLE INC	NO	NO	NO	NO
21	MAJR	CINCINNATI OH	131392	NEW	FOREST HILLS SCHOOL DISTRICT	NO	NO	NO	NO
22	MAJR	DELAWARE OH	132375	WINF-LP	DELAWARE COUNTY DEVELOPMENT COMPANY	NO	NO	NO	NO
23	RED	MCMINNVILLE OR	135679	KKJC-LP	CALVARY CHAPEL OF MCMINNVILLE, INC	NO	NO	NO	NO
24	RED	GREENVILLE SC	132033	WPLS-LP	FURMAN UNIVERSITY	NO	NO	NO	NO
25	RED	WILLIAMSBURG VA	125974	WRRW-LP	NEW HORIZONS 3000	NO	NO	NO	NO
These 4 facilities are legally encroached and may need one of REC's proposals (and lift of 3rd adjacent) to be able to move									
26	CITY	DAYTON OR	135128	KQSO-LP	WESTERN OREGON RADIO CLUB, INC.	NO	NO	NO	INT
27	CITY	BILLINGS MT	134746	KFWH-LP	BEST OF BILLINGS SCHOOLS ASSOCIATION	NO	NO	FULL	FULL
28	MAJR	CARTERSVILLE GA	123667	WHLB-LP	HOUSE OF LIBERTY MINISTRIES, INC	NO	NO	NO	INT
29	MAJR	FARRAGUT TN	133919	WUCP-LP	UNION CUMBERLAND PRESBYTERIAN CHURCH	NO	NO	NO	FULL
These 21 additional facilities are legally encroached but just needs the third-adjacent channel relief in order to change channels									
30	CITY	BOZEMAN MT	135715	KMEA-LP	GALATIN CHRISTIAN EDUCATION STATION	NO	INT	INT	INT
31	CITY	PATAGONIA AZ	134483	KPUP-LP	THE CENTER FOR LIVING EDUCATION, INC	NO	FULL	FULL	FULL
32	CITY	BOYNTON GA	124312	WBFC-LP	BOYNTON LOW POWER BROADCASTING, INC.	NO	FULL	FULL	FULL
33	CITY	MOIESE MT	135579	NEW	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS	NO	FULL	FULL	FULL
34	CITY	FARGO ND	133106	KNDS-LP	ALLIANCE FOR THE AND HUMANITIES	NO	FULL	FULL	FULL
35	CITY	SAN ANGELO TX	134304	KCSA-LP	CONCHO CHRISTMAS CELEBRATION, INC.	NO	FULL	FULL	FULL
36	CITY	SAN ANGELO TX	135074	KAGA-LP	CALVARY CHAPEL SAN ANGELO	NO	FULL	FULL	FULL
37	MAJR	PARACHUTE CO	131665	KPCT-LP	COLORADO STATE OF TELECOM SERVS	NO	INT	INT	INT
38	MAJR	MILLSBORO DE	131943	WRBG-LP	RHYTHM AND BLUES GROUP HARMONY ASSOCIATION, INC.	NO	INT	INT	INT
39	MAJR	MT WASHINGTON KY	135114	WFBR-LP	FIRST BAPTIST CHURCH MT WASHINGTON	NO	INT	INT	INT
40	MAJR	MOUNT GILEAD NC	135479	WMTG-LP	MOUNT GILEAD COMMUNITY CONCERTS ASSOCIATION	NO	INT	INT	INT
41	MAJR	LINCOLN NE	135606	KJFT-LP	LINCOLN CHINESE MINISTRY ASSOCIATION	NO	INT	INT	INT
42	MAJR	LIMA NY	131439	WNYL-LP	ELIM GOSPEL CHURCH OF LIMA NY	NO	INT	INT	INT
43	MAJR	WOODBURN OR	134373	KPVN-LP	CENTRO DE SERVICIOS PARA CAMPESINOS INC.	NO	INT	INT	INT
44	MAJR	WOODBURN OR	134373	KPCN-LP	PINEROS Y CAMPESINOS UNIDOS DEL NOROESTE	NO	INT	INT	INT
45	MAJR	LEXINGTON SC	131555	WGNH-LP	GETHSEMANE ANABAPTIST CHURCH	NO	INT	INT	INT
46	MAJR	SALISBURY MD	124825	WXSU-LP	SALISBURY UNIVERSITY	NO	INT	INT	FULL
47	MAJR	CHARLO MT	135572	KCTQ-LP	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS	NO	FULL	FULL	FULL
48	MAJR	DIXON MT	135470	KCTD-LP	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS	NO	FULL	FULL	FULL
49	RED	JACKSON MS	126684	WLEZ-LP	MISSISSIPPI INTERNATIONAL FILM & VIDEO FESTIVAL	NO	INT	INT	INT
50	RED	PULLMAN WA	133223	KZLF-LP	THE CHURCH IN PULLMAN	NO	INT	INT	INT

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Encroachment Type	City	Facility	LPPM Call	FACILITIES FACING RED ENCROACHMENT Party	AVAILABLE CHANNELS				
					Under current rules	W/ 3rd Adjacent dropped	W/3rd & IF adj dropped	& REC FX proposal	
These 36 facilities are legally encroached and can possibly move to another channel									
51	CITY	ST MARYS KS	126876	KSMK-LP	ST MARYS ACADEMY HOME STUDY SCHOOL ASSOC	INT	FULL	FULL	FULL
52	CITY	TURTLE LAKE MT	135625	KCTG-LP	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS	INT	FULL	FULL	FULL
53	CITY	MORIAH NY	132393	WMUD-LP	CHAMPLAIN MUSIC APPRECIATION SOCIETY INC	INT	INT	INT	FULL
54	CITY	OCEAN SHORES WA	134605	KOSW-LP	CITY OF OCEAN SHORES	INT	FULL	FULL	FULL
55	MAJR	RUSSELLVILLE AL	134788	WMPR-LP	PROVISION MINISTRY	INT	INT	INT	INT
56	MAJR	PAYSON AZ	134059	KRIM-LP	PAYSON COUNCIL FOR THE MUSICAL ARTS, INC.	INT	INT	INT	INT
57	MAJR	PAYSON AZ	134141	KCMA-LP	PAYSON CLASSICAL MUSIC ASSOCIATION, INC.	INT	INT	INT	INT
58	MAJR	PUEBLO CO	132199	KTPJ-LP	HOPE RADIO OF PUEBLO CORPORATION	INT	FULL	FULL	FULL
59	MAJR	CARROLLTON GA	124527	WGGR-LP	TALK OF YOUR LIFE RADIO	INT	INT	INT	INT
60	MAJR	ROLLA MO	132400	KJTR-LP	ROLLA CHINESE CHRISTIAN ASSOCIATION	INT	INT	INT	INT
61	MAJR	MARBLE NC	135316	WPTP-LP	EMMANUEL BAPTIST CHURCH	INT	INT	INT	INT
62	MAJR	NAPOLEON OH	131752	WTPS-LP	ST. PAUL LUTHERAN CHURCH	INT	INT	INT	FULL
63	RED	FULTON MO	131905	KRFL-LP	REVELATION FOR LIVING BROADCASTING, INC.	INT	INT	INT	INT
64	RED	FREMONT NC	134126	WFWC-LP	FREMONT UNITED METHODIST CHURCH	INT	INT	INT	INT
65	RED	GREENWOOD SC	131832	WHZK-LP	SOUTH CAROLINA MASS CHIOR, INC.	INT	INT	INT	INT
66	RED	GILLETTE WY	12905	KCOV-LP	FIRST PRESBYTERIAN CHURCH	INT	INT	FULL	FULL
67	CITY	KAHULUI HI	132284	KAKU-LP	MAUI COUNTY COMMUNITY TELEVISION, INC.	FULL	FULL	FULL	FULL
68	CITY	KULA HI	132241	KLUI-LP	KING'S VOICE ON THE MOUNTAIN RADIO ASSOC	FULL	FULL	FULL	FULL
69	CITY	PAIA HI	131709	KOPO-LP	PAIA YOUTH COUNCIL, INC	FULL	FULL	FULL	FULL
70	CITY	BEMIDJI MN	126481	KBJI-LP	BEMIDJI RELIGIOUS EDUCATION BROADCASTING	FULL	FULL	FULL	FULL
71	CITY	HOT SPRINGS MT	135567	NEW	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS	FULL	FULL	FULL	FULL
72	CITY	HYDE PARK VT	134111	WYTC-LP	UNION HIGH SCHOOL DISTRICT #18	FULL	FULL	FULL	FULL
73	MAJR	BACAVI AZ	134896	KBWV-LP	THE PATH, INC.	FULL	FULL	FULL	FULL
74	MAJR	LONE PINE CA	124525	KLPC-LP	LONE PINE ADVENT BELIEVERS	FULL	FULL	FULL	FULL
75	MAJR	WAILUKU HI	131576	KEAO-LP	MANA'O RADIO	FULL	FULL	FULL	FULL
76	MAJR	FORT MADISON IA	133439	KDME-LP	DIVINE MERCY EDUCATIONAL RADIO ASSOC	FULL	FULL	FULL	FULL
77	MAJR	HOUSTON MS	126174	WGWT-LP	COMPASS POINTS EDUCATIONAL FOUNDATION, INC.	FULL	FULL	FULL	FULL
78	MAJR	LIBBY MT	133947	KJRZ-LP	LIBBY AREA CHAMBER OF COMMERCE	FULL	FULL	FULL	FULL
79	MAJR	JAMESTOWN NY	131804	WOGM-LP	LIGHTHOUSE BAPTIST CHURCH	FULL	FULL	FULL	FULL
80	MAJR	DERBY VT	133838	WDER-LP	VERMONT AGENCY OF TRANSPORTATION	FULL	FULL	FULL	FULL
81	MAJR	ENOSBURG FALLS VT	135390	WEVT-LP	SPAVIN CURE HISTORICAL GROUP	FULL	FULL	FULL	FULL
82	RED	HOLBROOK AZ	135598	KJNN-LP	HOLBROOK ADVENTIST EDUCATIONAL RADIO CORPORATION	FULL	FULL	FULL	FULL
83	RED	CUCHARA CO	132410	KCQX-LP	CUCHARA COMMUNITY BROADCAST ASSOCIATION	FULL	FULL	FULL	FULL
84	RED	PLAINS MT	134935	KWHP-LP	PLAINS-PARADISE EMERGENCY SERVICES	FULL	FULL	FULL	FULL
85	RED	RIPLEY NY	131558	WNYP-LP	NY STATE THRUWAY AUTHORITY	FULL	FULL	FULL	FULL
86	RED	PACIFIC BEACH WA	132687	KXPB-LP	PACIFIC BEACH FOOD BANK	FULL	FULL	FULL	FULL