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September 9, 2020

NIA Broadcasting, Inc.
111 N. Grove Boulevard
P.O. Box 2525
Kingsland, GA 31548

In re: W248CA, St. Petersburg, FL
Facility ID No. 156011
BPFT-20180517AEU
Informal Objection

Dear Applicant:

The staff has under consideration: (1) the above-captioned application as amended on June 3, 2019; (2) the Informal Objection (Objection) filed by Hall Communications, Inc., (Hall) on June 4, 2018; (3) the September 9, 2019, staff letter to Hall requesting additional information to supplement its Objection in light of the Commission's revised FM translator interference standards¹; and (4) all related pleadings. For the reasons set forth herein, we dismiss the Informal Objection and grant the application.

In the Informal Objection and Response to Request for Information (Response) filed October 9, 2019, Hall purports that the proposed translator will cause interference to listeners of WPCV(FM), Winter Haven, Florida, on channel 248 (BLH-19890908KA) and violate 47 C.F.R. Section 74.1204(f) of the Commission's Rules.

The Informal Objection was pending on August 13, 2019, when the revised Section 74.1204(f) governing predicted interference rules came into effect. When it revised its translator interference rules, the Commission provided that "complaints that have not been acted upon as of the effective date of the rules adopted in this *Report and Order* will be decided based on the new rules. If necessary, parties will be given an opportunity to submit supplemental materials to address the revised rules adopted herein." Accordingly, on September 9, 2019, the Bureau notified Hall that it had 30 days to bring the Informal Objection into compliance with the updated translator interference complaint requirements.

¹ See *Letter to Dan Alpert*, Ref. 1800B3-LH-A (MB rel. Sept. 9, 2019) (*Staff Letter*); see also *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*).

On October 9, 2019, Hall filed its Response to Request for Information, including 28 listener complaints.

In promulgating the revised Section 74.1204(f) of the Rules, the Commission states that “an application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if grant of the authorization will result in interference to the reception of a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including previously authorized secondary service stations within the 45 dB μ field strength contour of the desired station.” Interference is demonstrated by: (1) the required minimum number of valid listener complaints as determined using Table 1 of Section 74.1203(a)(3) and defined in Section 74.1201(k) of the part; (2) a map plotting the specific location of the alleged interference in relation to the complaining station's 45 dB μ contour; (3) a statement that the complaining station is operating within its licensed parameters; (4) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and (5) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in Section 73.313 of the Rules.²

Hall has failed to meet the above requirements (1) and (5) because most of the listener complaints submitted with the Objection and Response are not valid for the following reasons.

Based on the population within WPCV(FM)'s 60 dB μ service contour, Hall must submit a minimum of 25 valid listener complaints to support its claim of predicted interference from the station to be considered valid. Under the guidance provided in the *Translator Interference Order* and Section 74.1201(k), a complaint is defined as a statement that is signed and dated by the listener and contains the following information: (1) the complainant's full name, address, and phone number; (2) a clear, concise, and accurate description of the location where interference is alleged or predicted to occur; (3) a statement that the complainant listens over-the-air to the desired station at least twice a month; and (4) a statement that the complainant has no legal, financial, employment, or familial affiliation or relationship with the desired station. We note that 6 out of 28 complainants failed to certify that they listen over-the-air to the desired station at least twice a month.³ In addition, complainants 3 and 4, complainants 12-21, and complainants 25 and 26 reported interference at common locations respectively, at the geographic coordinate locations provided.⁴ In the

² See 47 CFR § 74.1204(f) (2019).

³ Specifically, the following listeners: Donna D. Gaffin; Melissa Marie Christner; Jesse Brincefield, Robert L. Briggs, II, Charles Edward Thomas II, and Brian Ruggles. See October 9, 2019 Response to Request for Information, Exhibit 3.

⁴ Specifically, the following listeners reported interference at common locations: (1) Susan S. Surratt and Daryl Oldham; (2) Heather L. Jeffries, Keith A. Williams, Krystyn L. Wikoff, Laurel Henderson, Timothy Curtis, Kinnie Anderson Wilson IV, Michael Pagan, Elissa Ann Hermes, Jesse Brincefield, Jeffrey A. Harrison, and; (3) Charles Edward Thomas II Cory Coler..

Translator Interference Order, the Commission stated “we are persuaded that translator interference claims must be based on “separate receivers at separate locations” and that multiple listener complaints from a single building (e.g., complaints from multiple dwellers of an apartment building or house) or workplace will not count beyond the first complaint . . .”⁵

For these reasons, we find that Hall has failed to submit the required minimum number of valid listener complaints. Accordingly, we will dismiss the Objection.

Please note, Section 74.1203(b) states that should the translator commence operation and cause actual interference to WPCV(FM), the translator will be required to eliminate the interference or cease operation.

Accordingly, the June 4, 2018, Informal Objection filed by Hall Communications, Inc., IS HEREBY DISMISSED and the application BPFT-20180517AEU IS HEREBY GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

/s/

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: John C. Trent
Susan A. Marshall

⁵ *Translator Interference Order*, 34 FCC Rcd at 3465 para. 15.