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JAN 21 2009

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Washington D.C. 20006-5403

In re: **KALI(AM), West Covina, CA**  
**Facility Identification Number: 56779**  
Transition Radio, LLC, Trustee  
BP-20030829AKH  
Petition for Reconsideration

Dear Mr. Kersting:

This letter is in reference to the April 30, 2004, Petition For Reconsideration (the "Petition") filed by previous licensee Multicultural Radio Broadcasting, Inc. ("Multicultural")<sup>1</sup> in response to our March 31, 2004, action dismissing the referenced application to modify the facilities of Station KALI(AM), West Covina, California (the "Station").<sup>2</sup> Multicultural timely sought reconsideration,<sup>3</sup> submitting an amendment purporting to cure the defects identified by the staff in the *Dismissal Letter*, and both Multicultural and Transition have filed subsequent technical amendments to the proposal, most recently on May 27, 2008.<sup>4</sup>

*Discussion.* Pursuant to the *Public Notice* entitled "Commission States Future Policy on

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<sup>1</sup> On March 4, 2008, Transition Radio, LLC, Trustee ("Transition") acquired the Station from Multicultural. See Application No. BAL-20071009AKU, granted on November 26, 2007.

<sup>2</sup> The application was dismissed because of groundwave overlap to KOXR(AM), Oxnard, California, and due to the submission of unacceptable measurement data. (the "*Dismissal Letter*").

<sup>3</sup> Numerous responsive pleadings have been filed in this case. In light of our action here, we need not address these pleadings.

<sup>4</sup> The amendments were filed on April 30, 2004, June 1, 2004, September 2, 2004, November 4, and 23, 2004, August 11, 2006, May 27, 2008, and August 5, 2008. The August 5, 2008, amendment supplied legal showings only.

Incomplete and Patently Defective AM and FM Construction Permit Applications,”<sup>5</sup> the staff may reinstate applications *nunc pro tunc* where the original application was dismissed and where a minor curative amendment is filed within 30 days of the date of the dismissal.

A review of the application, as amended on May 27, 2008, reveals that the KOXR(AM) overlap has been eliminated. However, the proposed daytime 0.25 mV/m groundwave contour will overlap the 0.5 mV/m daytime groundwave contour of licensed (BL-20070430CGQ) first-adjacent channel station KECR(AM), El Cajon, California, in violation of Section 73.37 of the Commission’s Rules.<sup>6</sup> This finding is based on all available field strength measurements for the two stations.<sup>7</sup>

Accordingly, the April 30, 2004, Petition for Reconsideration of the dismissal of Application BP-20030829AKH is HEREBY DENIED.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan N. Crawford", is written over the word "Sincerely,".

Susan N. Crawford  
Assistant Chief  
Audio Division  
Media Bureau

cc: William B. Schutz, President, Transition Radio, LLC, Trustee  
Edward Schober, Radiotechniques  
Christopher D. Imlay, Esq.

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<sup>5</sup> See *Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*, Public Notice, FCC 84-366 (rel. Aug. 2, 1984)

<sup>6</sup> 47 C.F.R. § 73.37.

<sup>7</sup> Transition submitted a text summary of measured conductivity data for station KECR(AM) in the May 27, 2008, amendment at Exhibit 15 Figure 4C Page 1. However, Transition failed to identify the source location for that data, and therefore that data could not be verified or considered. In addition, Transition submitted additional conductivity data on the 10, 290, 310, 330, 350 degree radials for KECR(AM) on Exhibit 15 Figure 4C page 3-12, but when the staff utilized this data alone, it found prohibited overlap with KECR(AM).