BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

RECEIVED
DEC 27 2002
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of	)	
	)	
Frequency Radio	)	
	)	
For an Experimental Radio Station License and Construction Permit WC2XZV, Antelope Valley, CA	)	File No. 0221-EX-PL-2002

To: Chief, Office of Engineering and Technology

PETITION FOR RECONSIDERATION,
FOR IMMEDIATE CANCELLATION OF EXPERIMENTAL AUTHORITY,
FOR AN ORDER TO CEASE AND DESIST, AND FOR MONETARY FORFEITURE

High Desert Broadcasting LLC ("High Desert"), licensee of radio stations KUTY(AM), Palmdale, California, KWJL(AM) and KGMX(FM), Lancaster, California, KKZQ(FM), Tehachapi, California, and KLKX(FM), Rosamond, California, by its attorneys and pursuant to Section 1.106 of the Commission's Rules, hereby petitions for reconsideration and rescission of the grant of the above-captioned application of Frequency Radio for an experimental radio station construction permit and license for WC2XZV (the "Station").[1] As set forth herein, Frequency Radio, a known pirate broadcaster, is using its experimental license as a guise to continue its illegal operations. Frequency Radio made false certifications in its application, has blatantly violated the terms of its experimental license, and causes destructive interference to other radio stations with its unauthorized operation of the Station. In light of these egregious violations, the Commission should force the Station to immediately cease and desist its

[1] Section 1.106(f) of the Commission's rules provides that a petition for reconsideration "shall be filed within 30 days from the date of public notice of the final Commission action." 47 C.F.R. ¶ 1.106(f). Public Notice of the grant of this application is scheduled to be released in late December of 2002. Accordingly, this Petition is timely filed.

unauthorized operations, should assess a forfeiture penalty against the Station, and should promptly reconsider and rescind the Station's experimental license.

I. Background

On September 26, 2002, Frequency Radio submitted an application on FCC Form 442 seeking an experimental license to operate up to 20 kHz of bandwidth in the 87.5 to 88.1 MHz frequency range and on 104.7 MHz within a 50 km radius around Rosamond, California. According to the application, Frequency Radio would utilize the experimental license to design a system to "permit a smooth evolution from current analog Amplitude Modulation (AM) and frequency Modulation (FM) to fully digital in-band-on-channel (IBOC)."[2] On its face, it appeared from the application that Frequency Radio had a valid and legitimate goal: it would use the license to test IBOC to demonstrate that low power FM stations can be spaced on second and third channels. On November 27, 2002, the Commission's Office of Engineering and Technology granted Frequency Radio an experimental license to use and operate a radio transmitting facility "in accordance with the program of experimentation described by the licensee in its application for license."[3]

Subsequent to the grant of the application, High Desert discovered that Frequency Radio was not operating in accordance with a program of experimentation; instead, it is grossly violating nearly every operating parameter and condition of its license. After detecting interference on 104.7 MHz in Southern California, High Desert investigated the problem and discovered the culprit: Frequency Radio. As set forth below, High Desert discovered that Frequency Radio (i) is a known pirate broadcaster, (ii) is operating the Station as a conventional, not experimental, radio station, with full-time music and voice programming, and (iii) is

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[2] A copy of the application is attached hereto as Exhibit A.

exceeding its authorized power level, bandwidth limitations, and technical parameters. This unauthorized broadcast has resulted in listener complaints and interference to radio stations in the Los Angeles radio market. As the licensee of multiple radio stations operating in the same market as Frequency Radio, High Desert is a party in interest pursuant to Section 1.106(b) of the Commission's Rules and Section 405 of the Communications Act of 1934, as amended, and has standing to file this Petition.[4] It is not in the public interest to allow a pirate broadcaster, such as Frequency Radio, the opportunity to obtain an experimental license, violate the license's terms, cause destructive interference to other stations, and essentially use the license as camouflage for continued illegal pirate operations. Accordingly, the Commission should promptly order the Station to immediately cease and desist its illegal operations, should impose a monetary penalty, and should reconsider and rescind Frequency Radio's experimental license.

II. Frequency Radio has blatantly disregarded the FCC's rules by willfully and repeatedly operating illegally as a pirate broadcaster, and thus, does not possess the basic character qualifications to be a Commission licensee.

Frequency Radio has been, and continues to be, a pirate operator operating outside of the law.[5] Frequency Radio is a known pirate broadcaster that has repeatedly operated unlicensed FM stations in California's Antelope Valley and San Fernando Valley, the heart of the Los Angeles radio market. As detailed in the Declaration of Charles R. Hastings, the President and owner of Broadcast Engineering Services in Camarillo, California, during the past years, the

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3 Experimental Radio Station Construction Permit and License for WC2XZV, attached hereto as Exhibit B.

4 Because applications for experimental permits and licenses are not placed on public notice prior to grant, High Desert was unaware of the Frequency Radio application. Accordingly, it was not possible to submit this information prior to the grant. It was only after the application grant that High Desert discovered that Frequency Radio was operating in wanton disregard of the license parameters and causing interference to other stations' transmissions with its unauthorized broadcasts.

5 The operation of a station without an FCC license violates Section 301 of the Communications Act of 1934. 47 U.S.C. § 301.

FCC's Los Angeles field office has forced Frequency Radio to cease its unlicensed broadcasts.[6] In fact, in 1999, Mr. Hastings personally detected one of the previous sites of unauthorized pirate operations and reported the operation to the FCC's local field office, which took prompt action to shut down the station. Frequency Radio is thus fully aware that it is a violation of Section 301 of the Communications Act to transmit on the FM band without a legitimate license.

The Commission considers unlicensed operation to be a serious matter, and not one that can simply be overlooked.[7] The Commission's Broadcast Character Policy Statement provides that violations of the Communications Act or the Commission's Rules are matters which are predictive of licensee behavior and directly relevant to the Commission's regulatory activities.[8] Past pirate operations do not automatically bar a person or group from holding a legitimate license in the future, but Frequency Radio's blatant contempt for the Commission and its Rules, evidenced by its willful and repeated operation of illegal pirate stations, is sufficient to disqualify it for consideration as a licensee. Frequency Radio's misconduct was not merely an isolated single violation. It has exhibited a cavalier disregard for the FCC's rules and a pattern of misconduct raising "a prima facie question about [his] qualifications" to operate a station.[9] Because of Frequency Radio's flagrant and continuing refusal to comply with the FCC's rules and regulations, it cannot be relied upon to carry out the responsibilities of a licensee; it does not possess the basic character qualifications to hold an authorization and remain a Commission

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6 The Declaration of Charles R. Hastings is attached hereto as Exhibit C.

7 See Liberty Cable Co., Inc., 15 FCC Rcd 25050, 25073 (2000) ("unlicensed radio violation is a serious violation of the Act, and enforcement of Section 301 is a core Commission responsibility").

8 See Policy Regarding Character Qualifications in Broadcast Licensing, 102 FCC 2d 1179 (1986) (subsequent history omitted) ("Character Policy").

9 United Broadcasting Co., 86 FCC 2d 452 (1981) ¶ 10.

licensee.[10] If the Commission had been aware of Frequency Radio's track record of unlicensed operation, perhaps its subterfuge could have been predicted and avoided.

In assessing an application, "the fundamental purpose of . . . [the Commission's] character inquiry is to make predictive judgments relating to an applicant's propensity to deal honestly with the Commission and to comply with [its] rules and policies."[11] A license grant is in the public interest if the applicant can be expected to be honest in its dealings with the Commission and to operate consistent with the requirements.[12] As detailed herein, the grant of Frequency Radio's application was clearly not in the public interest.

III. Frequency Radio's experimental license is simply a subterfuge to make its unauthorized operations appear legal.

Frequency Radio successfully tricked the FCC into thinking that its application and intended use of the experimental license was legitimate. In filing its application, Frequency Radio had a duty of candor, a duty to be "fully forthcoming as to all facts and information relevant" to its application.[13] Frequency Radio's application on FCC Form 442 for the experimental license is not candid and truthful; it is replete with disingenuous and misleading certifications.

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10 See, e.g., Leslie D. Brewer, 16 FCC Rcd 12878 (2001) (concluding that based upon evidence of "pirate radio" and unlawful activities, licensee lacked the basic character qualifications to be and remain a Commission licensee); Liberty Cable Co., 16 FCC Rcd 16105 (2001) (denying applications of Liberty for private operational fixed microwave services (OFS) because of Liberty's extensive record of unlicensed OFS operations and untruthfulness in connection with its applications); Weiner Broadcasting Company, 6 FCC Rcd 4337, 4344 (1991) ("blatant contempt for the Commission and its Rules by willfully and repeatedly operating illegally as 'Pirate Joe' over a two and a half year period of time is sufficient to disqualify him for consideration as a licensee.").

11 Character Policy at ¶ 114.

12 Id. At ¶ 21. This obligation stems from the fact that a broadcast licensee is a "public trustee, entrusted with the use of a precious resource, and accordingly should maintain a high standard of conduct." United Broadcasting Company, 49 RR 2d 597 (1981) at ¶ 7.

13 Swan Creek Communications, Inc. v. FCC, 39 F.3d. 1217, 1222 (D.C. Cir. 1994).

In its application, Frequency Radio certified, among other things, that (i) all of its operations would be on an experimental basis in accordance with Part 5 and other applicable rules, and that it recognized (ii) that it would not be authorized to operate on any basis other than an experimental basis.[14] The importance of limiting operations to equipment testing and evaluation is reiterated in the experimental license issued to the Station, which states that "no commercial operations including no generation of revenue are authorized under this experimental license."[15] Frequency Radio had clear and explicit notice of its operating restraints.

Frequency Radio is not using its license for research to demonstrate that low power FM stations can be spaced on second and third channels. Instead, it is using its license to do what it is explicitly prohibited from doing – it is operating a commercial station. As detailed in the attached declarations of Charles R. Hastings and Vicki Connors, the General Manager of High Desert Broadcasting Company in Palmdale, California, the Station is operating music and voice programming, consisting of recorded "Trance" or "Club Music" and announcements, on a full time, unattended basis. It identifies itself as "Frequency Radio" in intermittent voice announcements and operates like a conventional low power analog FM broadcast station.[16] It seems to flaunt the illegal nature of its operation with a website that does not even remotely resemble a site for the testing of electronics. Rather, the website, at www.1047.fm, has content consistent with commercial operation of the Station and promotes the unauthorized operations of the Station.[17]

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14 See Exhibit A at 3.

15 See Exhibit B (special condition # 4).

16 See Exhibit C and Declaration of Vicki Connors, attached hereto as Exhibit D.

17 A copy of the Frequency Radio website is attached hereto as Exhibit E.

In addition, the Station does not utilize an experimental digital sideband operation of the type authorized in its license.[18] It operates with the same frequency, analog signal, equipment, and entertainment format as its previous unauthorized FM pirate operations. It commenced its unauthorized operation well before the November 27, 2002 initial issuance date of its experimental license, and it now utilizes the experimental license as a mere pretext for its unauthorized commercial pirate FM operation.[19]

IV. Frequency Radio has flagrantly violated nearly every technical parameter of its license, and its unauthorized operation causes harmful interference to KCAQ.

Frequency Radio's experimental license, issued by the FCC's Office of Engineering and Technology, allows it to operate with 100 watts of power on up to 20 kHz of bandwidth in the 87.5 to 88.1 MHz frequency range and on 104.7 MHz within a 50 km radius around Rosamond, California. The license explicitly mandates the following special conditions to operation:

(1) In lieu of frequency tolerance, the occupied bandwidth of the emission shall not extend beyond the band limits set forth above.
(2) Licensee should be aware that other stations may be licensed on these frequencies and if any interference occurs, the licensee of this authorization will be subject to immediate shut down.
(3) Operation is subject to prior coordination with the Society of Broadcast Engineers.
(4) Operations are limited to equipment testing and evaluation only. No commercial operations including no generation of revenue are authorized under this experimental license.

Frequency Radio's operation bears no semblance to the operation authorized in the license for the Station. As demonstrated below, Frequency Radio has flagrantly violated nearly every technical parameter and special condition for operation, and accordingly the Commission must order Frequency Radio to promptly cease operations.

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18 As detailed in the Declaration, Charles Hastings would have been unable to decode the music and announcements if the Station was operating in digital mode on a narrow sideband in accordance with its license. See Exhibit C.

19 See Exhibit C and Exhibit D.

Upon measuring and determining the location, technical characteristics, and broadcast content of the transmissions of the Station, Charles R. Hastings discovered a laundry list of violations, including the following: (1) Frequency Radio operates the Station full time on 104.7 MHz from a building top transmitter site at 343 E. Palmdale Boulevard in Palmdale, California and employs a conventional "FM/TV" style Yagi antenna mounted vertically; (2) its field strength of 22.4 mv/m is consistent with an effective radiated power exceeding the 100 watts authorized in its license; (3) the Station's signal is not a digital emission, and is not on a sideband subcarrier, as required by the Station's experimental license; (4) the Station's signal greatly exceeds the authorized bandwidth of 20 kHz and occupies the full 180 kHz bandwidth of the channel; and (5) the Station's transmitter site provides strong reception outside of the authorized area of operation.[20]

In addition, Frequency Radio's present configuration and unauthorized operation at the Station's unauthorized transmitter site is dramatically short spaced, under the Commission's FM broadcast rules, to both KBIG(FM) and KMZT(FM) in Los Angeles, California.[21] The Station is also causing harmful interference to the reception of co-channel station KCAQ(FM) in Oxnard, California.[22] Unlicensed operation is an egregious violation due in part to the potential interference threat, and in the instant case, the actual interference to other stations. Due to the destructive interference, the Commission must force Frequency Radio to immediately cease and desist its unauthorized operations.[23] Furthermore, due to the laundry list of egregious violations

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20 See Exhibit C.

21 See 47 C.F.R. § 73.207 and Declaration of Lawrence Morton, attached hereto as Exhibit F.

22 Id.

23 See Exhibit B ("if any interference occurs, the licensee of this authorization will be subject to immediate shut down.").

of the FCC's rules, as detailed above, the Commission should promptly assess a monetary forfeiture against Frequency Radio.[24]

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[24] The Commission's Rules provide that a forfeiture penalty, of up to $27,500 for each violation or each day of a continuing violation, may be assessed against any person found to have willfully or repeatedly violated the terms and conditions of any license. 47 C.F.R. § 1.80. Among the base amounts of forfeiture penalties that should be imposed upon Frequency Radio are: (1) $10,000 due to its operation without an instrument of authorization; (2) $7,000 due to the interference to KCAQ(FM); (3) $5,000 for exceeding its authorized antenna height; (4) $5,000 for the use of unauthorized equipment; (5) $4,000 for exceeding the power limits; (6) $4,000 for the failure to engage in frequency coordination; and (7) $4,000 for the operation at an unauthorized location. These base amounts should then be adjusted upward due to Frequency Radio's egregious misconduct, intentional and repeated violations, and prior violations of the FCC requirements.

Conclusion

Frequency Radio's experimental license should not and would not have been issued but for its deliberate and calculated concealment of its past transgressions and its concealment of its intent to utilize the license to continue its pirate radio operation. It has shown disdain and callous disregard toward the Commission's rules and regulations. For all of the foregoing reasons, it is respectfully requested that the Commission order Frequency Radio to immediately cease and desist its unauthorized broadcasts, and that the Commission assess a monetary forfeiture against Frequency Radio, reconsider the grant of the experimental license, and upon reconsideration, promptly rescind the license.

Respectfully submitted,

HIGH DESERT BROADCASTING LLC

By: _____
David D. Oxenford
Amy L. Van de Kerckhove

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128
(202) 663-8000

December 27, 2002

EXHIBIT A

You will be presented with the FCC FORM 159, Fee Remittance Advice after submitting your application and obtaining a confirmation number.

FCC FORM 442 - FEDERAL COMMUNICATIONS COMMISSION APPLICATION FOR NEW OR MODIFIED RADIO STATION UNDER PART 5 OF FCC RULES - EXPERIMENTAL RADIO SERVICE (OTHER THAN BROADCAST)

Approved by OMB 3060 - 0065 Expires 09/30/98

File No. 0221-EX-PL-2002

1. * Applicant's Name (company)

FREQUENCY RADIO

2. Mailing Address:

Attention:*

FERNANDO SAUNDERS

Street Address:

P.O. Box:

P.O Box 902346

City:* Palmdale

State:* CALIFORNIA

Zip Code:* 93590

E-Mail Address: frequnencyradio@msn.com

Country:

3(a). * Application is for: NEW STATION

3(b). For Modification indicate below: File No: Callsign:

4. * Is this authorization to be used for fulfilling the requirement of a government contract with an agency of the United States Government? If "YES", include as an exhibit a narrative statement describing the government project, agency and contract number.

○ Yes ◉ No

5. * Is this authorization to be used for the exclusive purpose of developing radio equipment for export to be employed by stations under the jurisdiction of a foreign government? If "YES", include the contract number and the name of the foreign government concerned as an exhibit.

○ Yes ◉ No

6. * Is this authorization to be used for providing communications essential to a research project? (The radio communication is not the objective of the research project)? If "YES", include as an exhibit the following information:

◉ Yes ○ No

a. A description of the nature of the research project being conducted.
b. A showing that the communications facilities requested are necessary for the research project involved.
c. A showing that existing communications facilities are inadequete.

7. If all the answers to Items 4, 5, 6 are "NO", include as an exhibit a narrative statement describing in detail the following items:

a. The complete program of research and experimentation proposed including description of equipment and theory of operation.
b. The specific objectives sought to be accomplished.

c. How the program of experimentation has a reasonable promise of contribution to the development, extension, expansion or utilization of the radio art, or is along line not already investigated.

8. * Give an estimate of the length of time that will be required to complete the program of experimentation proposed in this application: 24 in Months

9. * Would a commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? If "YES", include as an exhibit an Environmental Assessment as required by Section 1.1311. ○ Yes ◉ No

10. List below transmitting equipment to be installed (if experimental, so state) if additional rows are required, please submit equipment list as an exhibit :

MANUFACTURER	MODEL NUMBER	NO. OF UNITS	EXPERIMENTAL?
Broadcast Warehouse	TX5 PRO	2	○ Yes ◉ No
Broadcast Warehouse	TX300	2	○ Yes ◉ No
N/A digital radio	Packet encoder	2	◉ Yes ○ No
Creative Design	Yagi antenna	2	○ Yes ◉ No
			○ Yes ○ No

11. * Is the equipment listed in Item 10 capable of station identification pursuant to Section 5.115? ◉ Yes ○ No

12. *Applicant is: ◉ INDIVIDUAL ○ ASSOCIATION ○ PARTNERSHIP ○ CORPORATION ○ OTHER
If "OTHER" is selected, include as an exhibit a narrative statement describing the type of applicant.

13. * Is applicant a foreign government or a representative of a foreign government? ○ Yes ◉ No

14. * Has applicant or any party to this application had any FCC station license or permit revoked or any application for permit, license or renewal denied by this Commission? ○ Yes ◉ No
If "YES", include as an exhibit a statement giving call sign of license or permit revoked and relate circumstances.

15. * Will applicant be owner and operator of the station? ◉ Yes ○ No

16. Give the following information of person who can best handle inquiries pertaining to this application:

* Last Name: SAUNDERS
* First Name: FERNANDO
* Title: Owner
* Phone Number (include area code): 818-231-6292
E-Mail Address: frequencyradio@msn.com

17. * APPLICANT ANTI-DRUG ABUSE CERTIFICATION: ◉ Yes ○ No
By checking "YES", the individual applicant certifies that he or she is eligible for this license. This requires that he or she is not subject to a denial of federal benefits, including FCC benefits, as a result of a drug offense conviction pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. A non-individual applicant, e.g., corporation. partnership or other unincorporated association, certifies that no party to the application is subject to a denial of federal benefits, pursuant to that section. For definition of a "party" for these purposes, see 47CFR 1.2002(b).

18. CERTIFICATION:
THE APPLICANT CERTIFIES THAT:

a. **Copies of the FCC Rule Parts 2 and 5 are on hand; and**
b. **Adequete financial appropriations have been made to carry on the program of experimentation which will be conducted by qualified personnel; and**
c. **All operations will be on an experimental basis in accordance with Part 5 and other applicable rules, and will be conducted in such a manner and at such a time as to preclude harmful interference to any authorized station; and**
d. **Grant of the authorization requested herein will not be construed as a finding on the part of the Commission:**
    1. **that the frequencies and other technical parameters specified in the authorization are the best suited for the proposed program of experimentation, and**
    2. **that the applicant will be authorized to operate on any basis other than experimental, and**
    3. **that the Comission is obligated by the results of the experimental program to make provision in its rules including its table of frequency allocations for applicant's type of operation on a regularly licensed basis.**

THE APPLICANT FURTHER CERTIFIES THAT:

e. **All the statements in the application and attached exhibits are true, complete and correct to the best of the applicant's knowledge; and**
f. **The applicant is willing to finance and conduct the experimental program with full knowledge and understanding of the above limitations; and**
g. **The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the USA.**

Name of Applicant:
FREQUENCY RADIO

*** Signature (Authorized person filing form):**
Fernando Saunders

Signature Date (Authorized person filing form):
Sep 26 2002 4:43PM

*** Title of Person Signing Application:**
Owner

***Check appropriate classification:**
◉ **Individual Applicant** ○ **Member of applicant partnership**
○ **Authorized employee** ○ **Office of applicant corporation or association**

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

NOTIFICATION TO INDIVIDUALS UNDER PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT OF 1980

Information requested through this form is authorized by the Communications Act of 1934, as amended, and specified by Section 308 therein. The information will be used by Federal Communications Commission staff to determine eligibility for issuing authorizations in the use of the frequency spectrum and to effect the provisions of regulatory responsibilities rendered by the Commission by the Act. Information requested by this form will be available to the public unless otherwise requested pursuant to 47 CFR 0.459 of the FCC Rules and Regulations. Your response is required to obtain this authorization.

Public reporting burden for this collection of information is estimated to average four (4) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0065), Washington DC 20554. **DO NOT send completed applications to this address.** Individuals are not required to respond to this collection unless it displays a currently valid OMD control number.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

The following is a List of antennas associated with this license. To view this antenna and its frequencies, please select the row by selecting the "View Antenna Detail" button.

View Antenna Detail	Antenna type	City	State	Latitude Direction	Latitude Degrees	Latitude Minutes	Latitude Seconds	Longitude Direction	Longitude Degrees	Lon Mi
Go!	Mobile	Antelope Valley	CA	North	N/A	N/A	N/A	West	N/A	N/A

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
ANTENNA REGISTRATION FORM FOR FILE NUMBER: 0221-EX-PL-2002

1. * **The purpose of this application is to:**

- O Edit data pertaining to this antenna
- O Delete this antenna from the application/license

2a. * **Proposed location of transmitter and transmitting antenna:**

O FIXED/BASE ◉ MOBILE O BASE AND MOBILE

2b. If permanently located at a FIXED location, give below:

State:	County:	City or Town:
CALIFORNIA		Antelope Valley

Number and street (or other indication of location):

2c. If mobile, describe the exact area of operation:

Antelope Valley

2d. *If fixed, enter the geographical coordinates exact to the nearest second. If mobile or base and mobile, enter either the area of operation or the fixed/center coordinates and the radius of operation.

North Latitude(DD-MM-SS):	West Longitude(DDD-MM-SS):	Radius of Operation: Km
o ' "	o ' "	50

3. * **Datum:**

◉ NAD 27 O NAD 83

4. *Is a directional antenna (other than radar) used? If "YES", give the following information: ◉ Yes O No

(a) Width of beam in degrees at the half-power point: 180

(b) Orientation in horizontal plane: 180

(c) Orientation in vertical plane: 180

5. * Will the antenna extend more than 6 meters above the ground, or if mounted on an existing building, will it extend more than 6 meters above the building, or will the proposed antenna be mounted on an existing structure other than a building? If "YES", give the following: O Yes ◉ No

(a) Overall height above ground to tip of antenna is _____ meters.

(b) Elevation of ground at antenna site above mean sea level is _____ meters.

(c) Distance to nearest aircraft landing area is _____ kilometers.

(d) List any natural formations of existing man-made structures (hills, trees, water tanks, towers, etc.) which, in the opinion of the applicant, would tend to shield the antenna from aircraft and thereby minimize the aeronautical hazard of the antenna.

(e) Submit as an exhibit a vertical profile sketch of total structure including supporting building, if any, giving heights in meters above ground for all significant features. Clearly indicate existing portion, noting particulars of aviation obstruction lighting already available. Submit this sketch under the "Antenna Drawing" exhibit type.

Click here to view frequencies for this antenna

FEDERAL COMMUNICATIONS COMMISSION ANTENNA FREQUENCY REGISTF
ANTENNA LOCATION: Mobile Antelope Valley
COORDINATES : N latitude W longitude

Particulars of Operation

Action	Lower/Upper Frequency			Power		ERP		
Add	87.5	88.1	MHz	100	Watts	70	Watts	M
Add	104.7	104.7	MHz	100	Watts	70	Watts	M

The testing will consist of two mobile units temporarily placed in very low populated Areas of the high desert Antelope Valley approximately centered

34 50' 0" latitude, 118 12' 0" longitude (or 34.8333, 118.2000 in decimal degrees)

Have passed the minimum spacing tests: a channel or channels exist on which a LPFM station could operate in accordance with the LPFM spacing rules.
DAB data will be encoded to work on 88-110 MHz and decoded with DAC for digital radio And analog at the same time. Testing will require the movement of the transmitting equipment
To evaluate response and reliability.
Peak ERP 100 Watts on 104.7 MHz
Peak ERP 100 Watts on 87.5- 87.9 MHz

General description of equipment and location

Specification
Frequency band Band 87 - 110 MHz

·Transmission specification defined in EURECA project 147 (ver.4.1 nov.1995), according ETS 300 401 (ed.1).
·COFDM encoder plus digital modulator.
·Automatic or Manual operating mode - controlled by means microprocessor.
·Unattended operation - Fully remote controlled via parallel or serial interfaces, according to IEC 864-1 and 2 (TLC impulsive type - TLS continuous type).
·Interactive equipment control with data storage (optional).
·Modular & redundant design and very compact size
·Broad-band linear RF amplifier; RF output by paralleling several amplifier units; high isolation RF combiner.
·RF amplifier modules replacement without interrupting operation.
·RF output band-pass filter, according with the requested spectrum DAB mask.
·Operating system: single transmitter, dual driver, automatic stand-by reserve.
·Careful selection of materials with self-extinguishing characteristics.
·Easy transport, installation and maintenance.
·Low operating costs and limited spare parts required.
Mains AC power supply
· Fractional power supply, single or three phases, one or two electrical input line; ± 2% (for highest reliability), tolerance -15% +10 % optional - 50 or 60 Hz.
· Each RF amplifier module has individual power supply unit.
· The transmitter and related subsystem are protected by magneto-thermal system and realized in full compliance with the test wave 1.2/50 µs at 6 kV peak level. Ref. ANSI C62.41.
· All parts (subsystem) are electrically powered via a toroidal transformer with the following characteristics: electric isolation between primary and secondary, electrostatic isolation referred to ground to avoid transfer of transient state from primary to secondary.
Cooling
· Air system
· Single or double cooling systems in active or automatic stand-by reserve.
Protections
· Over loads, short circuits, over heating, cooling inefficiency, high reflected power.
· Mains AC voltage out of range and phase lack, doors interlock, external interlock.
· Incorrect operation & adjustment.
· Current limiter with rapid intervention for each power transistors.
· Limiter of RF output power, in real time; in relation to increase in the VSWR or the RF input level.

DAB Audio Broadcasting - Background

New quality standards for audio

For several decades VHF FM seemed to be the only suitable method for high-quality transmission of stereo sound programs. The introduction of the digital compact disc (CD) more than ten years ago set new and considerably higher quality standards for audio transmissions. The rapid advance of digital technology also had consequences for sound broadcasting and led to the development of digital audio broadcasting systems.

Mobile reception in CD quality

With the new coding and modulation techniques of DAB, interfering signals are effectively suppressed so that undisturbed (mobile) reception in CD quality is obtained.

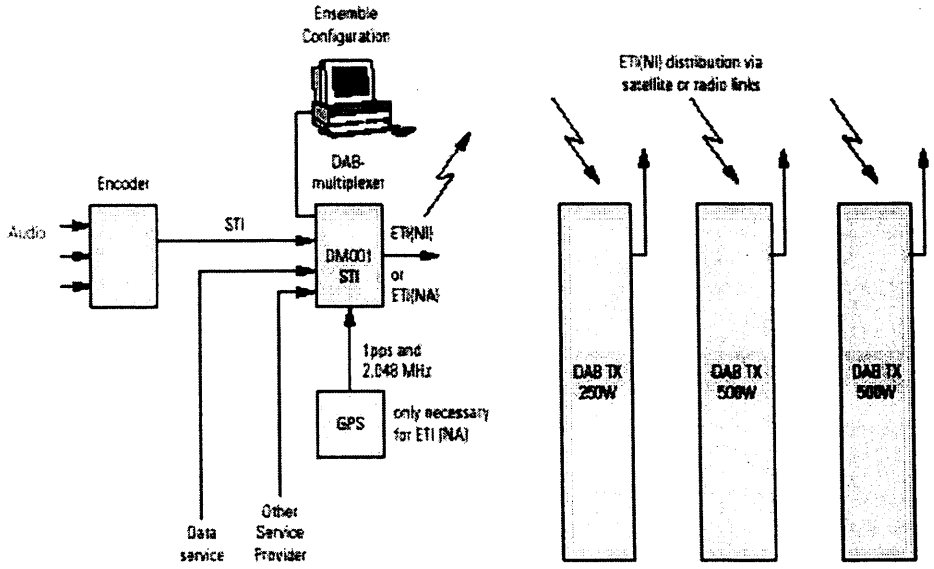
MUSICAM coding method

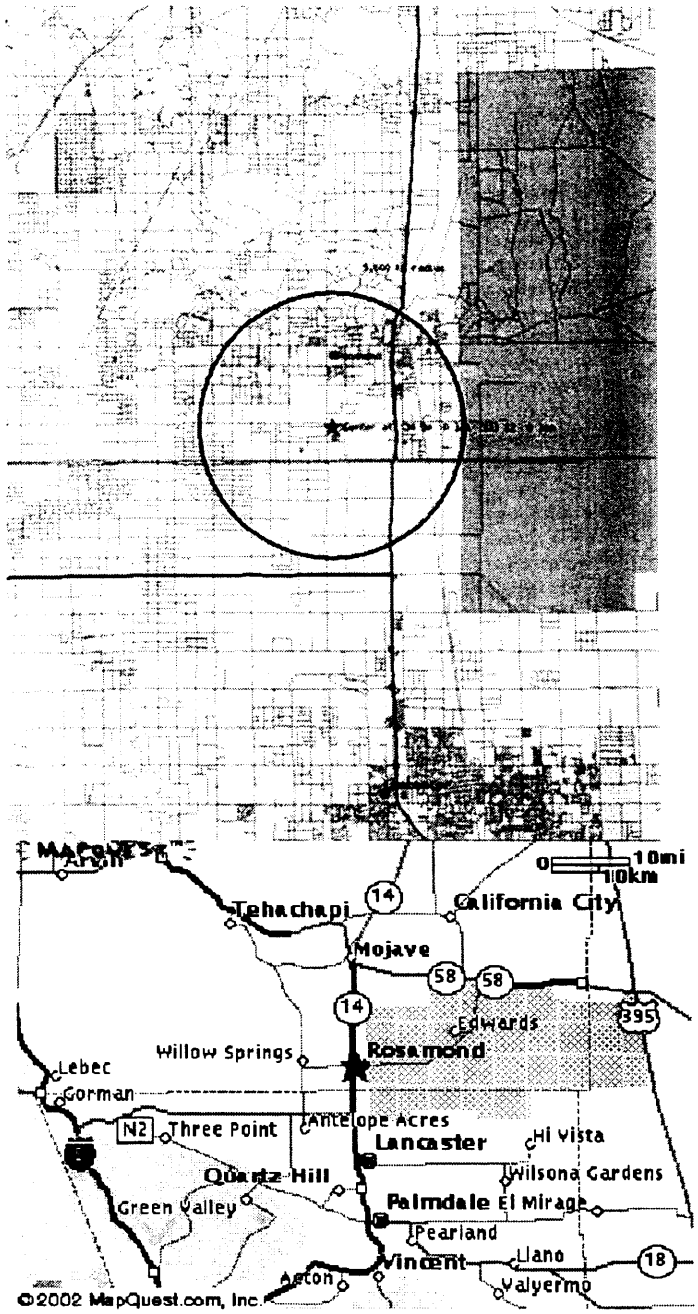
DAB uses the bit-rate-reducing MUSICAM coding method (masking pattern adapted universal sub band integrated coding and multiplexing, for coding program signals (e.g. music from CD players).
This method also allows for the psychoacoustic response of the human ear. The DAB Source Encoder DMU uses irrelevance and redundancy reduction so that a multiplex signal consisting of several coded audio signal scan be sent in a limited bandwidth via a terrestrial transmission channel.

Digital modulation method COFDM

Undisturbed mobile reception is ensured by t he digital modulation method COFDM (coded orthogonal frequency-division multiplex). The multiplex data stream is spread over about 1500 QPSK-modulated carriers (mode I) so that, in spite of interference and drops in field strength, the COFDM demodulator in the receiver picks up an adequate number of signal components for evaluation. With the aid of error-correction methods and concealment strategies, the receiver eliminates all the remaining disturbances or reduces them below the audible threshold. With this modulation method even the delayed signal components of multipath reception (reflections), which are particularly disturbing in VHF FM transmissions, can be utilized for the directly received signal.

Block diagram of DAB single-frequency network


Ensemble
Configuration
DAB-
multiplexer
Encoder
Audio
STI
DM001
STI
ETI(NI)
or
ETI(NA)
1pps and
2.048 MHz
GPS
only necessary
for ETI (NA)
Data
service
Other
Service
Provider
ETI(NI) distribution via
satellite or radio links
DAB TX
250W
DAB TX
500W
DAB TX
500W


0
10mi
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Tehachapi
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Mojave
14
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Edwards
Willow Springs
Rosamond
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Gorman
N2
Three Point
Antelope Acres
Lancaster
Hi Vista
Quartz Hill
Wilsona Gardens
Green Valley
Palmdale
El Mirage
Pearland
Vincent
Llano
18
Acton
Valyermo
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Development will comply with

MM Docket No. 99-325

Topic:

IV. ADOPTION OF IBOC AM AND FM STANDARDS

digital broadcasting need comply with any notification or technical requirements.
Per (IBOC) system.

This system is designed to permit a smooth evolution from current analog Amplitude Modulation (AM) and Frequency Modulation (FM) radio to a fully digital in-band on-channel (IBOC) system. This system delivers digital audio and data services to mobile, portable, and fixed receivers from terrestrial transmitters in the existing Medium Frequency (MF) and Very High Frequency (VHF) radio bands

Analog FM Modulator

For the Hybrid and Extended Hybrid waveforms, the appropriately delayed baseband analog signal $m(t-\tau)$ is frequency modulated to produce an RF analog FM waveform identical to existing analog signals. The FM-modulated analog signal, including any SCAs, will maintain compatibility with Title 47 CFR Part 73, Subparts B, C, and H. In addition, the analog signal will be compatible with the emergency alert system (EAS) as specified in Title 47 CFR Part 11.

Analog/Digital Combiner

When broadcasting the Hybrid or Extended Hybrid waveform, the analog-modulated FM RF signal is combined with the digitally-modulated RF signal to produce the VHF FM IBOC waveform, s(t). Both the analog and digital portions of the waveform are centered on the same carrier frequency.

Each spectrum described in the remaining subsections shows the subcarrier number and center frequency of certain key OFDM subcarriers. The center frequency of a subcarrier is calculated by multiplying the subcarrier number by the OFDM subcarrier spacing Δf. The center of subcarrier 0 is located at 0 Hz. In this context, center frequency is relative to the radio frequency (RF) *allocated channel*.

For example, the upper Primary Main sideband is bounded by subcarriers 356 and 546, whose center frequencies are located at 129,361 Hz and 198,402 Hz, respectively. The frequency span of the Primary Main sideband is 69,041 Hz. (198,402 – 129,361).

Hybrid Spectrum

The digital signal is transmitted in PM sidebands on either side of the analog FM signal, as shown in Figure 0-1. Each PM sideband is comprised of ten frequency partitions, which are allocated among subcarriers 356 through 545, or -356 through -545. Subcarriers 546 and -546, also included in the PM sidebands, are additional reference subcarriers. The amplitude of the subcarrier within Primary Main sidebands are uniformly scaled by an *amplitude scale factor, a_0*. The amplitude scaling factor is described in Appendix A. Table 0-1 summarizes the upper and lower Primary Main sidebands for the Hybrid waveform.

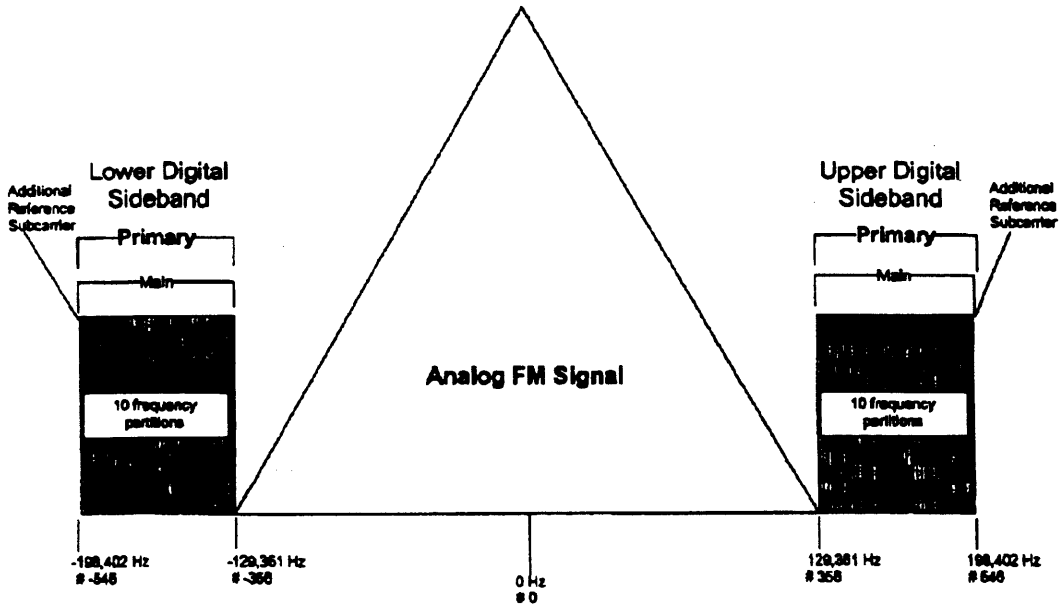

Figure 0-1 Spectrum of the Hybrid Waveform–Service Mode MP1

Table 0-1 Hybrid Waveform Spectral Summary–Service Mode MP1

Upper Primary Main	10	A	356 to 546	129,361 to 198,402	a_o	69,041	Includes additional reference subcarrier 546
Lower Primary Main	10	B	-356 to -546	-129,361 to -198,402	a_o	69,041	Includes additional reference subcarrier - 546

Note: Refer to Appendix A for details regarding the amplitude scale factors shown above.

Extended Hybrid Spectrum

The Extended Hybrid waveform is created by adding Primary Extended sidebands to the Primary Main sidebands present in the Hybrid waveform, as shown in Figure 0-2. Depending on the service mode, one, two, or four frequency partitions can be added to the inner edge of each Primary Main sideband.

Each Primary Main sideband consists of ten frequency partitions and an additional reference subcarrier spanning subcarriers 356 through 546, or -356 through -546. The upper Primary Extended sidebands include subcarriers 337 through 355 (one frequency partition), 318 through 355 (two frequency partitions), or 280 through 355 (four frequency partitions). The lower Primary Extended sidebands include subcarriers -337 through -355 (one frequency partition), -318 through -355 (two frequency partitions), or -280 through -355 (four frequency partitions). The subcarriers within Primary Extended sidebands are uniformly scaled the same *amplitude scale factor*, a_0, as the Primary Main sidebands. The amplitude scaling factor is described in Appendix A summarizes the Upper and Lower Primary sidebands for the Extended Hybrid waveform.

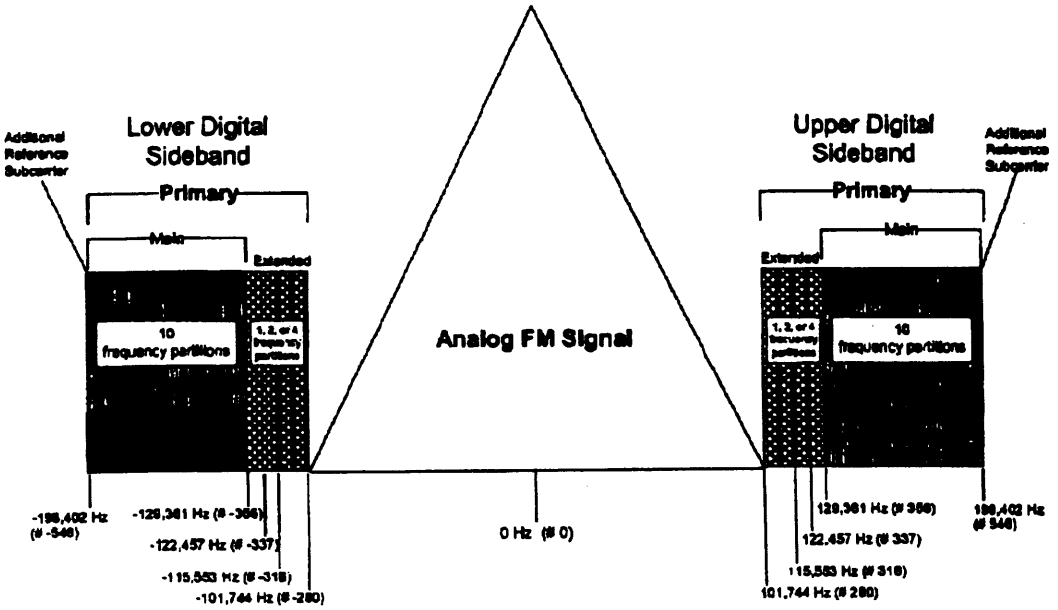

Figure 0-2 Spectrum of the Extended Hybrid Waveform–Service Modes MP2 through MP4

All Digital Spectrum

The All Digital waveform is constructed by removing the analog signal, fully expanding the bandwidth of the primary digital sidebands, and adding lower-power secondary sidebands in the spectrum vacated by the analog signal. The spectrum of the All Digital waveform is shown in Figure 0-3.

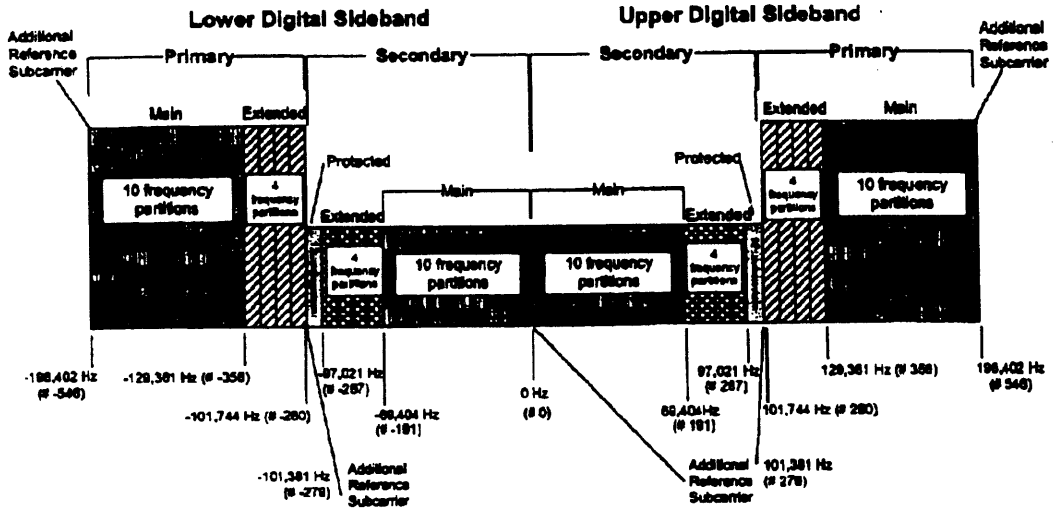

Figure 0-3 Spectrum of the All Digital Waveform–Service Modes MP5 through MP7, MS1 through MS4

In addition to the ten main frequency partitions, all four extended frequency partitions are present in each primary sideband of the All Digital waveform. Each secondary sideband also has ten Secondary Main (SM) and four Secondary Extended frequency partitions. Unlike the primary sidebands, however, the Secondary Main frequency partitions are

mapped nearer to channel center with the extended frequency partitions farther from the center.

Each secondary sideband also supports a small Secondary Protected (SP) region consisting of 12 OFDM subcarriers and reference subcarriers 279 and -279. The sidebands are referred to as "protected" because they are located in the area of spectrum *least* likely to be affected by analog or digital interference. An additional reference subcarrier is placed at the center of the channel (0). Frequency partition ordering of the SP region does not apply since the SP region does not contain frequency partitions as defined in and.

Each Secondary Main sideband spans subcarriers 1 through 190 or -1 through -190. The upper Secondary Extended sideband includes subcarriers 191 through 266, and the upper Secondary Protected sideband includes subcarriers 267 through 278, plus additional reference subcarrier 279. The lower Secondary Extended sideband includes subcarriers -191 through -266, and the lower Secondary Protected sideband includes subcarriers -267 through -278, plus additional reference subcarrier -279. The total frequency span of the entire All Digital spectrum is 396,803 Hz. The subcarriers within the Primary Main and Primary Extended sidebands are scaled by an amplitude scale factor, a_2, as indicated in. The subcarriers within the Secondary Main, Secondary Extended and Secondary Protected sidebands are uniformly scaled by an amplitude scale factor having four discrete levels a_4 - a_7, as indicated in summarizes the upper and lower, primary and secondary sidebands for the All Digital waveform.

EXHIBIT B

FERNANDO SAUNDERS, P.O. Box P.O Box 902346, Palmdale, CA 93590

United States of America
FEDERAL COMMUNICATIONS COMMISSION
EXPERIMENTAL
RADIO STATION CONSTRUCTION PERMIT
AND LICENSE

EXPERIMENTAL	WC2XZV
(Nature of Service)	(Call Sign)
XR MO	0221-EX-PL-2002
(Class of Station)	(File Number)

NAME FREQUENCY RADIO

Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions and requirements set forth in this license, the licensee hereof is hereby authorized to use and operate the radio transmitting facilities hereinafter described for radio communications in accordance with the program of experimentation described by the licensee in its application for license.

Operation: In accordance with Sec. 5.3(a, c) of the Commission's Rules

Station Locations

(1) MOBILE: Antelope Valley, CA, within 50 km, centered around NL 34-50-00; WL 118-12-00

Frequency Information

MOBILE: Antelope Valley, CA, within 50 km, centered around NL 34-50-00; WL 118-12-00

Frequency	Station Class	Emission Designator	Authorized Power	Frequency Tolerance (+/-)
87.5-88.1 MHz	MO	20K0XXD	100 W (ERP)	
104.7 MHz	MO	20K0XXD	100 W (ERP)	

Special Conditions:

(1) In lieu of frequency tolerance, the occupied bandwidth of the emission shall not extend beyond the band limits set forth above.

(2) Licensee should be aware that other stations may be licensed on these frequencies and if any interference occurs, the licensee of this authorization will be subject to immediate shut down.

(3) Operation is subject to prior coordination with the Society of Broadcast Engineers, Inc. (SBE); ATTN: Executive Director; 9247 North Meridian Street, Suite 305; Indianapolis, IN 46260; telephone, (866) 632-4222; FAX, (317) 846-9120; e-mail, executivedir @ sbe.org; information, www.sbe.org.

(4) Operations are limited to equipment testing and evaluation only. No commercial operations including no generation of revenue are authorized under this experimental license.

This authorization effective November 27, 2002 and
will expire 3:00 A.M. EST December 01, 2004

FEDERAL COMMUNICATIONS COMMISSION

EXHIBIT C

Declaration

I am President and Owner of Charles R. Hastings & Associates dba Broadcast Engineering Services, Camarillo, California. I am a consulting radio engineer with over twenty years experience in managing the construction, operation and maintenance of FM and AM broadcast facilities, and I have been retained in this matter by High Desert Broadcasting LLC. I am familiar with the FCC's rules applying to broadcast and experimental radio stations, and have held a first class operators permit from the FCC since 1982.

On December 16, 2002, in response to radio interference detected on 104.7 MHz in Southern California, I measured and determined the location, technical characteristics, and broadcast nature of the source of the interference, which has turned out to be Experimental Station WC2XZV (the "Station") operating in Palmdale, California. I employed the following equipment and techniques to analyze the Station's signal: A professional FM Stereo Modulation Monitor, Inovonics Model 530, with a standard 48cm vertical antenna, was used to monitor and measure the level and type of modulation, program levels, SCA levels, pilot and multipath of the Station. A professional Spectrum Analyzer, Avcom Model PSA-65A, with a standard 48cm vertical antenna, was used to track the Station's broadcast signal to determine its location, signal strength, and type of emissions.

My measurements show that the Station is operating on FM Broadcast Channel 284 (104.7 MHz) from a building top antenna site at 343 E. Palmdale Boulevard, Palmdale, California. The geographic coordinates of the Station's transmitter site are 34-34-49 N. Lat. and 118-07-24 W. Long. I went to the location and observed that the

Station is employing a conventional "FM/TV"style Yagi antenna mounted vertically at an elevation of approximately 40 feet (12.2 meters) above ground level. In the immediate vicinity of the transmitting antenna (at a distance of 100 meters,) the Station's signal strength is measured to be 22.4mv/m. This field strength is consistent with an effective radiated power radiated power exceeding 100 watts.

The signal transmitted by the Station is a conventional analog FM signal occupying the full 180 KHz bandwidth of FM Broadcast Channel 284 (104.7 MHz). The Station's signal is not a digital emission, and is not restricted to digital sideband subcarriers, as required by the Station's experimental license. There are no digital sideband subcarriers in the Station's signal. The Station's signal greatly exceeds the authorized bandwidth of 20 KHz in its experimental construction permit and license, occupying the full 180 KHz bandwidth of the channel.

The equipment listed in the Station's application, a Broadcast Warehouse TX5 Pro that is adjustable from 30 mwatts to 5 watts, and a Broadcast Warehouse TX300 that is adjustable 25 watts to 300 watts, are conventional low power analog stereo FM broadcast exciters and transmitters, and appear to be incapable of transmitting the "fully digital in-band on-channel (IBOC) system" on the narrow sideband proposed in the application.

The Station's transmitter site is located at a distance of 28.9 kilometers from its authorized center of operations at 34-50-00 N. Lat and 118-12-00 W. Long. Its current transmitter site, height and power would permit reception far outside of the authorized area of operation designated in the Station's experimental construction permit and

license, which specifies that operations must be within 50 kilometers of that reference point.

As indicated in the declaration of Lawrence Morton in this proceeding, the Station is shortspaced under applicable FCC Rules by 27.4 kilometers to FM Broadcast Station KBIG and 27.7 kilometers to FM Broadcast Station KMZT, both of which are licensed to Los Angeles, California and operate from Mt. Wilson, California. The Station is also causing harmful interference to the reception of FM Broadcast Station KCAQ, Oxnard, California. I also serve as Chief Engineer for KCAQ, and numerous complaints have been received recently by KCAQ from its audience members about a signal interfering with KCAQ. The source of that interference is Experimental Station WC2XZV.

The Station is broadcasting music and voice programming consisting of recorded "Trance Music", club music, and announcements. It is broadcasting on a full time basis and is apparently automated and unattended. The Station identifies itself in voice announcements as "Frequency Radio". The Station's program content appears to be identical to a commercial radio broadcast station. My attempts to reach the Station at its telephone number were unsuccessful, which suggests that the facility is unattended at the same time that it is operating out of compliance with its license. If the Station was conducting experiments, it would not be unattended.

I listened to the Station's broadcast content using a conventional FM automobile receiver and a conventional FM portable receiver. If the Station was operating in digital mode on a narrow sideband in accordance with its experimental construction permit and license, the music and announcements would not be able to be decoded by these conventional analog FM receivers.

The operator of the Station operates a web site at www.1047.fm to promote its unauthorized commercial broadcast operations. Copies of the pages of the web site as downloaded on December 18, 2002 are attached to the Declaration of Vicki Connor in this proceeding. The content of the web site is consistent with commercial operation of the Station rather than any experimental operation.

In my professional opinion, the Station (i) is not operating as an experimental station in accordance with its FCC construction permit and license, (ii) is in flagrant violation of the terms and conditions of its FCC construction permit and license, and (iii) is in flagrant violation of Section 301 of the Communications Act and applicable Rules and Regulations of the FCC, which prohibit radio transmissions that are unauthorized or that are inconsistent with applicable technical parameters.

The Station is operating as a conventional low power analog FM broadcast station, and in my professional opinion is using the experimental construction permit and license as a cover and pretext for an unauthorized commercial pirate FM operation. Nothing in the Station's transmission is consistent with an experimental digital sideband operation of the type authorized in the Station's FCC construction permit and license.

A pirate operator named "Frequency Radio" has a record of repeatedly operating unlicensed FM stations in the Los Angeles area in violation of Section 301 of the Communications Act and the applicable Rules and Regulations of the FCC. On January 17, 1999, due to interference to KCAQ, I detected and located one of the previous sites of Frequency Radio's unauthorized pirate operations on 104.7 MHz in the Los Angeles area, at 7311 Van Nuys Blvd., San Fernando, California. I reported the unauthorized operation to the local field office of the FCC, which took prompt action to shut it down. I have

been informed that the FCC has taken similar action on other occasions in the past against Frequency Radio. The website states that the Station's tradename "Frequency Radio" is a registered trademark since 1990, which in my opinion suggests that the operator of the Station is the same as the operator of the Frequency Radio that has been responsible for the previous unauthorized broadcast facilities shut down by the FCC.

The Station appears to be using the same name, same frequency, same type of analog signal and transmitting equipment, and same entertainment format as these previous unauthorized FM pirate facilities. The trade press, specifically REC Networks, recently indicated that "After doing some investigation, REC has discovered that the applicant, Frequency Radio, is a known pirate broadcaster who has been operating in the Antelope Valley (about 50 miles north of LA) prior to the experimental grant." The REC Network article is attached to this Declaration.

Based on the interference experienced on 104.7 MHz, I concur with REC Network that the Station commenced operation in Palmdale before the November 27, 2002 initial issuance date of its construction permit and license, and thus operated its facilities in flagrant violation of Section 301 of the Communications Act. Based on all of the facts and circumstances, I agree with REC Network that the Station appears to be operated by the same Frequency Radio that that has previously operated other unlicensed pirate facilities in Southern California under the same brand name, in repeated violation of Section 301 of the Communications Act and the applicable Rules and Regulations of the FCC prohibiting unauthorized radio station operations.

Based on my experience in tracking down Frequency Radio's previous pirate operation, it is consistent with the pattern of Frequency Radio's past unauthorized

operations that the key terms and conditions of the Station's construction permit and license – narrowband digital sideband signal, noncommercial experimental operation, and noninterference – are being violated and ignored by the Station in order to operate an unauthorized broadcast station.

(My signature appears on the following page)

Signature of Declarant

I hereby declare, under penalty of perjury, that the foregoing statements of fact are true and correct to my personal knowledge, except for those facts that are subject to the administrative notice of the FCC, and as to the latter types of fact, and as to my opinions and beliefs expressed herein, I believe them to be true and correct.

Respectfully submitted,

Charles R. Hastings

Charles R. Hastings

Dated: December 24, 2002

FCC Grants LPFM-related Experimental To A Pirate

As reported last week in the CGC Communicator, the FCC granted experimental license WC2XZV in the Antelope Valley. The application gives the impression that the intention of the request is to test IBOC DAB to show that LPFM stations can be spaced on second and third adjacent channels. The grant has permitted operation on 87.5 through 88.1 and on 104.7 FM. After doing some investigation, REC has discovered that the applicant, Frequency Radio is a known pirate broadcaster who has been operating in the Antelope Valley (about 50 miles north of LA) prior to the experimental grant. The grant, issued by the FCC's Office of Engineering and Technology (broadcast band experimentals are usually issued by the Media Bureau) allows Frequency Radio to operate up to 20 kHz of bandwidth (1/5th of what a normal FM station operates) on the requested channels within a 50km radius around Rosamond. The grant will last until the beginning of 2004 and the operation is conditioned of coordination with the SBE's So. Cal. Frequency Coordination Council (SCFCC).

Why REC Opposes This Grant

REC has had a track record of being supportive of efforts to further the LPFM service including a digital future for LPFM. However, these "experiments" as described in the application are not in the best interest of the LPFM service. First of all, the application shows that Frequency wants to test a digital system based on the Eureka 147 standard yet they claim their operations are compliant with the Ibiquity DAB system described in the Report and Order of MM Docket 99-325. Even though under LPFM rules, the 104.7 frequency is available at Rosamond, it is not available throughout the test area as it would be short spaced to second adjacent channels on Mt. Wilson. In addition, the license allows operation on 88.1. There is a full power KCRY in Mojave, the next city north of Rosamond. We feel that it was inappropriate that this license was granted by the OET. Broadcast band experimentals are usually granted by the Media Bureau and placed in the CDBS database. We also point out that the party who signed the application was denied an Experimental back in 2000 for a proposed FM station in Van Nuys. Also, if the applicant is wanting to test second and third adjacent channel interference between LPFM stations, why did they apply for 104.7? The licensee has refused to answer our queries regarding their experiments. We feel that there was only one reason they wanted this license, to "legitimize" their pirate station. REC feels that any deviation to the conditions of their grant (20kHz of bandwidth, digital signal and coordinated with the SCFCC) is illegal. Remember, this includes operating the station like a "normal" FM station and producing a wideband analog aural