

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Miriam Media, Inc.) File No. BNPDTL-20100614AGS
)
Application for CP,) Facility ID # 187615
NEW Digital Facility,)
Palm Springs, CA)

To: Secretary

| |
|---|
| Attn: Hossein Hashemzadeh Deputy Chief, Video Division, Media Bureau |
|---|

PETITION TO DENY

Gulf-California Broadcast Company (“Gulf”), licensee of “Class A” Television Station KDFX-CA, Indio-Palm Springs, CA (the “Station”),¹ respectfully submits this Petition to Deny the above-referenced Form 346 Application, filed by Miriam Media, Inc. (“Miriam”), for a construction permit (“CP”) to build a new Channel 39 digital TV translator station at Palm Springs, CA (“Application”).²

Background

The Application proposes digital operations on the same Ch. 39 and at the same site on Edom Hill, north of Palm Springs, as Gulf’s construction permit for Channel 39, granted more than two years ago.³ Miriam’s proposed transmitter site is proposed to be located within 60 meters of the KDFX-CA transmitter site. See Engineering Statement, Appendix A at 1.

¹ KDFX-CA is the Fox TV Network affiliate in the Palm Springs DMA.

² The Application appeared on a “Proposed Construction Permits” Grant List, Report No. PGL 14-2, released March 14, 2014. This Petition is timely, inasmuch as it is filed within 30 days after March 14, 2014.

³ See File Number BDISDTA-20110310AAN, granted January 30, 2012 (“CP Facility”).

ARGUMENT

Because Miriam's proposed transmitter site on Edom Hill is within 60 meters of KDFX-CA's site and also because Miriam's proposed transmitter would not be correlated with KDFX-CA's transmitter, the effects of the operation of both transmitters would be to produce "destructive interference." Id. Indeed, the predicted service contour of Miriam's Application is virtually enclosed entirely within the service contour of KDFX-CA's CP Facility. Id., at Figure 3. In short, the two transmitting facilities are simply incompatible with one another. Id. Because KDFX-CA's CP facility is entitled to protection against any subsequent application that would cause such prohibited interference, the Application should be denied.⁴

Moreover, there are an additional "public interest" bases for denying the Application for Miriam to construct a new Ch. 39 facility on Edom Hill. Gulf's technical studies reveal that the Application proposes a "net service population" of ZERO ("O") persons.⁵ Furthermore, a grant of the Application also would reduce the "net service population" of KDFX-CA's facility.⁶ Thus, in effect, the Application proposes to construct a new facility at Palm Springs that would result in a "**negative** service population [loss] of 984" persons.⁷ A fortiori, the "public interest" would most assuredly NOT be served by the FCC's authorization of a new Ch. 39 digital facility on Edom Hill that would result in digital TV service to **fewer** persons in the Palm Springs DMA than if Miriam's proposed new service were never built. See, e.g., 47 CFR §154 (j).

⁴ See Appendix A at Figures 4 & 5.

⁵ Id., at 2 and Figures 4 & 5.

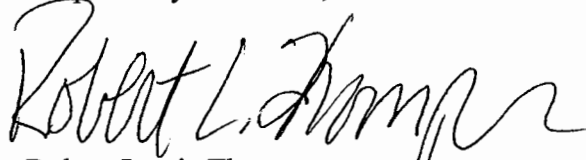
⁶ Id.

⁷ Id., at 2.

CONCLUSION

Accordingly, in view of the foregoing and to best serve the public interest, this Petition should be GRANTED and the Application for a new Ch. 39 at Edom Hill, to serve the Palm Springs DMA, should be either dismissed or DENIED.⁸

Respectfully submitted,



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Counsel for Gulf-California Broadcast Co.
(KDFX-CA)

April 2, 2014

⁸ Cf. NCE MX Group # 503, DA 11-735, released April 25, 2011 (Petition to Deny GRANTED where proposed new facility, inter alia, failed to protect an existing TV facility, contrary to FCC rules);

Appendix A

ENGINEERING STATEMENT
IN SUPPORT OF PETITION TO DENY
PREPARED FOR:
GULF-CALIFORNIA BROADCAST COMPANY
DIGITAL CLASS A STATION KDFX-CA
PALM SPRINGS, CALIFORNIA
CHANNEL 39

This Engineering Statement was prepared on behalf of Gulf-California Broadcast Company, licensee of KDFX-CA, Indio/Palm Springs, California, in support of a Petition to Deny the application for construction permit for a new low power television station in Palm Springs filed by Miriam Media, Inc. (See FCC File No. BNPDTL-20100614AGS.) The application is listed on the FCC's *Low Power / Television Translators: Proposed Construction Permits*, Report No. PGL14-2, Released: March 14, 2014. Figure 1 is a summary of the latest FCC Engineering Database information for the proposed Miriam Media, Inc. facility.

Gulf-California Broadcast Company holds a construction permit for digital Class A operation for KDFX-CA on Channel 39 with a transmitter site located on Edom Hill near Palm Springs, California (See FCC File No. BDISDTA-20110310AAN). The construction permit specifies operation on Channel 39 with a maximum directional ERP of 4.8 kW. Figure 2 is a summary of the latest FCC Engineering Database information for the KDFX-CA construction permit facility.

The Miriam Media Inc. application proposes operation on Channel 39 -- co-channel with the KDFX-CA construction permit facility and with a transmitter site also located on Edom Hill within 60 meters of the KDFX-CA transmitter site. Because the two transmitters are independent and uncorrelated with one another, the effects of operation of both transmitters will be mutually destructive interference. These two transmitting facilities are simply incompatible with one another.

The attached Figure 3 is a map showing the locations of the KDFX-CA transmitter site and the proposed Miriam Media, Inc. transmitter site in addition to the predicted service contours of each. The predicted service contour of the Miriam Media, Inc. application is virtually entirely enclosed within that of the KDFX-CA construction permit facility.

The attached Figures 4 and 5 are excerpts of interference analyses conducted for the KDFX-CA construction permit facility and the proposed Miriam Media, Inc. facility.* What is evident from these studies is that the net service population of the Miriam Media, Inc. facility is 0 (zero) and the net service population of the KDFX-CA facility will be reduced by 984 persons. In effect, the Miriam Media, Inc. facility results in a negative service population of 984. There can be no better example of an 'anti-public interest' facility than one that results in less population served than if it were not on the air in the first place.

This statement and exhibits were prepared by me, or under my direction, and are true and correct to the best of my knowledge and belief.



Louis R. du Treil, Jr.

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, FL 34237

March 28, 2014

* The interference analyses were conducted using the FCC's Office of Engineering and Technology, Bulletin No. 69, "Longley-Rice Methodology for Evaluating TV Coverage and Interference," Feb. 6, 2004. Default parameters were employed in the analyses.

TV Inquiry

du Treil, Lundin, & Rackley, Inc., Sarasota, Florida



| | | | | | |
|---------------------------------------|--------------------|---|---------------------------|-----------------------------------|---------------------|
| Callsign: NEW | Service: LD | Status: APP | App. Status: ACCPT | Border Code: M | Rec. Type: C |
| Channel: 39 | Offset: | Zone: | Docket Number: | DTV Type: | |
| Fac. ID: 187615 | Assoc. ID: | Application File No.: BNPDTL-20100614AGS | | DT Emission Mask: T | |
| City: PALM SPRINGS | State: CA | | Country: US | CP Expiration Date: | |
| Party Name: MIRIAM MEDIA, INC. | | | | Last Change Date: 9/3/2013 | |

| | | |
|---------------------------------------|--|--|
| Latitude (NAD 27): 33-51-59 | HAAT (m): | Polarization: |
| Longitude (NAD 27): 116-26-00 | Maximum HAAT (m): 412 | Electrical Tilt (°): |
| Latitude (NAD 83): 033-51-59.1 | Height AGL (m): 12 | Mechanical Tilt (°): |
| Longitude (NAD 83): 116-26-03 | Overall Height AGL (m): 32 | Mechanical Tilt Azimuth (°): |
| RCAMSL (m): 484 | ERP (kW): 0.004 | Degrees True (°): |
| Site Elevation AMSL (m): 472 | Maximum ERP (kW): | Antenna Make: |
| Frequency (MHz): | Maximum ERP (dBk): -24 | Antenna Model: |
| Visual Frequency (MHz): | Maximum ERP at any Angle (kW): | Multiplexor Loss (dB): |
| Aural Frequency (MHz): | Visual Power Output (kW): 0.001 | Transmission Line Loss (dB): |
| Carrier Frequency (MHz): | Visual Power Output (dBk): | Input to Transmission Line (dBk): |
| Upper Band Frequency (MHz): | Analog Channel: | Maximum Antenna Power Gain (dB): |
| Pred. Coverage Area (km): | | |

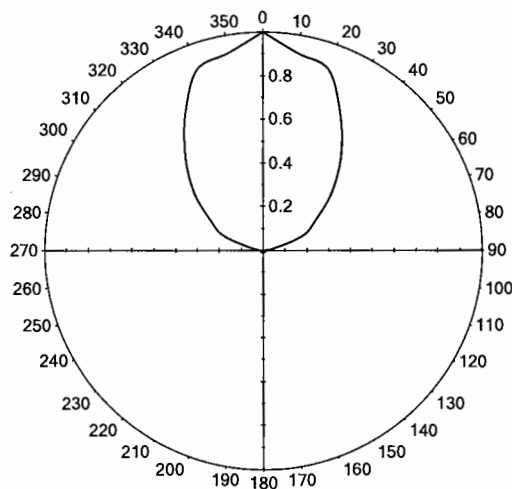
Antenna Type: C **Antenna ID:** 110936 **Rotation (°):** 40

| | | | | | | | |
|-----|-------|------|-------|------|-------|------|-------|
| 0° | 1.000 | 90° | 0.010 | 180° | 0.010 | 270° | 0.010 |
| 10° | 0.917 | 100° | 0.010 | 190° | 0.010 | 280° | 0.048 |
| 20° | 0.880 | 110° | 0.010 | 200° | 0.010 | 290° | 0.190 |
| 30° | 0.710 | 120° | 0.010 | 210° | 0.010 | 300° | 0.280 |
| 40° | 0.555 | 130° | 0.010 | 220° | 0.010 | 310° | 0.410 |
| 50° | 0.410 | 140° | 0.010 | 230° | 0.010 | 320° | 0.550 |
| 60° | 0.280 | 150° | 0.010 | 240° | 0.010 | 330° | 0.710 |
| 70° | 0.190 | 160° | 0.010 | 250° | 0.010 | 340° | 0.880 |
| 80° | 0.048 | 170° | 0.010 | 260° | 0.010 | 350° | 0.917 |

Standard Pattern:

Antenna Make: SBP
Antenna Model: UPSL

Last Change Date:



Note: Rotation or tilt is not applied to the pattern shown

| Callsign | Begin Date | Record Change Date |
|-----------------|-------------------|---------------------------|
|-----------------|-------------------|---------------------------|

TV Inquiry

du Treil, Lundin, & Rackley, Inc., Sarasota, Florida



| | | | | | |
|--|--------------------|--|---------------------------|-------------------------------------|---------------------|
| Callsign: KDFX-CA | Service: DC | Status: CP | App. Status: GRANT | Border Code: M | Rec. Type: C |
| Channel: 39 | Offset: | Zone: | Docket Number: | DTV Type: | |
| Fac. ID: 51207 | Assoc. ID: | Application File No.: BDISDTA-20110310AAN | | DT Emission Mask: F | |
| City: INDIO/PALM SPRINGS | | State: CA | Country: US | CP Expiration Date: 9/1/2015 | |
| Party Name: GULF-CALIFORNIA BROADCAST COMPANY | | | | Last Change Date: 1/30/2012 | |

| | | |
|---------------------------------------|---------------------------------------|--|
| Latitude (NAD 27): 33-51-58 | HAAT (m): | Polarization: |
| Longitude (NAD 27): 116-26-02 | Maximum HAAT (m): 416 | Electrical Tilt (°): |
| Latitude (NAD 83): 033-51-58.1 | Height AGL (m): 14 | Mechanical Tilt (°): |
| Longitude (NAD 83): 116-26-05 | Overall Height AGL (m): 27.1 | Mechanical Tilt Azimuth (°): |
| RCAMSL (m): 488 | ERP (kW): 4.8 | Degrees True (°): |
| Site Elevation AMSL (m): 474 | Maximum ERP (kW): | Antenna Make: |
| Frequency (MHz): 626 | Maximum ERP (dBk): 6.8 | Antenna Model: |
| Visual Frequency (MHz): | Maximum ERP at any Angle (kW): | Multiplexor Loss (dB): |
| Aural Frequency (MHz): | Visual Power Output (kW): 0.35 | Transmission Line Loss (dB): |
| Carrier Frequency (MHz): | Visual Power Output (dBk): | Input to Transmission Line (dBk): |
| Upper Band Frequency (MHz): | Analog Channel: | Maximum Antenna Power Gain (dB): |
| Pred. Coverage Area (km): | | |

Antenna Type: D **Antenna ID:** 20753 **Rotation (°):** 190

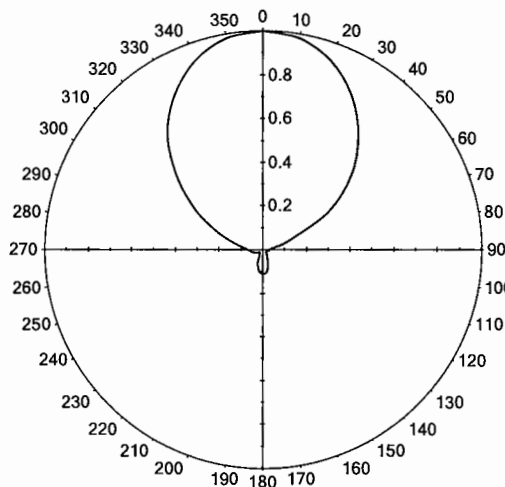
| | | | | | | | |
|-----|-------|------|-------|------|-------|------|-------|
| 0° | 1.000 | 90° | 0.030 | 180° | 0.110 | 270° | 0.070 |
| 10° | 0.980 | 100° | 0.030 | 190° | 0.100 | 280° | 0.115 |
| 20° | 0.917 | 110° | 0.020 | 200° | 0.065 | 290° | 0.210 |
| 30° | 0.813 | 120° | 0.020 | 210° | 0.030 | 300° | 0.350 |
| 40° | 0.680 | 130° | 0.020 | 220° | 0.020 | 310° | 0.510 |
| 50° | 0.530 | 140° | 0.030 | 230° | 0.020 | 320° | 0.680 |
| 60° | 0.350 | 150° | 0.040 | 240° | 0.030 | 330° | 0.810 |
| 70° | 0.140 | 160° | 0.070 | 250° | 0.040 | 340° | 0.915 |
| 80° | 0.060 | 170° | 0.105 | 260° | 0.055 | 350° | 0.980 |

Standard Pattern: Y

Antenna Make: SCA

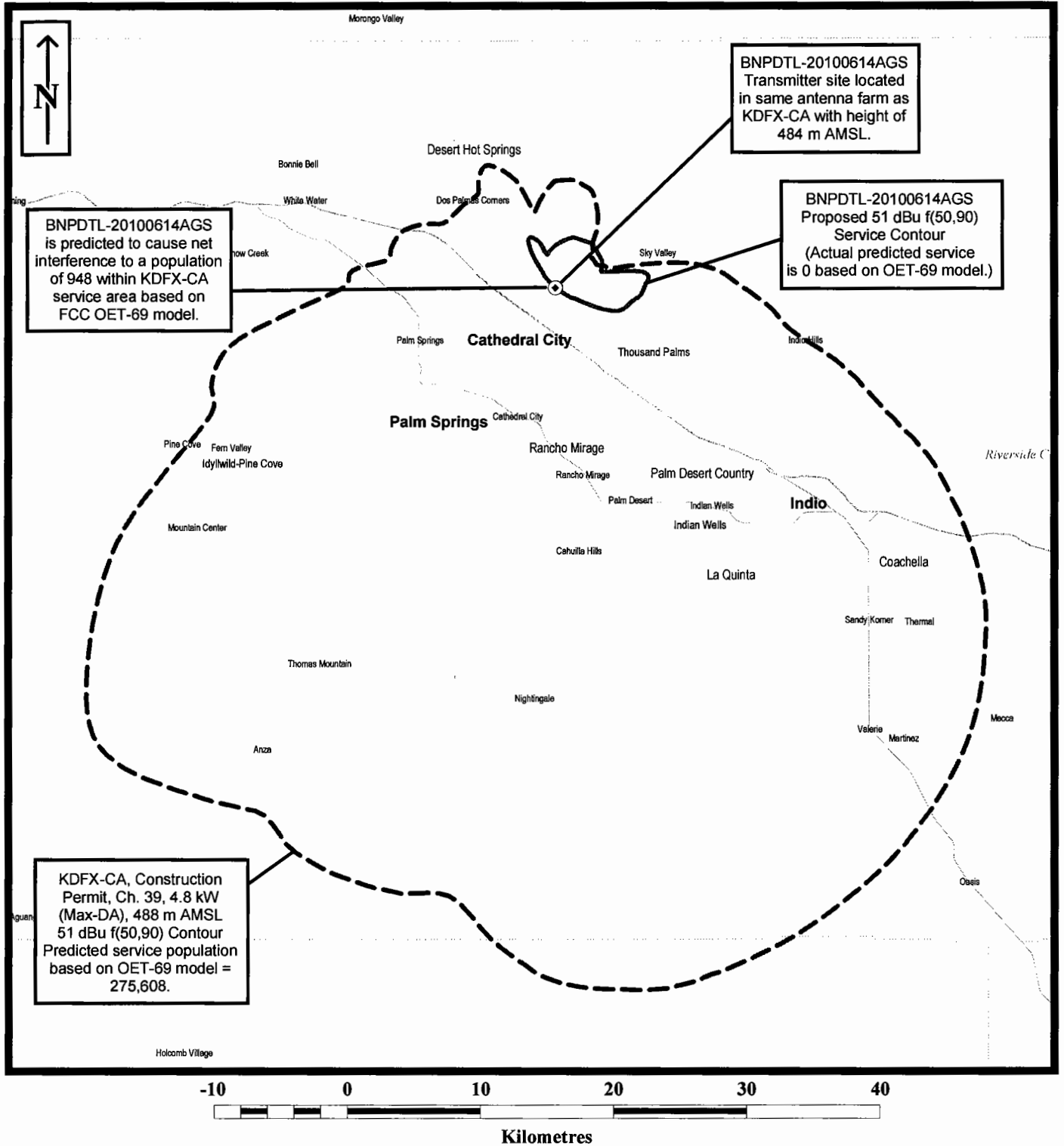
Antenna Model: 4DR-8S

Last Change Date: 2/17/2004



Note: Rotation or tilt is not applied to the pattern shown

| Callsign | Begin Date | Record Change Date |
|-----------------|-------------------|---------------------------|
| KDFX-CA | 4/7/2003 | 4/8/2003 |
| KDFX-LP | 8/23/1997 | |
| K40DB | 1/4/1990 | |
| 890309SP | | |



PREDICTED OVERLAP OF KDFX-CA AUTHORIZED CHANNEL 39 SERVICE AREA BY PROPOSED BNPDTL-20100614AGS

TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Record Selected for Analysis

NEW BNPDTL -20100614AGS PALM SPRINGS CA US
 Channel 39 ERP 0.004 kW HAAT 415 m RCAMSL 00484 m STRINGENT MASK
 Latitude 033-51-59 Longitude 0116-26- 0
 Status APP Zone Border M Site number: 01
 Dir Antenna Make CDB Model 00000000110936 Beam tilt N Ref Azimuth 40.0
 Last update 00000000 Cutoff date 20100614 Docket
 Comments
 Applicant MIRIAM MEDIA, INC.

Cell Size for Service Analysis 1.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

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Analysis of Interference to Affected Station 52

Analysis of current record

| Channel | Call | City/State | Application | Ref. No. |
|---------|------|-----------------|-------------|--------------|
| 39 | NEW | PALM SPRINGS CA | BNPDTL | -20100614AGS |

Stations Potentially Affecting This Station

| Chan | Call | City/State | Dist(km) | Status | Application | Ref. No. |
|------|---------|-----------------------|----------|--------|-------------|--------------|
| 38 | KPSP-CD | CATHEDRAL CITY CA | 0.1 | LIC | BLDTA | -20100930AVC |
| 39 | KABE-CD | BAKERSFIELD CA | 264.8 | LIC | BLDTL | -20100922ABW |
| 39 | KVEA | CORONA CA | 154.8 | LIC | BLCDT | -20100629AZI |
| 39 | K39DW | DAGGETT, ETC. CA | 120.9 | LIC | BLTT | -19950929IK |
| 39 | NEW | DESERT CENTER CA | 70.0 | APP | BNPDTL | -20100514ACP |
| 39 | KDFX-CA | INDIO/PALM SPRINGS CA | 0.1 | CP | BDISDTA | -20110310AAN |
| 39 | KZSD-LP | SAN DIEGO CA | 138.2 | CP | BDISDTL | -20080801BAR |
| 40 | KVER-CA | INDIO CA | 0.1 | APP | BDISDTA | -20100922ABX |
| 40 | KRMV-LP | MORENO VALLEY CA | 78.8 | CP MOD | BMPDTL | -20131212BFT |
| 40 | K40HX | MORONGO VALLEY CA | 24.4 | CP | BDFCDTT | -20120110ADI |
| 40 | K40HX | MORONGO VALLEY CA | 24.4 | LIC | BLTT | -20060119ACC |
| 40 | NEW | PALM SPRINGS CA | 0.0 | APP | BNPDTL | -20100519AEB |

Total scenarios = 5

Result key: 10
 Scenario 1 Affected station 52
 Before Analysis

Results for: 39A CA PALM SPRINGS BNPDTL 20100614AGS APP
 HAAT 415.0 m, ATV ERP 0.0 kW

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 376 | 37.5 |
| not affected by terrain losses | 376 | 37.5 |
| lost to NTSC IX | 0 | 0.0 |
| lost to additional IX by ATV | 376 | 28.6 |
| lost to ATV IX only | 376 | 28.6 |
| lost to all IX | 376 | 28.6 |
| Net service population | 0 | |

Potential Interfering Stations Included in above Scenario 1

38A CA CATHEDRAL CITY BLDTA 20100930AVC LIC
 39A CA INDIO/PALM SPRINGS BDISDTA 20110310AAN CP

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Note: The net service population is calculated to be 0 (zero) persons. This is calculated by taking the population 'not affected by terrain losses' of 376 persons and subtracting the population 'lost to all IX', also 376, which results in a net service of 0 persons.

TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Record Selected for Analysis

NEW BNPDTL -20100614AGS PALM SPRINGS CA US
 Channel 39 ERP 0.004 kW HAAT 415 m RCAMSL 00484 m STRINGENT MASK
 Latitude 033-51-59 Longitude 0116-26- 0
 Status APP Zone Border M Site number: 01
 Dir Antenna Make CDB Model 00000000110936 Beam tilt N Ref Azimuth 40.0
 Last update 00000000 Cutoff date 20100614 Docket
 Comments
 Applicant MIRIAM MEDIA, INC.

Cell Size for Service Analysis 1.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

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Analysis of Interference to Affected Station 26

Analysis of current record

| Channel | Call | City/State | Application | Ref. No. |
|---------|---------|-----------------------|-------------|--------------|
| 39 | KDFX-CA | INDIO/PALM SPRINGS CA | BDISDTA | -20110310AAN |

Stations Potentially Affecting This Station

| Chan | Call | City/State | Dist(km) | Status | Application | Ref. No. |
|------|---------|-------------------|----------|--------|-------------|--------------|
| 38 | KPSP-CD | CATHEDRAL CITY CA | 0.1 | LIC | BLDTA | -20100930AVC |
| 39 | K39KW-D | YUMA AZ | 235.8 | CP | BNPDTL | -20090825BSM |
| 39 | KABE-CD | BAKERSFIELD CA | 264.8 | LIC | BLDTL | -20100922ABW |
| 39 | KVEA | CORONA CA | 154.8 | LIC | BLCDT | -20100629AZI |
| 39 | K39DW | DAGGETT, ETC. CA | 120.9 | LIC | BLTT | -19950929IK |
| 39 | NEW | DESERT CENTER CA | 70.1 | APP | BNPDTL | -20100514ACP |
| 39 | NEW | HOLTVILLE CA | 162.3 | APP | BNPDTL | -20100510AAE |
| 39 | NEW | PALM SPRINGS CA | 0.1 | APP | BNPDTL | -20100614AGS |
| 39 | KZSD-LP | SAN DIEGO CA | 138.1 | CP | BDISDTL | -20080801BAR |
| 40 | KPCD-LP | BIG BEAR LAKE CA | 47.6 | LIC | BLTTL | -20070525AIV |
| 40 | KVER-CA | INDIO CA | 0.1 | APP | BDISDTA | -20100922ABX |
| 40 | KRMV-LP | MORENO VALLEY CA | 78.7 | CP MOD | BMPDTL | -20131212BFT |
| 40 | K40HX | MORONGO VALLEY CA | 24.4 | CP | BDFCDTT | -20120110ADI |
| 40 | K40HX | MORONGO VALLEY CA | 24.4 | LIC | BLTT | -20060119ACC |
| 40 | NEW | PALM SPRINGS CA | 0.1 | APP | BNPDTL | -20100519AEB |
| 40 | KPCD-LP | WRIGHTWOOD CA | 91.3 | CP | BDFCDTL | -20101130AOF |

Total scenarios = 9

Result key: 5
Scenario 5 Affected station 26
Before Analysis

Results for: 39A CA INDIO/PALM SPRINGS BDISDTA 20110310AAN CP
HAAT 419.0 m, ATV ERP 4.8 kW

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 292439 | 2987.8 |
| not affected by terrain losses | 276101 | 2255.2 |
| lost to NTSC IX | 0 | 0.0 |
| lost to additional IX by ATV | 493 | 119.8 |
| lost to ATV IX only | 493 | 119.8 |
| lost to all IX | 493 | 119.8 |
| Net service population | 275,608 | |

Potential Interfering Stations Included in above Scenario 5

38A CA CATHEDRAL CITY BLDTA 20100930AVC LIC
39A CA CORONA BLCDT 20100629AZI LIC
39A CA DESERT CENTER BNPDTL 20100514ACP APP

After Analysis

Results for: 39A CA INDIO/PALM SPRINGS BDISDTA 20110310AAN CP
HAAT 419.0 m, ATV ERP 4.8 kW

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 292439 | 2987.8 |
| not affected by terrain losses | 276101 | 2255.2 |
| lost to NTSC IX | 0 | 0.0 |
| lost to additional IX by ATV | 1441 | 168.3 |
| lost to ATV IX only | 1441 | 168.3 |
| lost to all IX | 1441 | 168.3 |
| Net service population | 274,660 | |

Potential Interfering Stations Included in above Scenario 5

38A CA CATHEDRAL CITY BLDTA 20100930AVC LIC
39A CA CORONA BLCDT 20100629AZI LIC
39A CA DESERT CENTER BNPDTL 20100514ACP APP
39A CA PALM SPRINGS BNPDTL 20100614AGS APP

Percent new IX = 0.3440%

Worst case new IX 0.3440% Scenario 5

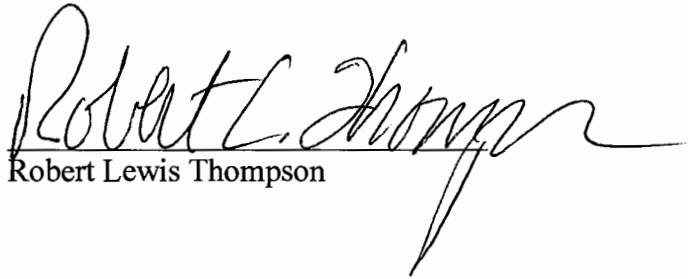
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Note: The net interference effect from the Miriam Media, Inc. application is calculated by taking the net service population for KDFX-CA from the 'Before Analysis', which is 275,608, and subtracting the net service population for the 'After Analysis', which is 274,660. This results in a net interference effect of 948 persons, or in other words, 984 persons subject to interference due to the Miriam Media, Inc. application facility.

CERTIFICATE OF SERVICE

I, Robert Lewis Thompson, Of Counsel to Smithwick & Belendiuk, P.C., certify that on April 2, 2014, a copy of the foregoing "PETITION TO DENY" was served on counsel for Miriam Media, Inc. by prepaid US mail:

Evan D. Carb, Esq..
1140 19th St., NW #600
Washington, DC 20036


Robert Lewis Thompson