

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

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FLETCHER, HEALD & HILDRETH

In re Application of)
)
ONDAS DE VIDA NETWORK, INC)
)
)
For a Construction Permit for a Minor)
Change to the License for FM Translator)
K234BS, Las Vegas, Nevada)
)
)

FCC File: BPFT-20130730ANF
Facility ID 156220

RECEIVED - FCC

NOV 15 2013

To: Chief, Audio Division
Media Bureau

Federal Communications Commission
Bureau / Office

REPLY TO OPPOSITION TO INFORMAL OBJECTION

Radio Activo Broadcasting, L.L.C. ("RAB"), by counsel, hereby respectfully replies to the Opposition filed by Ondas De Vida Network, Inc. ("ODVN") on September 26, 2013. The Opposition argues that ODVN's FM translator K234BS does not and will not interfere with first adjacent KXLI(FM), Moapa, Nevada, licensed to RAB. In response, the following is submitted.

ODVN accuses RAB of subornation of perjury based on the hearsay declaration of an ODVN employee. This preposterous, inflammatory charge is rebutted by the attached personal knowledge declaration of Francisco Esparza. He explains that, while he no longer lives at the address specified in his prior declaration, he does listen to KLXI, and experienced interference from K234BS, at that address, the home of his daughter and son-in-law.

ODVN's other contentions are equally specious. The reason that ODVN's employees heard no interference from K234BS is likely that, prior to their investigation, ODVN had "powered down" the translator by substituting antennae. This conclusion is supported by the

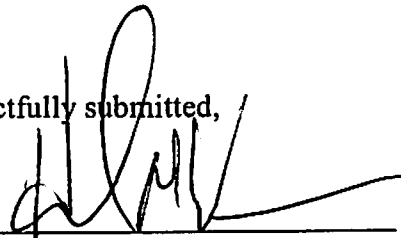
attached declaration of Joe Sands, RAB's consulting engineer. If the conclusion is accurate, it is ODVN, not RAB, who is playing fast and loose with the Commission.

Finally, ODVN's contention in ¶ 6 that it is "impossible" for KXLI to experience interference due to a first adjacent translator operating at extremely high power is baseless. Such interference occurs all of the time. Moreover, it should be noted that ODVN's conclusory assertion is not backed up by any empirical data, or even an engineer's statement.^{1,2}

ODVN should not be granted an upgrade to enhance facilities already illegal and interfering with KXLI.

November 15, 2013

Respectfully submitted,



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Its Counsel

¹ ODVN does not furnish the title or job duties of its sole declarant, Alexis Cardone. It therefore must be presumed that he or she is not an engineer.

² Likewise, ODVN offers no legal or technical support for its assumption that interference is acceptable where a full-power station uses a booster. But, FM boosters are expressly authorized by the rules as long as they do not extend the primary station's contour. KXLI-FM-1 operates as a fully compliant, fill in facility, allowing its primary station to cover its entire 60 dBu contour. Such a legal operation in no way opens the door for illegal translator incursion.

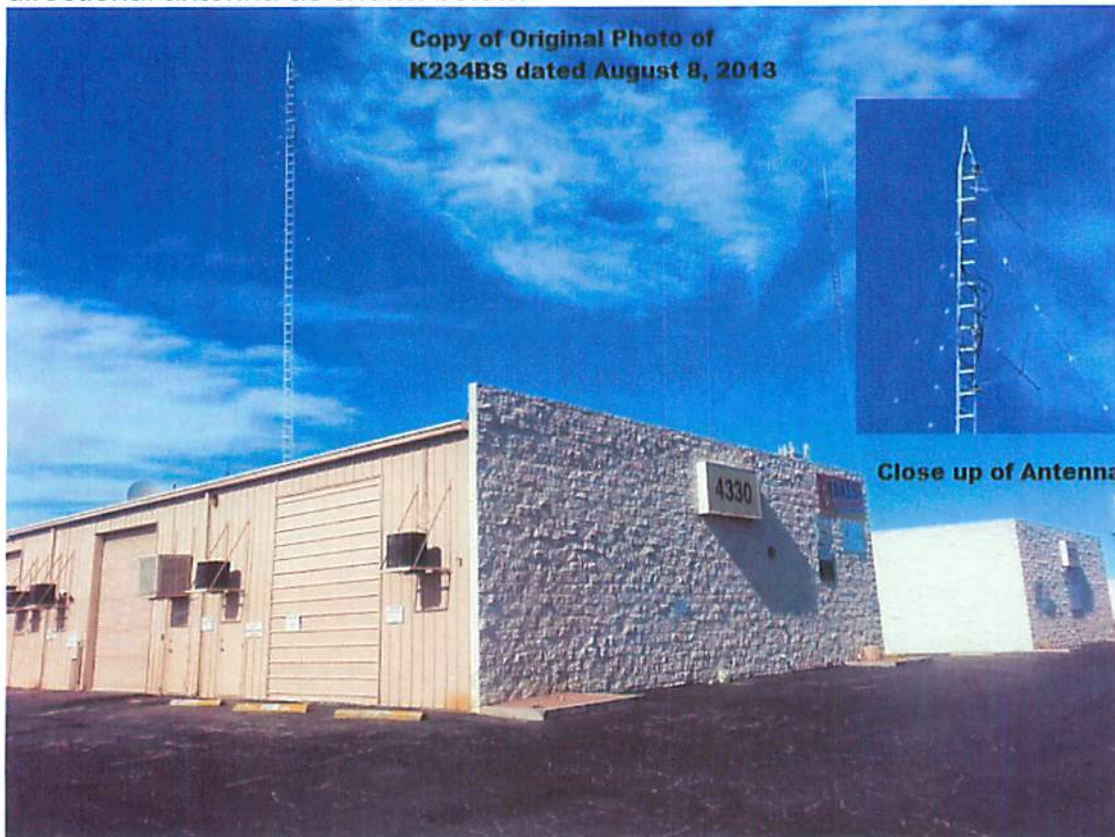
DECLARATION OF JOSEPH SANDS

I, Joseph Sands, is the President of Desert Sands Broadcasting Inc. I have worked in the Radio Broadcasting industry for 35 Years. During that period I have constructed, maintained and consulted with numerous Commission Licensees. The Commission is familiar with me as well having filed applications for AM and FM broadcast facilities before the Commission, all of which were favorably granted by the Commission. Under Penalty of Perjury I hereby state that the information I present is true and based on facts collected in the course of my investigation.

Noted Changes to operations of K234BS Translator

Subsequent to filings made before the Federal Communications Commission and to complaints to the Federal Communications Field Office in Los Angeles, Radio Activo licensee of FM Broadcast Station KXLI, Moapa and KXLI-FM-1 Las Vegas, have noted changes to the broadcast equipment of Translator Station K234BS.

The changes relate to the installation of compliant antennas to the current station license. In Radio Activos previous filing it was noted that K234BS was using a non-directional antenna as shown below.



On or about September 27th, the above antennas suddenly vanished to be replaced by antennas which appear to be compliant with the current K234BS license. Because access to the roof was not achievable, it was not possible to determine if the antennas are oriented in the proper azimuth, however.



Photo of K234BS taken 10-2-13

Radio Activo intends to make measurements of the signal of K234BS to verify compliance with the terms of their authorization. We will use these measurements to determine if K234BS is operating in compliance with their current Station license. Respectfully submitted,

Joseph Sands, on this 2nd Day of October 2013

Translator K234BS with compliant antennas



Translator K234BS - Business sign out front



CERTIFICATE OF SERVICE

I, Evelyn Ojea, a secretary of Fletcher, Heald & Hildreth, PLC, hereby certify that a true and correct copy of the foregoing "Reply to Opposition to Informal Objection" was sent on this 15th day of November 2013, via First Class United States mail, postage pre-paid, or as otherwise specified, to the following:

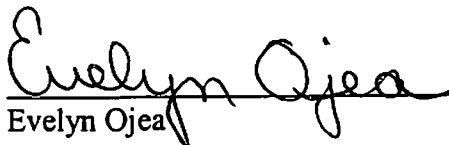
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