



Federal Communications Commission
Washington, D.C. 20554

September 4, 2019

In Reply Refer to:
1800B3-LHA

Gary S. Smithwick
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Suite 301
Washington DC 20016

In Re: NEW(FM), Front Royal, VA
Winchester Radio Broadcasters, LLC
Facility ID No. 202519
File No. BNPFT-20180501ABU
Petition to Deny

Dear Mr. Smithwick:

This letter refers to the pending Petition to Deny (Petition), filed on May 22, 2018, by Tidewater Communications, LLC, licensee of Station WSVA(AM) which is the primary station for W221CF¹, Harrisonburg, Virginia (Complaining Station) alleging proposed interference from a NEW(FM) Translator, Front Royal, Virginia, licensed to Winchester Radio Broadcasters, LLC, and all related pleadings.

Recently, the Commission adopted certain changes to the FCC's rules (Rules) relating to the processing of FM Translator applications.² The Commission stated that, once effective, all pending applications would be decided under the new Rules. The Commission further stated that parties involved in pending proceedings would be given an opportunity to submit supplemental material to address the changes.³

Our initial review of the Petition under the revised interference standards reveals that additional information is required. Specifically, in order to continue processing the Petition the items marked below

¹ The proposed translator operates co-channel to W221CF

² See *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, FCC 19-40, 34 FCC Rcd ____ (2019) (*Translator Interference Order*).

³ *Id.* at ¶ 49.

must be submitted:⁴

1. Listener Complaints:

- ☒ Detailed information on the Complaining Station's protected contour and the population located therein;
- ☒ Minimum Number of Listener Complaints as determined by the population located within the Complaining Station's protected contour;⁵
- ☐ Signed and dated (within one year of Complaint and all other listener complaints) by Listener;
- ☐ Listener's full name, address and phone number;
- ☒ Clear, concise, and accurate description of the location where interference is alleged;⁶
- ☒ Statement that Listener listens over-the-air to the desired station at least twice a month;
- ☒ Statement that Listener has no legal, financial, employment, or familial affiliation or relationship with desired station.

⁴ An item will be marked as missing the required information if it is missing from one or more listener complaints.

⁵ See 47 CFR § 74.1203 Table 1.

Population within Protected Contour	Minimum Listener Complaints Required for Interference Claim
1-199,999	6
200,000-299,999	7
300,000-399,999	8
400,000-499,999	9
500,000-999,999	10
1,000,000-1,499,999	15
1,500,000-1,999,999	20
2,000,000 or more	25
LPFM stations with fewer than 5,000	3

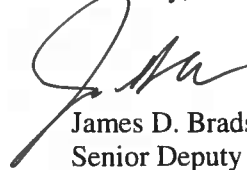
⁶ In the *Translator Interference Order*, the Commission noted that "[a]ppropriate descriptions include map coordinates, street addresses, street intersections, or other descriptions such as 'along Route XX near mile marker XX' or 'between Exits 1 and 2 on Route XX.' Unacceptable descriptions would include 'on my way to work' or 'downtown,' as they do not inform . . . [if] within its 45 dBu contour or . . . provide sufficient information to resolve the complaint." *Id.* at note 65.

2. Technical Interference Showing:

- ☒ Map plotting the specific location of the alleged interference in relation to the Complaining Station's 45dBu contour;
- ☒ Statement that the Complaining Station is operating within its licensed parameters;
- ☒ 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;
- ☒ Undesired/Desired data demonstrating that at each listener location the ratio of 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.

Within thirty (30) days of this letter, Tidewater Communications, LLC, must submit the above information and any other information not referenced above that might be required by the Rules. Further action on the Petition to Deny will be withheld for a period of 30 days from the date of this letter to provide Tidewater Communications, LLC, an opportunity to respond. Failure to submit the required information will result in the denial of the Petition to Deny.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: Edward A. Schober (by email)