

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
Bureau / Office

In re Application of:)
)
Escuela de la Raza Unida)
(KERU-FM, Blythe, CA))
)
For a Special Field Test Authorization)

File No. **BSTA-2011004ADJ**
Facility ID **19750**

To: Chief, Audio Division, Media Bureau

PETITION FOR RECONSIDERATION

1. The Escuela de la Raza Unida (“Escuela”) hereby petitions for reconsideration of the Media Bureau’s dismissal on October 5, 2011, of its above-referenced request for a Special Field Test Authorization (“SFTA”) for noncommercial station KERU-FM (the “Station”) to test signal propagation from a potential new transmitter site.

2. The Bureau denied the request in part because “an increase in service area of this magnitude warrants the thorough staff review given to an application for construction permit, rather than either an STA or an SFTA.” The Escuela would like to suggest, however, that the effort involved in a construction permit application would be wasteful in this instance, for both the licensee and the Commission. The purpose of the SFTA request is not to circumvent the construction permit process or to achieve a large increase in service area immediately without going through a detailed review. On the contrary, the purpose is to determine whether the time and effort required for a construction permit would be worthwhile at all. If it is not worthwhile, there is no reason for going through the construction permit process.

3. The Commission’s Rules explicitly contemplate a test of this type. Section 73.1515(a) states that a “special field test authorization may be issued to conduct field strength surveys to aid in the selection of suitable sites for broadcast transmission facilities, determine coverage

areas, or to study other factors influencing broadcast signal propagation.” Testing propagation to aid in the selection of a suitable transmitter site is exactly what the Escuela seeks to do.

4. KERU-FM is licensed to Blythe, California. The Escuela was founded in 1972 because Latino students and parents in the Blythe area, which has a substantial Latino farm worker population, were dissatisfied with their treatment in local public schools. They established their own K-12 school, which has now been in operation for almost 40 years. The Escuela offers instruction that is culturally attuned to the Latino background of its students, including bilingual instruction. It reaches out to the community through KERU-FM, which is operated by students, parents, staff, and volunteers.¹

5. KERU-FM started as a Class D local community station in 1982. Over the years, it has upgraded and has become a Class A station. The Station now receives important financial support from listeners in Parker, Arizona, the nearest large community going north along the Colorado River, which employs a significant number of Latinos in the hospitality and gaming industries. However, the station’s signal to the east and west is not optimal. The Escuela would like to improve coverage to Quartzsite, Arizona, to the east, and to the inmates of the Chuckawalla Valley Prison west of Blythe, which houses thousands of inmates, including a large Latino inmate population that could benefit from the Station’s service.² While a move would also hopefully improve service to Parker, the Station and many listeners would suffer if it ended up degrading coverage toward Parker. The purpose of the test is to find out whether a permanent move would result in the desired overall improvement without an unacceptable loss of service to the northern area which helps support the Station.

¹ See <http://lideres.nclr.org/content/groups/detail/1108/>.

² See <http://www.prisonfamilyonline.com/showthread.php?5076-Chuckawalla-Valley-State-Prison-%28CVSP%29-Blythe-Information-Guide&s=76413fd4924f9625e8fc784d5ad10204>

6. The Escuela offers the Commission many assurances that it is not trying to circumvent the construction permit process.

a. The test will be brief. A test signal is needed only for as long as it takes to canvas the area by automobile. The distances are long, so it may take more than a day; but at most, operation for two or three days will be needed. A window of two weeks is requested because the Station's engineering consultant must travel from Portland, Oregon, to supervise the test and has other clients to service along the way. Any number of other factors, including weather, may make it difficult to pin down the precise dates of the test. However, the Escuela is willing to accept a grant conditioned on operating on no more than three separate days during the two-week window.

b. KERU-FM has two transmitters. One will remain in Blythe. Thus, nothing will preclude the Station from operating from its licensed site when tests are not being conducted and after conclusion of the test period.

c. The Escuela plans to operate from the Special Field Test facility only during daylight hours. On test days, during hours when testing is not being conducted, the Station will broadcast its regular programming from its licensed transmitter site.

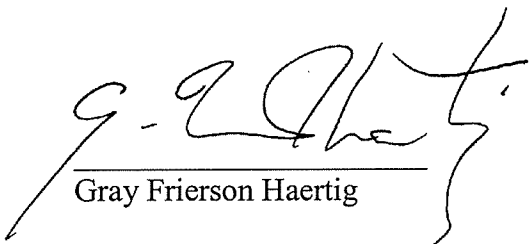
d. It is not possible to transmit from the licensed site and the test site at the same time on the same frequency without destructive interference. The Escuela would prefer to transmit its regular programming during the tests, so that the Station's service to the public is not interrupted, the school's students and their parents continue to be served, and the Station can avoid a barrage of calls from existing listeners asking why their programs are not on the air. However, if the Commission wishes to so condition a grant, the Escuela is willing to suspend regular programming and broadcast just music. If the Commission wishes to assign special call letters for the test to avoid the KERU-FM call

letters being heard by new listeners, the Station will use the SFTA call letters during all transmissions from the test site. There is no intent to establish any relationship with the listening audience in the expanded service area such that new listeners will protest when the tests are concluded, nor does the Escuela believe that testing for only two or three days has any likelihood of establishing such a relationship.

7. The Escuela does not know a better way of determining whether it can reach out to new audiences to the east and west without losing an important core constituency than by means of an on-air, real-life test. It asks the Bureau please to reconsider its position on this matter. If test authority is granted, and if the tests results are favorable, an application for construction permit will be filed. If moving to Cunningham Peak degrades service to Parker or Blythe, an application for construction permit will not be filed. The only way to find out what will happen is to try it, which is what the Escuela seeks to do.

8. When and if a permanent application is filed, KERU-FM will operate from its licensed site during the time needed to process the application. It has no intention of asking for authority to remain silent pending a permanent move.

Respectfully submitted,

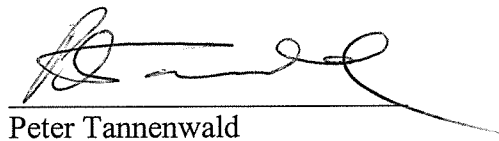


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October 17, 2011



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