

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

COPY

Accepted / Filed

JUN - 1 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-20140930ALO

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 REPLY TO OPPOSITION TO INFORMAL OBJECTION
AND COMPLAINT CONCERNING CURRENT INTERFERENCE**

Radio Activo Broadcasting License, LLC ("Radio Activo"), licensee of Station KXLI(FM), Moapa, Nevada, hereby submits its Supplement to Reply to Opposition to Informal Objection and Complaint Concerning Current Interference.


On May 29, 2015, Radio Activo filed its Reply to Opposition to Informal Objection and Complaint Concerning Current Interference. It inadvertently omitted from that reply maps prepared by its engineering consultant. These maps are hereby submitted by Supplement. A complete copy of the pleading with attachments is also attached for reference.

Radio Activo apologizes for any inconvenience this omission may have caused.

Respectfully submitted,

RADIO ACTIVO BROADCASTING
LICENSE, LLC

Date: June 1, 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

Attachment 1

**Previously filed Reply to Opposition to Informal
Objection and Complaint Concerning Current Interference**

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FLETCHER, HEALD & HILDRETH

**REPLY TO OPPOSITION TO INFORMAL OBJECTION AND
COMPLAINT CONCERNING CURRENT INTERFERENCE**

Radio Activo Broadcasting License, LLC ("Radio Activo"), licensee of Station KXLI(FM), Moapa, Nevada, hereby respectfully replies to the above-captioned Opposition, filed by The Ondas de Vida Network, Inc. ("Ondas"), licensee of FM translator K234BS, Las Vegas, Nevada.

I. Current Interference Under Section 74.1203

Radio Activo has attempted to coordinate cooperation of the complainants with Ondas' declarant, Alex Cardona. It has thus far been unsuccessful, due in great part to Ondas' game-playing and attempted manipulation of the complaint adjudication process. Ondas has refused repeatedly without explanation to provide contact information for Mr. Cardona. An investigation into his veracity and the process by which he claims to have attempted to contact the complainants is essential, particularly in light of the fact that Ondas did not provide declarations from any complainants, but only a hearsay declaration from Mr. Cardona.

Ondas has also insisted that the complainants, many of whom are not bilingual, must fill out a questionnaire designed by Ondas. Further, Ondas has demanded that the complainants meet

KXLI's main facility would affect 125,281 persons. Radio Activo's consultant observes that "[T]he area of predicted interference is to the heavily-populated tourist spots along the Las Vegas Strip and Downtown Areas (along with the residential areas just west and east of the strip. Many of KXLI's affected listeners would be tourists in hotels; some on higher floors. A translator operating from the roof of such a hotel near the Strip would be uniquely positioned, because of the critical impact of height on FM signal propagation, to inundate KXLI's signal. This evident cause and effect relationship – clearly the reason for K234BS' ardent desire to move to the Rio – combined with Mr. DeLawder's compelling graphic presentation, provides the "convincing evidence" required by Section 74.1204(f) of the Rules.

In many ways, Ondas' behavior and tactics resemble those of a "pirate" station, prohibited by the Communications Act. Like pirates, Ondas should be dealt with quickly and severely, for deterrent and equitable reasons. Ondas plays fast and loose with the Commission's Rules, but it cleverly avoids efforts to halt its illegal operations. Now, the Commission's staff has a golden opportunity to do just that. Ondas' current operations on K234BS should cease. And its nervy attempt to escalate its interference to KXLI from a hotel roof should be rejected.

Respectfully submitted,

RADIO ACTIVO BROADCASTING
LICENSE, LLC

Date: May 29, 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

Engineering Report of Darryl DeLawder

DELAWDER COMMUNICATIONS, INC.
P.O. Box 1095
Ashburn, Virginia 20146-1095
(703) 299-9222

ENGINEERING REPORT

I. INTRODUCTION

1. As requested by Radio Activo Broadcasting License, LLC ("Activo"), licensee of KXLI(FM), Moapa, NV, 233C, this Engineering Statement supports an Informal Objection to the pending FM translator application BPFT-20140930ALO—a transmit facility improvement application by Ondas De Vida Network, Inc. ("ODVN") for its FM translator station K234BS, Las Vegas, Nevada. As demonstrated below, the proposed facility of BPFT-20140930ALO (hereafter "K234BS-Proposed") causes predicted first adjacent-channel interference to both KXLI(FM)'s booster station and main (primary) station based on Section 74.1204(f) of the Commission's Rules.¹ Such predicted interference supports the dismissal of BPFT-20140930ALO.

2. All service (and interference) contours of this report have been determined pursuant to 47 CFR Section 73.313 using a USGS three arc-second terrain database with calculated height above average terrain ("HAAT") values and radial contour distances determined at one-degree increments for each FM facility. The terrain-sensitive propagation model used in this report is Longley-Rice ("L-R") version v2.2.1.² (The same three arc-second terrain database and one degree radial intervals are used for each L-R study). The L-R Model is used to determine predicted carrier-to-interference ("C/I") ratio values for the detailed terrain-sensitive propagation model studies of this report.³

¹ It is noted that the KXLI booster's signal is predicted to be at least 20 dB higher than KXLI's main station signal to much of the area along the Las Vegas Strip. Also, self interference to KXLI between the main and booster station are reduced using synchronization techniques and cross polarization (only the booster uses circular polarity while the main station deploys horizontal only polarization).

² The following parameters were used for the Longley-Rice studies of this report. The earth curvature (k factor) is 1.333; the ground conductivity is 8 mS/m; the ground dielectric constant is 15.0; the climate type is Continental Temperate. It is noted that these parameters are the software default settings for the FM broadcast service.

³ The term "C/I ratio" is synonymous with the desired-to-undesired ("D/U") ratio that is also a common term for discussing interference levels. For the "desired" numerator value, 50% of locations for 50% of the time is used (corresponding to F50,50 signal levels typically associated with *service* for the desired station). For the "undesired" denominator value, 50% of locations for 10% of the time is used (corresponding to

3. Year 2010 US Census data (using a centroid-based Census database) has been used for all population data of this report.

II. FINDINGS

A. Interference Predicted to the KXLI(FM) Booster (KXLI-FM1)

4. Attachment EE-1 is a map showing the predicted first adjacent-channel interference (C/I levels below 6 dB) to KXLI-FM1 from the K234BS-Proposed facility.⁴ Attachment EE-2 is a similar map showing the predicted first adjacent-channel interference to KXLI-FM1 from the K234BS licensed facility. The following interference levels are shown in Attachments EE-1 and EE-2:

- Red Level: C/I ratios below minus 14 dB (20 dB below the 6 dB C/I ratio interference standard);
- Orange Level: C/I ratios between minus 4 dB (10 dB below the 6 dB C/I ratio interference standard) and minus 14 dB;
- Yellow Level: C/I ratios between plus 6 dB (the C/I ratio interference standard) and minus 4 dB;

5. Based on the above Longley-Rice C/I ratio studies, the predicted interference population within the K234BS proposed and licensed 60 dBu contours are as follows:

Interference Population to KXLI-FM1 from K234BS-Proposed:	306,315
Interference Population to KXLI-FM1 from K234BS-Licensed:	168,624

The increased predicted interference to KXLI-FM1 is 137,691 persons.

(...continued)

F50,10 signal levels typically associated with *interference* for the desired station).

⁴ A receive antenna height of 9.1 meters (30 feet) above ground level ("AGL") is used for each map of this report, assuming an omni-directional receive antenna. (This is a receive height standard generally used by the FCC for FM service.) The desired booster station's receive signal level is greater than 50 dBu within the K234BS 60 dBu service contour (for both the proposed and licensed K234BS translator facilities).

B. Interference Predicted to the KXLI(FM) Main (Primary)

6. Attachment EE-3 is a map showing the predicted first adjacent-channel interference (C/I levels below 6 dB) to KXLI-main from the K234BS-Proposed facility. Attachment EE-4 is a similar map showing the predicted first adjacent-channel interference to KXLI-main from the K234BS licensed facility. (The interference levels used for Attachments EE-3 and EE-4 are the same as those used for Attachments EE-1 and EE-2, above.)

7. Based on the above Longley-Rice C/I ratio studies, the predicted interference population within the K234BS proposed and licensed 60 dBu contours are as follows:

Interference Population to KXLI-main from K234BS-Proposed:	307,400
Interference Population to KXLI-main from K234BS-Licensed:	182,119

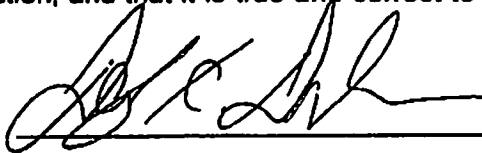
The increased predicted interference to KXLI-main is 125,281 persons.

III. CONCLUSIONS

8. The area of predicted interference is to the heavily-populated tourist spots along the Las Vegas Strip and Downtown Areas (along with the residential areas just west and east of the strip). Section 74.1204(f) protects service by KXLI beyond the KXLI 60 dBu F50,50 service contour to areas where KXLI has listeners that are within a proposed FM translator's 60 dBu service contour. In this case, the listeners are likely to be tourists—those driving and also those attempting to tune in to KXLI from an upper floor of a hotel along the Las Vegas Strip. Because of the nature of the interference being to a significant tourist population, this makes the predicted Longley-Rice model interference showings provided here as extremely relevant (perhaps even more so than listener complaints).

9. Based on the above findings of predicted interference to KXLI by the facilities proposed in BPFT-20140930ALO, pursuant to the protection afforded to KXLI by Section 74.1204(f) of the FCC Rules, BPFT-20140930ALO should be dismissed by the FCC.

The undersigned, whose qualifications are a matter of record before the Commission, hereby declares under penalty of perjury that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief.

A handwritten signature in black ink, appearing to read 'D. DeLawder', written over a horizontal line.

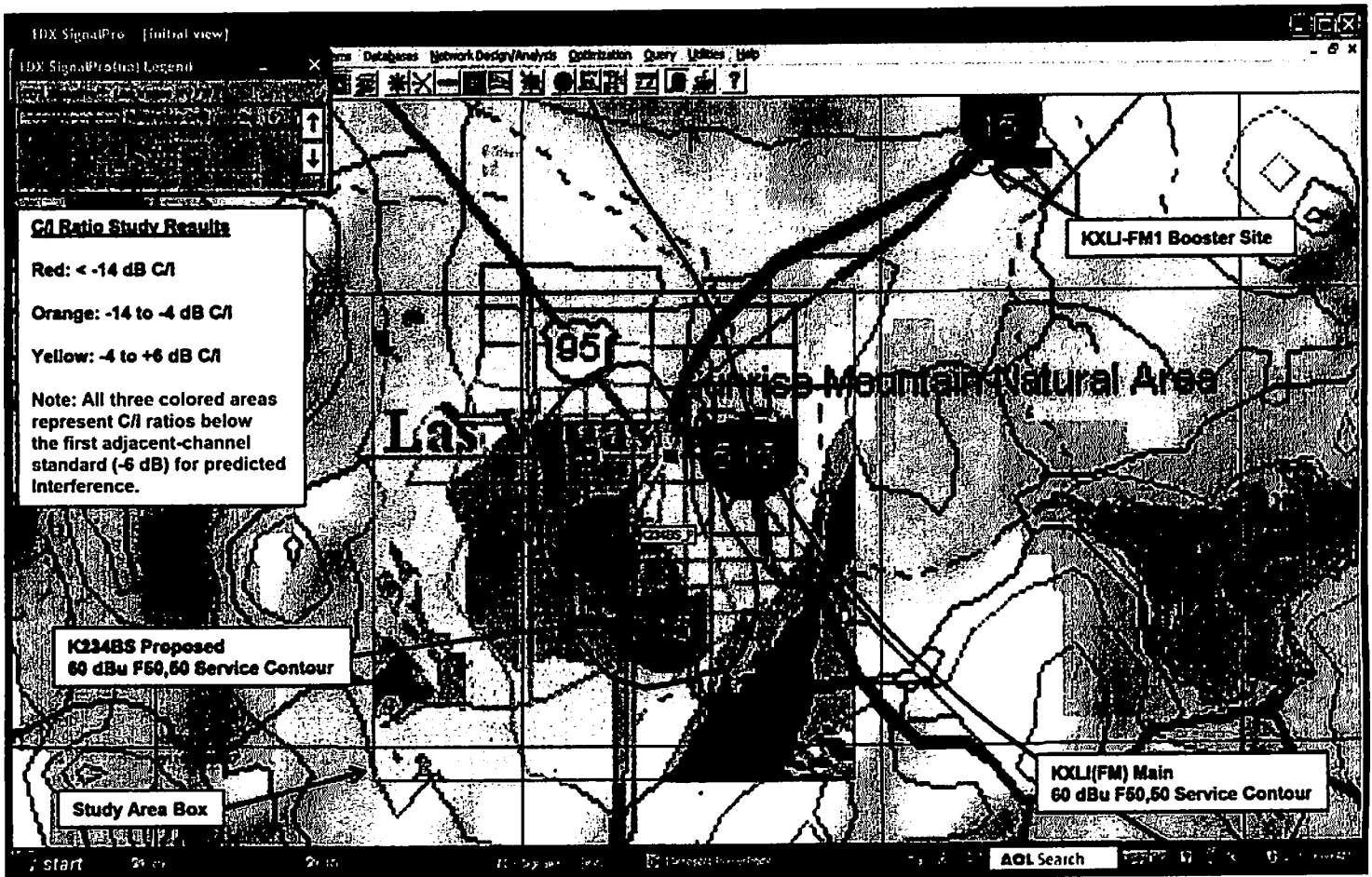
Darryl K. DeLawder, President
DeLawder Communications, Inc.

Date: May 29, 2015

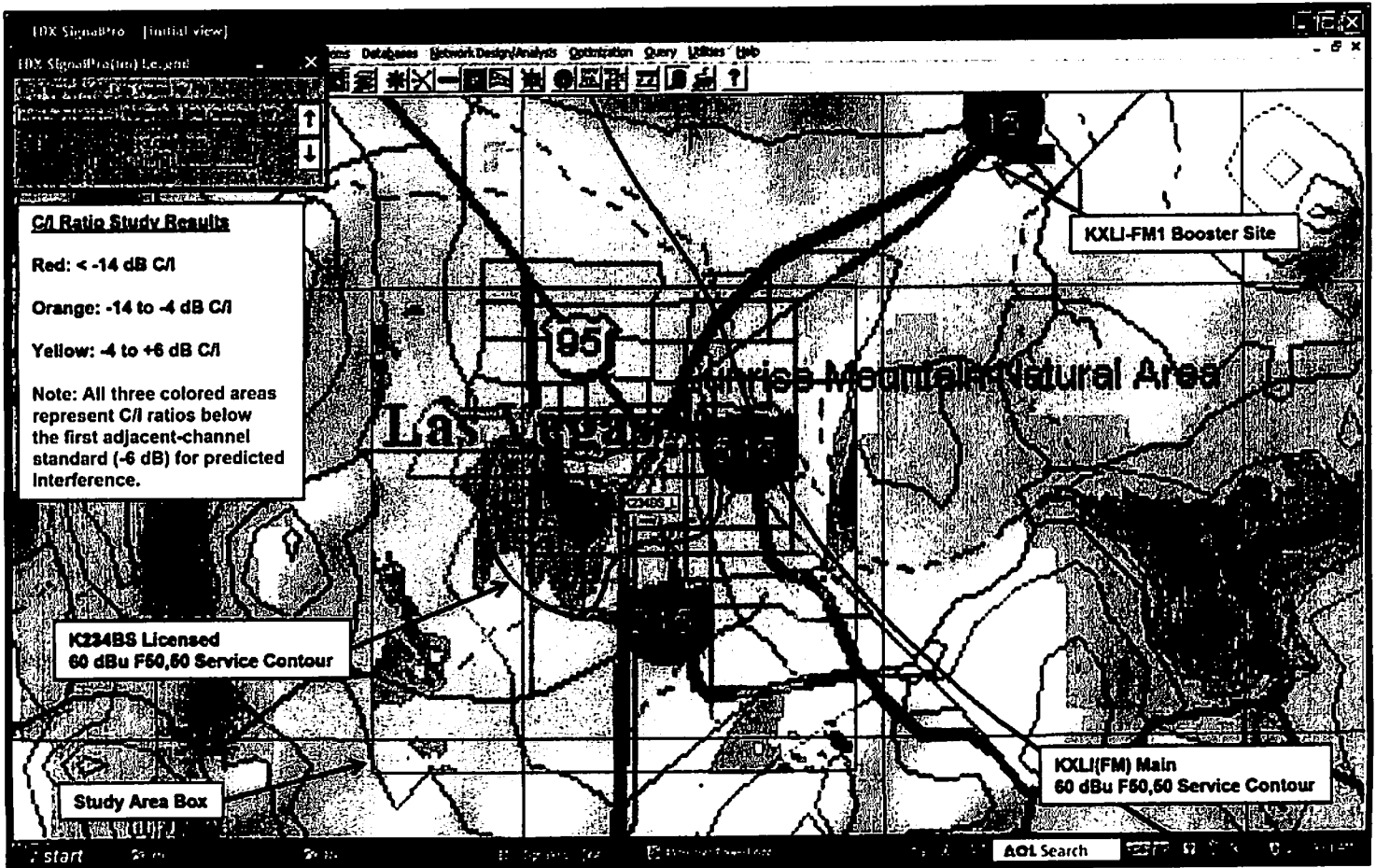
Exhibit 1

**Maps to Accompany
Engineering Report of Darryl DeLawder**

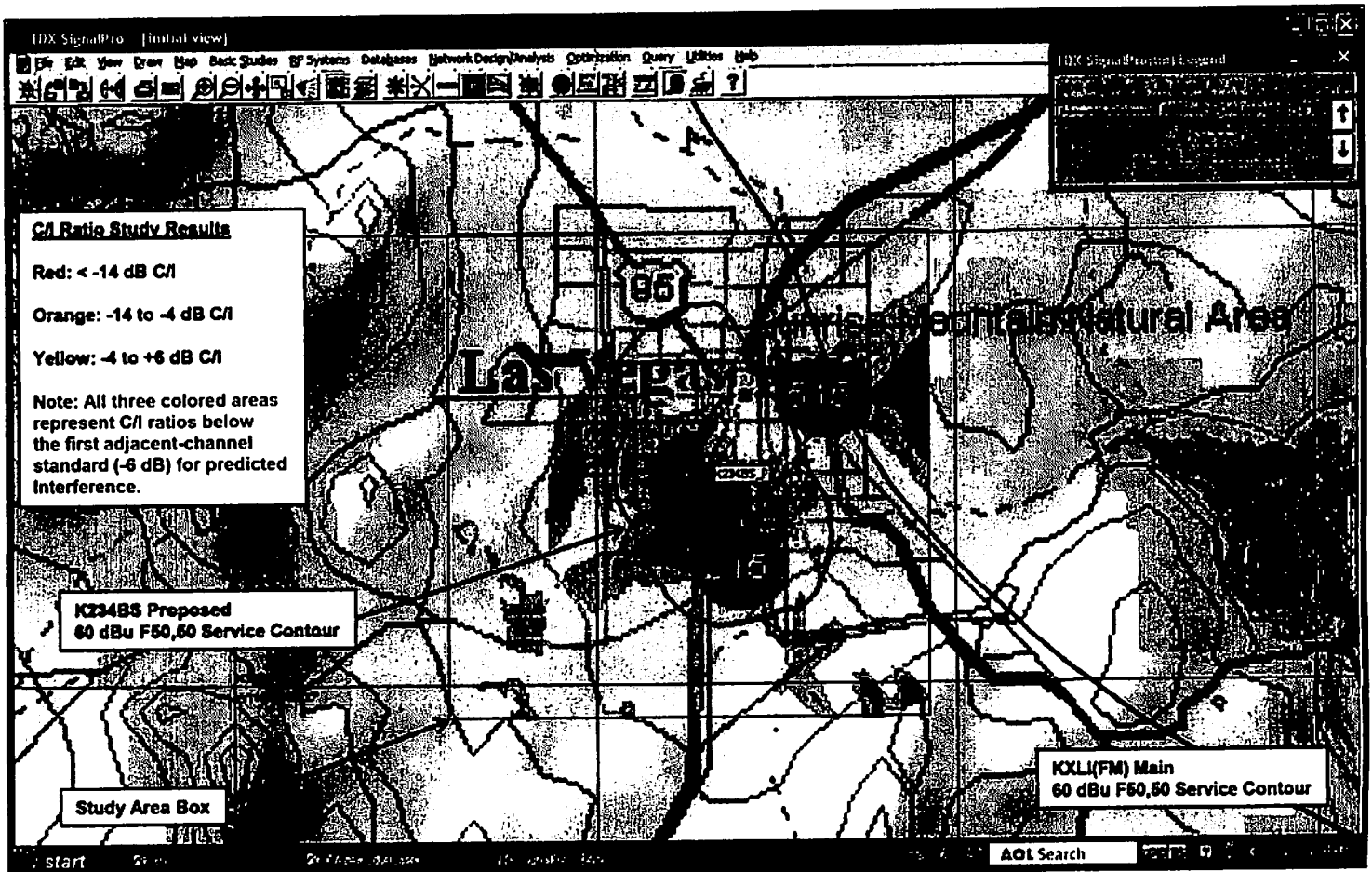
ATTACHMENT EE-1: Predicted Interference to KXLI-FM1 Booster From K234BS Proposed



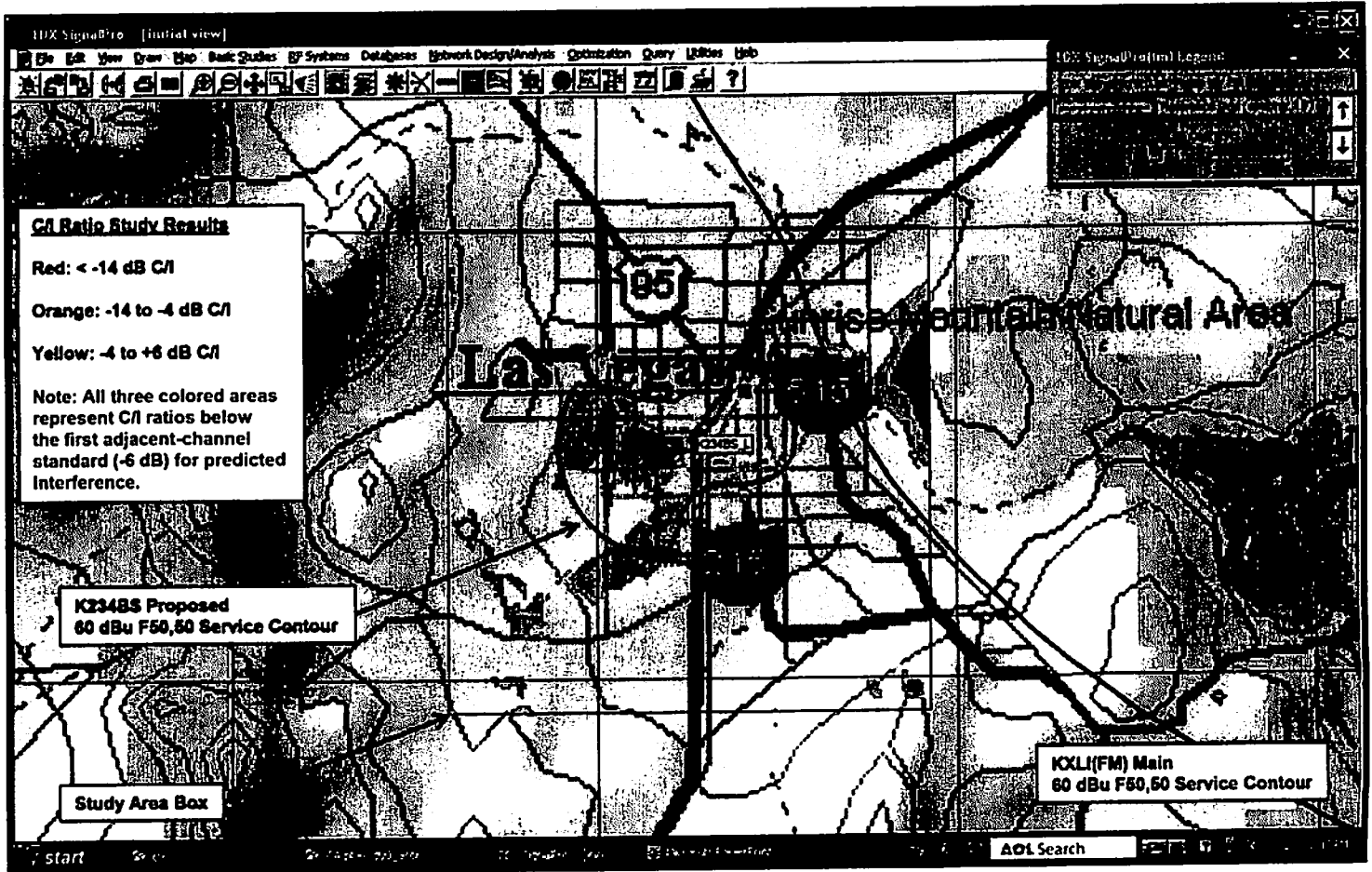
ATTACHMENT EE-2: Predicted Interference to KXLI-FM1 Booster From K234BS Licensed



ATTACHMENT EE-3: Predicted Interference to KXLI-FM Main From K234BS Proposed



ATTACHMENT EE-4: Predicted Interference to KXLI-FM Main From K234BS Licensed



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 "Reply To Opposition To Informal Objection And Complaint Concerning Current Interference" was sent on this 29th day of May, 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

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 Reply To Opposition To Informal Objection And Complaint Concerning Current Interference" was sent on this 1st day of June, 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
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Sandi Kempton