

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Accepted / Filed

APR 13 2015

Federal Communications Commission
Office of the Secretary

In re the Matter of)
)
Ondas de Vida Network, Inc.)
Application for Modification of)
FM Translator Station K234BS,)
Las Vegas, Nevada)

File No. BPFT-20140930ALD

Facility ID No. 164097

**PLEASE STAMP
AND RETURN
THIS COPY TO
FLETCHER, HEALD & HILDRETH**

TO: The Secretary, FCC
ATTN: Chief, Audio Division, Media Bureau

**SUPPLEMENT TO INFORMAL OBJECTION TO MODIFICATION
APPLICATION AND COMPLAINT CONCERNING CURRENT INTERFERENCE**

Radio Activo, licensee of KXLI, Moapa, Nevada, hereby respectfully submits a Supplement to its Informal Objection to Modification Application and Complaint Concerning Current Interference filed on April 6, 2015. The Supplement adds the signed declaration of Eric Palacios and Engineering Statement submitted by Joseph Sands, Radio Activo's engineer. The statements buttress Radio Activo's arguments against grant of the pending modification application filed by Ondas de Vida, licensee of K234BS, Las Vegas, Nevada. The application should be denied and the demonstrated interference experienced by KXLI should be exterminated by an order taking the translator off the air.

Respectfully submitted,

RADIO ACTIVO BROADCASTING
LICENSE, LLC

Date: April 13th, 2015

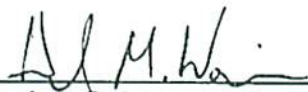
By: 
Francisco R. Montero, Esquire
Howard M. Weiss, Esquire
Fletcher, Heald & Hildreth, PLC
1300 17th Street North, 11th Floor
Arlington, Virginia 22209
(703) 812-0400

Exhibit 1

Declaration of Eric Palacios

DECLARATION OF ERIC PALACIOS

I, Eric Palacios, hereby declare under penalty of perjury as follows:

1. I am the controlling Member and Manager of Radio Activo Broadcasting, LLC, the sole member of the licensee of Station KXLI, Moapa, Nevada.
2. I have reviewed the complaints filed at the Federal Communications Commission with this declaration and my company's objection to current and proposed service by Station K234BS, Las Vegas, Nevada. The complainants are all disinterested parties with respect to KXLI. None of them are employees or family members of employees at the station or principals of the business.
3. I have also reviewed the pleading being filed today by Radio Activo. To the best of my knowledge and belief, the factual assertions therein are true and correct.

Date: APRIL 6, 2015



Eric Palacios

Exhibit 2

Declaration of Joseph Sands

DECLARATION OF JOSEPH SANDS

I, Joseph Sands, am the President of Desert Sands Broadcasting Inc. I have worked in the Radio Broadcasting industry for over 35 Years. During that period, I have constructed radio facilities and maintained and consulted with numerous Commission Licensees. The Commission is familiar with my qualifications, as I have filed applications for numerous AM and FM broadcast facilities, including translators, and opposed translator applications before the Commission, most of which were favorably acted on 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.

Current Interference to KXLI's Signal By K234BS

My client, Radio Activo, licensee of FM Broadcast station KLXI (94.5 Mhz), Moapa, Nevada, has, and continues to, receive interference from Translator station K234BS. Las Vegas, Nevada. This interference is caused by the translator operating on the first adjacent channel of 94.7 Mhz. I have personally experienced the interference, clearly the result of the translator's transmissions in and around Las Vegas, where the two stations compete for Latino audiences with similarly-formatted programming. I have rode the two signals and experienced first-hand the interference. Moreover, I am intimately familiar with Las Vegas' unique terrain and propagation characteristics, having lived and worked for various radio stations in the Las Vegas market. Moreover, I have been intimately involved in earlier, thus far, unsuccessful efforts to negotiate with the translator's licensee or submit complaints about the interference to the FCC in Washington and Los Angeles. Yet, the interference continues unabated, In my experience, I have rarely ever dealt with an interfering translator so effective at mimicking the victim's full service station or eluding FCC enforcement action.

The Commission's rules in Section 74.1203 state:

§ 74.1203 Interference.

(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to:

(1) the transmission of any authorized broadcast station or

(3) the direct reception by the public of the off-the-air signals of any authorized broadcast station....

The licensee has demonstrated through statements of numerous *bona fide*, disinterested KXLI listeners (attached to the instant pleading submitted by my client) that the translator station has and continues to create serious difficulties in receiving KXLI. The listeners describe the interference as "Noise", the signal "Jumping in and out" and "another station comes in". But almost all complainants have sworn under oath that the source of the interference was "94.7", "another station" or "a Christian station" or combinations of the above. This sworn evidence demonstrates beyond doubt that the culprit is the translator on the first adjacent channel to KXLI's signal on 94.5. This is because K234BS is on the adjacent channel to KXLI and because it is a Spanish language station with Christian programs.

Modification Application

K234BS presently has an application pending before the Commission to relocate the translator to a substantially higher site at the top of the Rio Hotel, a tall Las Vegas Hotel/Casino. This bold move is truly gilding the lily". Reviewing the map in the K234BS application demonstrates a material expansion in coverage area to the south should K234BS be perched on the Rio roof. Because of terrain, increased distance from the KXLI transmitter(s) and an obstructed view toward the KXLI main transmitter, this improved signal area currently receives a lower signal level from KXLI. Increasing the K234BS signal in this area, as proposed in the K234BS modification application, would therefore aggravate the current interference experienced by the complainants, likely blacking out key sectors of KXLI's market and denying listenable service to many thousands of persons.

This aggravated interference violates Section 74.1204 (f) because it will interfere with KXLI listeners' "direct, off-the-air reception" of KXLI. I have attached engineering exhibit E-1, which maps the locations of the interference complaints submitted above, as well as the KXLI, K234BS (current) and K234BS (proposed) 60 dbu contours. Most importantly, my map establishes that the KXLI listeners experiencing interference from K234BS in Las Vegas are not only within KXLI's service area, several are within the contour designated most critical under 74.1204 (f), the translator's proposed 60 dBu contour. The names of these complainants are: Elias Rosas, Karina Trevo, Maria Lopez, Luz Fatima Jorge, Melven Silva and Alexia Olivas.

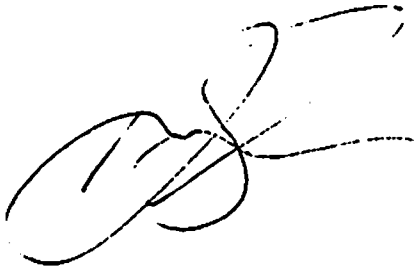
Requested Commission Action

The objecting licensee has provided written statements illustrating interference to the KXLI signal. Section 74.1203 is clear, unequivocal and unconditional that an FM translator, no matter where located and no matter what kind of listening is at issue (e.g., auto, other mobile, home, store) and no matter how much, must NOT cause

interference to an authorized broadcast station. Yet, this prohibited interference from a secondary service has been happening over many months and is now occurring daily over and over again. Accordingly, KXLI requests the Commission to promptly take affirmative action to enforce its key technical rules. K234BS should be shut down immediately and instructed that it may not resume rule-defying operation unless and until it can show that it will not cause any, repeat any interference to KXLI and its listeners. Because the translator operates on a first adjacent channel, in my professional opinion, the only appropriate action in the public interest is for K234BS to relocate to a non-adjacent channel. Changing antenna azimuth or antenna type or attempting to use filters or the like will result in changing the locations of the interference, but not the legally required elimination of the interference to KXLI from K234BS.

It follows logically and as a technical matter that the modification application should be dismissed. If the Commission's staff finds that there is unacceptable interference from K234BS from its current site, it is highly unlikely that there will not be ongoing, or increased, interference from the proposed Hotel Rio roof site. Since line of sight is so important to FM coverage, a high rise hotel roof site, plainly selected by the translator applicant to blanket the core of Las Vegas without any consideration for the consequences to KXLI and its listeners, cannot alleviate KXLI's dilemma. It can only exacerbate it. In my expert view, the only effective solution here is that K234BS go silent and that its proposed modification be dismissed in due course.

Respectfully Submitted, this 13 th day of April, 2015.

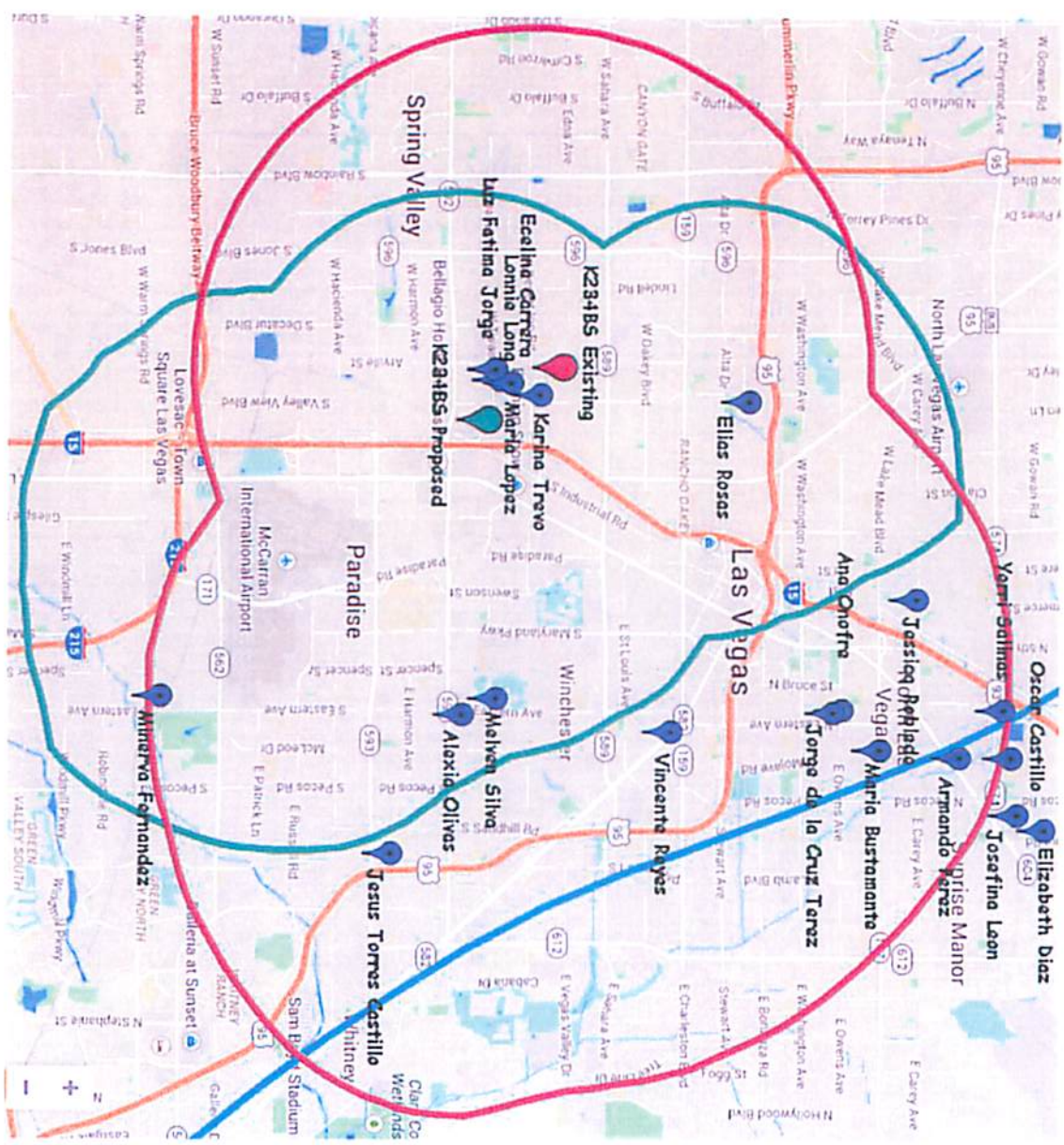
A handwritten signature in black ink, appearing to read 'Joseph Sands', with a large, stylized flourish extending to the right.

Joseph Sands, President
Desert Sands Broadcasting Inc.

Exhibit 3

E-1 Map

Exhibit E-1



K234BS-Proposed Contour (Green)

K234BS-Existing 60 dbu Contour (Red)

KXLI-60 dbu Contour (Light Blue)

CERTIFICATE OF SERVICE

I, Sandi Kempton, an Assistant with the office of Fletcher, Heald & Hildreth PLC, hereby certify that a true and correct copy of the foregoing "Supplemental to Informal Objection to Modification Application and Complaint Regarding Current Interference" was sent on this 13th day of April, 2015, via First-Class United States mail, postage pre-paid, or as otherwise specified, to the following:

Peter H. Doyle (by e-mail)
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Jeffrey Southmayd, Esq.
Southmayd & Miller
4 Ocean Ridge Boulevard South
Palm Coast, FL 32137

Robert Gates (by e-mail)
Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Sandi Kempton