

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, S.W.
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV

PROCESSING ENGINEER: Robert Gates
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Robert.Gates@fcc.gov

SEP 18 2014

Ondas De Vida Network, Inc.
P. O. Box 94
Victorville, CA 92393

In re: K234BS, Las Vegas, NV
BPFT-20140815ADF
Facility ID # 156220

Dear Applicant:

This refers to the above-captioned application for K234BS, Las Vegas, Nevada. Based on the below, we will dismiss the application BPFT-20140718ACH.

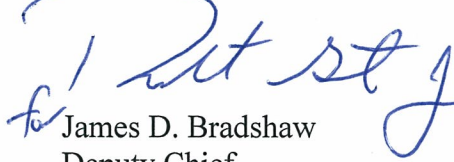
An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. K234BS is authorized to operate on channel 234. This modification application proposes channel 276 by requesting a waiver of Section 74.1233(a)(1) based on interference caused to first-adjacent-channel KXLI(FM), Moapa, Nevada.

We have allowed FM translators to waive Section 74.1233(a)(1) only when “displacement” occurs. Displacement occurs when a full service commences operation and there is interference predicted or caused by an existing translator. KXLI(FM) has been licensed and operating since February 29, 2008. Since the translator caused the interference when it commenced operation in 2009, the proposed facility is not being displaced therefore Section 74.1233(a)(1) will not be waived.

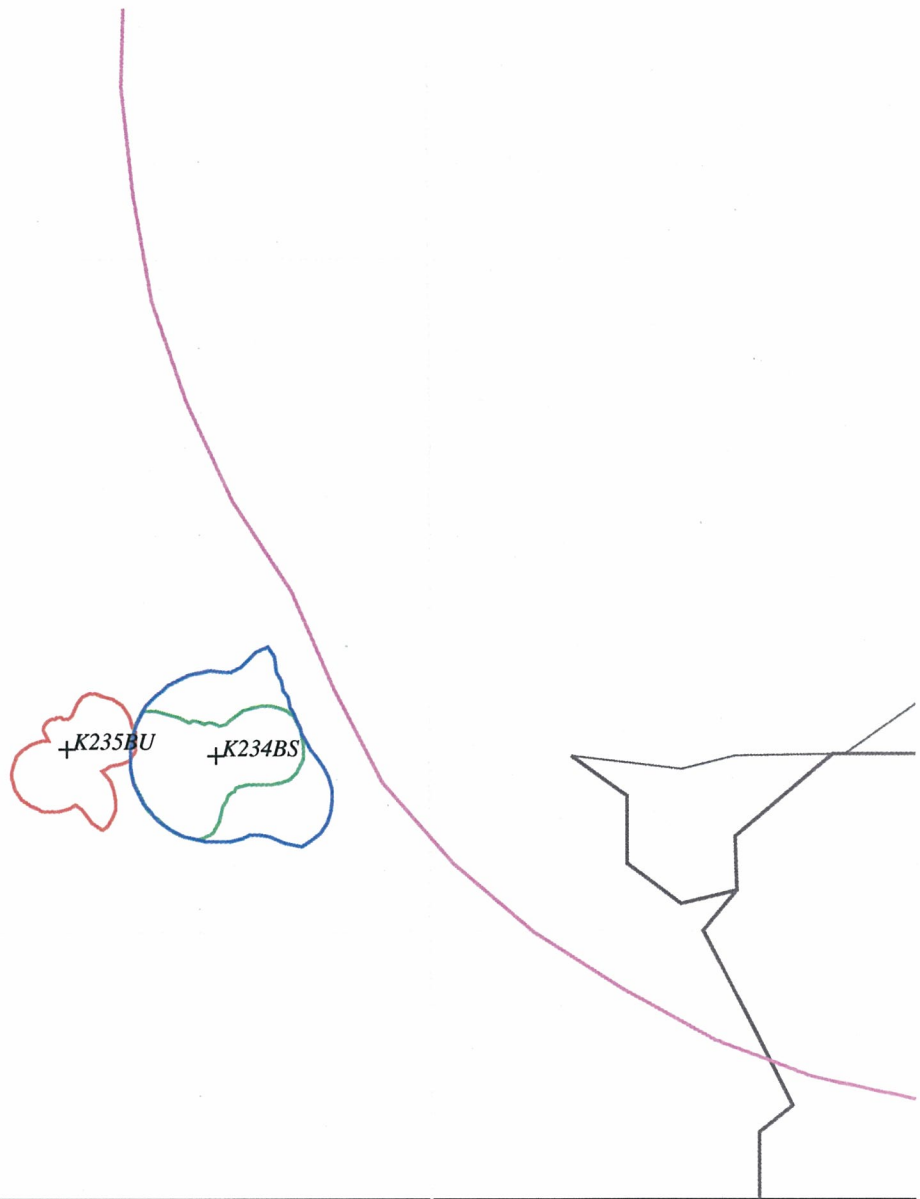
When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 139, 192 (D.C. Cir. 1987), quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F. 2d 644, 666 (D.C. Cir 1968 (per curiam)). We have afforded Ivan Rene Moore’s waiver request the “hard look” called for under *WAIT Radio v. FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances presented are not sufficient to warrant waiver of 47 CFR Section 74.1233.

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BPFT-20140815ADF IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "James D. Bradshaw". The signature is stylized and cursive, with a large initial "J" and "B".

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau



LAMBERT EQUAL AREA MAP

25 0

KILOMETERS

ENGINEER: Robert_Gates

DATE: 09 / 18 / 14

THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP
 BOTTOM LATITUDE: 35.80 TOP LATITUDE: 36.70 LEFT LONGITUDE: -115.84 RIGHT LONGITUDE: -114.66
 MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 36.25 LONG: -115.25 GRID SPACING: 0.50
 KILOMETERS / INCH = 16.41
 PLOT MADE ON : 18 September, 2014 10:50 HOURS

call	serv	city,state	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1
K235BU	FX	CHARLESTON,NV	BLFT-20090921AAH	60.0 dBu (50,50)	234D	0.100	-94.8	915.0	70.9 sq km	0
K234BS	FX	LAS,NV	BLFT-20091001ABH	60.0 dBu (50,50)	234D	0.250	-8.1	694.0	105.2 sq km	0
K234BS	FX	LAS,NV	BPFT-20130730ANF	60.0 dBu (50,50)	234D	0.250	-8.2	694.0	193.0 sq km	0
KMOA	FM	MOAPA,NV	BLH-20080229AAT	60.0 dBu (50,50)	233C	93.000	637.0	1755.0	25293.2 sq km	0

No topographic data is available for this location.
 A1 - Number of radials where free space equation was used for field strength calculations.
 A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.