

Michael Wagner

From: Tom Hutton
Sent: Monday, November 5, 2018 9:06 AM
To: Michael Wagner
Subject: FW: KBCC(FM)

From: Richard Blackston <richardblackston@yahoo.com>
Sent: Sunday, November 4, 2018 11:10 PM
To: Tom Hutton <Tom.Hutton@fcc.gov>
Cc: ctonemedia@gmail.com
Subject: KBCC(FM)

November 2, 2018

From: Richard Blackston, Chair
Peace and Justice Coalition of
San Joaquin County

To: Tom Hutton <Tom.Hutton@fcc.gov>
Audio Division, Media Bureau
Federal Communications Commission

RE: A) Withdraw of Form 314 Assignment BALED-20180921AAR (KBCC FM)
B) Request for cancellation of low power FM permit for KXVS-LP, Facility ID# 195758

Dear Mr. Hutton,

We are following up on your communications on October 4th with our attorney, Michael Couzens, from which 30 days were given for a decision concerning the Noncommercial Educational license for KBCC FM. We appreciate your patience that the Peace & Justice Coalition may have an opportunity for full internal deliberation between counsel and the parties, but we have also been advised that a consent decree may be in order.

I am taking this opportunity to inform you of our board's decision to keep the full power license, cancel the permit for the low power FM, and address some of the circumstances we have been dealing with, that we may appeal for understanding and leniency in any forthcoming decision by the Commission.

After extensive review and consultations concerning the previous and pending assignments of KBCC FM, the board of the Peace & Justice Coalition convened this week on the evening of Thursday November 1st for our regular meeting. A significant portion of our agenda was devoted to discussing remaining options.

The outcome of this item of our meeting is the PJN board decided on retaining the Full Power NCE license, KBCC FM. The decision was also made to cancel permit of the new low power FM, KXVS-LP. Four copies of the letter are being sent to the Office of the Secretary.

Please know that despite consideration of other possible qualified nonprofit organizations to receive the NCE license, PJN still narrowed down to three candidates. Unfortunately, due to but a 3-mile difference in reference points between the communities of Tracy and Antioch, California, the option of transferring to Delta 2000 was rendered moot.

Another group, a petitioner, could not be further considered not only for several years of persistently aggressive communications against our organization, but for the pattern of questionable dealings meticulously documented within the recent opposition filed by Voice of Stockton.

Although the Voice of Stockton group has earned our full confidence maturing into a vital and separate self-governing nonprofit group in its own right, and has gone on record opposing the petition against them, the PJN board has decided to not to pursue the matter further.

Lacking other viable candidates deemed capable and deserving of receiving the NCE license, then left us with a difficult decision: whether to cancel or reassign the full power NCE license, or cancel the new LPFM permit.

As you could imagine, this was a rather difficult decision for us, as many of the programmers proudly identify with the community of Stockton; whereas PJN - by its full name - strives to serve all of San Joaquin County, which includes Tracy. We have therefore renewed our full focus for KBCC FM.

It was impressed on us by counsel this particular matter has also been a difficult one at the Commission, as KBCC still has a pending Renewal from 2013 awaiting determination, particularly given the previous intermittent operations and Silent STAs.

In our own defense, we would like offer some explanation. A big part of PJN's dilemma was our reliance on a team led by its original consulting engineer Todd Urick, who by mid-2013 fell seriously ill and began a series of delicate medical procedures. For privacy reasons we believed it would not be appropriate to reference publicly as an excuse, but we understand the past Chief of the Audio Division, Peter Doyle, was well aware of Mr. Urick's ordeal.

The field engineer who originally managed the facility was not knowledgeable about preparing applications, nor of other specific technical rules and options for sustaining the project, and did not advise us on whether anything more in these areas other than what Mr. Urick originally laid out, including to seek additional advice.

Fortunately, with engineer Frank Sterling leading a renewed effort in 2017 and assisting KBCC by leaps and bounds, we have learned of other options not previously known to us to keep operation on air continuously that would not have made it necessary to go completely silent during those periods.

We've since learned that KYNJ / KBCC did not have to fall silent or remain solely outside of Tracy city limits due to co-channel and adjacent contours. For example, for we could have instead filed for an Engineering STA from any number of interim locations within town, as Mr. Sterling has done. We have also learned that an Auxiliary antenna could have been set up within the community, which we are preparing to explore.

Additionally, one of the engineers assisting Mr. Sterling has informed us of another option using what is known as a Raleigh Waiver, available to NCEs under certain conditions. If successful, this option will make it possible to set up a new permanent antenna site within the 2nd and 3rd adjacent contours inside city limits. This details of the Raleigh Waiver or the possibility of applying to a construction permit was not previously known to us or our engineers before.

It was previously agreed that Delta 2000 or another assignee would be responsible for perusing any of these options. With PJN now renewing our focus for KBCC FM, PJN and its team will take responsibility for following through and maximizing options.

In summary, the circumstances and decisions confronting PJN have been frustrating. Although the decision choosing between the LPFM and the NCE FM was a difficult one. With new assistance of qualified counsel and engineering support, we now have options for moving forward with our decision.

We thank you for your full patience in considering this matter. We hope and trust the information offered here will be taken into full consideration before a final determination is made concerning the outstanding Renewal application.

Respectfully yours,

Richard Blackston, Chair
Peace and Justice Network

of San Joaquin County
Stockton, California