



**Federal Communications Commission
Washington, D.C. 20554**

February 5, 2019

In Reply Refer to:
1800B3-KV

Habibi's Broadcasting, LLC
c/o John C. Trent, Esq.
Putbrese Hunsaker & Trent, P.C.
200 South Church Street
Woodstock, VA 22664

In re: K237GW, Little Rock, AR
File No. BLFT-20180620AAB
Facility ID No. 201398

Interference Complaint – Response Required

Dear Licensee:

This refers to the "Complaint" (Complaint)¹ filed on December 20, 2018, by George S. Flinn, Jr., licensee (Flinn), licensee of Station KVHU(FM), Judsonia, Arkansas (KVHU). In the Complaint, Flinn alleges that FM Translator Station K237GW, Little Rock, Arkansas (K237GW or Station), licensed to Habibi's Broadcasting, LLC (HBL or Licensee) is interfering with the reception of Station KVHU(FM). In support of the interference allegations, KVHU includes complaints from 16 listeners.²

In addition, KVHU submits an email from a representative of K237GW alleging that Station KVHU is interfering with K237GW's signal.³ We note, however, that no response from KVHU is required to this allegation because the Commission's rules do not require a full-service station to protect a translator station.

The Commission's rules (Rules) regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3)⁴ of the Rules states that an FM translator station will not be permitted to continue to operate if it causes any actual radio

¹ All pleadings referenced herein are available at the Media Bureau's Consolidated Database (CDBS) under the Station's License Application, File No. BLFT-20180620AAB.

² Specifically, the following listeners: Jim Bassett (Bassett); Michael Baker (Baker); Lou Butterfield (Butterfield); Randall Perdue (Perdue); Farrell and Imogean Falwell (Fallwells); Daniel Dawson (Dawson); Jim Miller (Miller); Mike Chalenburg (Chalenburg); Don Curtis (Curtis); John Harty (Harty); Victor Robinson (Robinson); Molly Douglas (Douglas); Mike James (James); Dan Newsom (Newsom); and Travis Thompson (Thompson). Complaint at 3-17.

³ *Id.* at 2. See Email from Alvin Simmons PharmD to Harding.Edu (dated Nov. 24, 2018).

⁴ 47 CFR § 74.1203(a)(3).

signal interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station.⁵

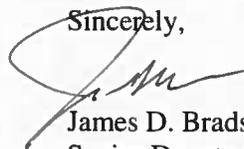
Pursuant to Section 74.1203 of the Rules,⁶ K237GW is required to eliminate any actual interference it causes. Actual interference is based on a complaint from one or more listeners indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. In particular, “the staff has routinely required a listener complainant to include the listener’s name, address, location(s) at which FM translator interference occurs, and a statement that the complainant is, in fact, a listener of the affected station.”⁷

Here, a review of the Complaint reveals that listeners Robinson, Douglas; James; Newsom; and the Fallwells failed to provide the required contact information necessary to investigate their complaints. Therefore, we will not require HBL to address these six complainants. Regarding the 10 remaining complainants, however, HBL is required to address their complaints.⁸

Therefore, it is necessary for Licensee to submit a detailed report (Interference Response) on each of the 10 referenced listeners, even if an individual listener has previously filed a complaint in a different interference proceeding that Licensee has addressed. For each listener complaint, the Interference Response must include: (1) the name and address of the complainant; (2) specific devices receiving the interference (*i.e.* type of device, manufacturer’s name, model number, and serial number); and (3) any assistance provided by the Station for each device allegedly receiving the interference and whether such interference persists. Each of the listener complaints must be addressed individually.

Within thirty days of this letter, Licensee must take appropriate actions required by the provisions of 47 CFR § 74.1203 to resolve all complaints of interference to fulfill its obligations and submit its Interference Response.⁹ Further action on the Complaint will be withheld for a period of thirty days from the date of this letter to provide HBL an opportunity to respond. Failure to correct all complaints within this time may require Station K237GW to suspend operation pursuant to 47 CFR § 74.1203 of the Rules.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: Dutch Hoggatt (by email)

⁵ An FM translator station creating actual radio signal interference to any authorized broadcast station is obligated to eliminate the interference, regardless of the location where the impaired signal reception occurs.

⁶ 47 CFR § 74.1203.

⁷ *Amendment of Part 74 of the Commission’s Rules regarding FM Translator Interference*, Notice of Proposed Rulemaking, MB Docket No. 18-119, FCC 18-60, para. 7 (2018) (*citing Creation of an LPFM Service*, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd 15402, 15431-31 para. 83 (2012)).

⁸ In particular, Bassett; Baker; Butterfield; Perdue; Dawson; Miller; Chalenburg; Curtis; Harty; and Thompson. Complaint at 3-17.

⁹ HBL also should send a courtesy via email to Kim Varner at kim.varner@fcc.gov and James Bradshaw at james.bradshaw@fcc.gov. Additionally, the obligation to resolve interference complaints is ongoing. Specifically, should any complaints be filed in the future, Licensee must resolve or address those complaints within 30 days of receipt.