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In Reply Refer to:
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Re: KKOL(AM), Seattle, Washington
Facility ID No. 20355
Renewal Application File No. 161926
Assignment Application File No. 150697

**Petitions to Deny
Informal Objections**

Dear Applicants and Petitioners:

We have before us: (1) the above-referenced application (Renewal Application) for the renewal of station KKOL(AM), Seattle, Washington (Station or KKOL) filed by Intelli LLC (Intelli) on September 30, 2021; and (2) the above-referenced application to assign KKOL from Intelli to Inspiration Media, Inc. (Inspiration) (Assignment Application) filed by Intelli on June 22, 2021 (collectively, Applications). We also have before us a petition to deny the Applications filed by David and Andrea Knight (Knight) on January 3, 2022 (Knight Petition),¹ a petition to deny the Renewal Application filed

¹ The Knight Petition includes supporting statements by Thomas and Eileen Nicol (collectively, Nicol), and Phillip

by the City of Bainbridge Island (Bainbridge), also on January 3, 2022² (Bainbridge Petition) (collectively, Petitions to Deny), and numerous additional declarations, supplements, and informal objections filed by residents of Bainbridge Island (collectively, Informal Objections).³ For the reasons set forth below, we deny the Petitions to Deny and the Informal Objections and grant the Applications with conditions. The Station's term will expire on November 18, 2026, and a renewal application will be due July 1, 2026.

Background. The Station's most recent license term began in February 2014.⁴ At that time, the Station was operating at its previous site (Port of Tacoma Site) pursuant to a series of technical special temporary authorizations (STAs)⁵ implementing a settlement agreement (Settlement Agreement) between then-licensee Inspiration (a subsidiary of Salem Communications)⁶ and U.S. Oil, a nearby oil refinery. The Settlement Agreement, which was approved by the Commission on October 3, 2011,⁷ provided that KKOL would operate using a directional antenna because at that proximity, KKOL's signal strength was "sufficiently strong to cause RF arcs and burns at the U.S. Oil dock, as well as to interfere with the proper operation of sensitive electronic devices in the refinery."⁸ When a directional antenna proved insufficient to fully eliminate this blanketing interference,⁹ Inspiration reduced the Station's power from 50 kW to 25 kW daytime and 30 kW nighttime.¹⁰

After losing its Port of Tacoma Site lease in 2017, Inspiration filed a modification application (Bainbridge Modification Application)¹¹ seeking to relocate the Station's facilities to Bainbridge Island,

Hutcherson and Emily Mockett. The Knight Petition is timely with respect to the Renewal Application but not with respect to the Assignment Application. *See* 47 CFR §§ 73.3516(e), 73.3584(a). Therefore, with respect to the Assignment Application, we will consider the Knight Petition as an informal objection pursuant to 47 CFR § 73.3587.

² Bainbridge also filed an informal objection to the Assignment Application on August 17, 2022 (Bainbridge Assignment Informal Objection).

³ A list of pleadings is included at Appendix A. On August 4, 2021, Inspiration and Intelli filed an opposition to the Informal Objections (Pleading File No. 156027) (First Assignment Opposition). On September 24, 2021, Inspiration and Intelli filed a second opposition (Pleading File No. 160323) (Second Assignment Opposition). On February 7, 2022, Intelli filed an opposition to the Petitions to Deny (Pleading File Nos. 184567 and 184568 (duplicate)) (Intelli Opposition). Additional supplements filed by either Inspiration or Intelli are listed in Appendix A. Additional unauthorized pleadings that do not raise new facts or arguments are not considered.

⁴ Application File No. BR-20131017ALT (granted on Jan. 24, 2014).

⁵ *See* Application File Nos. BESTA-20140430ABA; BESTA-20150903AAA.

⁶ *See* Second Assignment Opposition at 2.

⁷ *See Robert J. Rini, Esq.*, Letter Decision, Application File No. BML-20090410AWK (MB Oct. 3, 2011) (*Settlement Letter*).

⁸ Settlement Letter at 4.

⁹ Blanketing interference is defined as interference caused by the presence of an AM broadcast signal of one volt per meter (V/m) or greater strengths in the area adjacent to the antenna of the transmitting station. 47 CFR § 73.14.

¹⁰ *See* Application File No. BMP-20050516AQL; Letter from Jerome J. Manarchuck, FCC Engineer, to Christopher J. Henderson, Senior VP and Secretary, Inspiration Media, Inc., Application File No. BESTA-20150520ACI (Oct. 6, 2015).

¹¹ Application File No. BP-20171207ABL. The uncontested Bainbridge Modification Application was granted on March 15, 2018. *Broadcast Actions*, Public Notice, Report No. 49196 (MB Mar. 20, 2018).

Washington (Bainbridge Island Site).¹² On April 26, 2018, Inspiration entered into an asset exchange agreement under which Intelli would acquire KKOL in exchange for station KPAM(FM), Troutdale, Oregon.¹³ The Station ceased operation pending the construction of the Bainbridge Island Site facility and was silent from February 28, 2018,¹⁴ to February 22, 2019.¹⁵ To prevent automatic expiration of the Station's license,¹⁶ on February 22, 2019, Inspiration requested and received an STA to resume operation at an alternative site.¹⁷

Bainbridge Island Operations. On June 24, 2019, Inspiration filed an application for program test authority (PTA) and a license to cover the Bainbridge Modification Application (Bainbridge License Application).¹⁸ On July 19, 2019, the Bureau granted PTA to operate KKOL at 50 kW. During August of 2019, Inspiration began tuning and testing the Station at full power.¹⁹ Immediately, nearby residents began reporting blanketing interference to electronic devices in their households.²⁰ On September 27, 2019, Inspiration and Intelli (collectively, Applicants) consummated the assignment of KKOL to Intelli. For the remainder of 2019 and until mid-September 2020, the Station was largely silent while Intelli attempted to resolve the interference issues²¹ and locate a programming source.²² On September 18, 2020, KKOL briefly resumed operation at 50 kW.²³ On September 20, 2020, Intelli submitted an STA request to reduce KKOL's power to 3.2 kW (its nighttime power limit), explaining that, when it operated at full power, the Station "received complaints of blanketing interference from local neighbors."²⁴ On February 26, 2021, the Bureau notified Intelli by letter that it had received additional blanketing

¹² STA Request filed by Inspiration on February 11, 2019 (stating that Inspiration learned in 2017 that its transmitter site lease would not be renewed and that it suspended operations at its licensed site on February 28, 2018).

¹³ Application File No. BAL-20180514AAH, Exh. 5 (granted Oct. 18, 2018). A closing condition of the transaction was that KKOL commence operation at the Bainbridge Island site. *See* Extension of Consummation Request filed by Inspiration on April 10, 2019.

¹⁴ Application File No. BLSTA-20180308AAN.

¹⁵ Resumption of operations notice filed Feb. 25, 2019.

¹⁶ *See* 47 U.S.C. § 312(g) (mandating that station licenses automatically expire after 12 consecutive months of silence).

¹⁷ Application File No. BSTA-20190211ABA (requesting an STA to broadcast from existing KBRO(AM), Bremerton, Washington, tower) (granted Feb. 15, 2019).

¹⁸ Application File No. BMML-20190624ACC (also requesting program test authority) (Bainbridge License Application) (granted Nov. 7, 2019).

¹⁹ Letter from James Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau, to Intelli (Feb. 26, 2021) (Notification Letter); Letter from Dan J. Alpert, Esq., to James Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau (Mar. 25, 2021) (Response Letter).

²⁰ Response Letter at 2.

²¹ *Id.*

²² Application File No. BLSTA-20191015AAJ (granted Oct. 31, 2019). On November 7, 2019, the Bureau granted the Bainbridge License Application. *Broadcast Actions*, Public Notice, Report No. 49612 (MB Nov. 13, 2019). On June 4, 2020, the Bureau extended KKOL's silent STA through September 27, 2020. *See* Application File No. BLSTA-20200427AHS (granted June 4, 2020).

²³ Intelli Opposition at 4.

²⁴ Application File No. BSTA-20200921ABY, Exh. 16 (granted Sept. 24, 2020).

interference complaints from local residents.²⁵ On June 22, 2021, Intelli filed the Assignment Application to assign the Station back to Inspiration. On August 25, 2021, the Bureau authorized KKOL to operate at varying powers between 3.2 kW and 50 kW to test the effects of different power levels on the blanketing interference.²⁶ On September 30, 2021, Intelli filed the Renewal Application. On January 3, 2022, the City of Bainbridge Island (Bainbridge) and Knight filed the Petitions to Deny. Subsequently, numerous other Bainbridge Island residents (the Informal Objectors) filed declarations, supplements to the Knight Petition, and informal objections to the Applications.²⁷ In total, during 2021 and 2022, 66 individual residents of Bainbridge Island alleged that KKOL is causing blanketing interference to electronic devices in their homes.²⁸

Bainbridge, Knight, and the Informal Objectors (collectively, Resident Objectors) report RF interference with a wide variety of household devices and systems, including: internet connections, monitor displays, computer peripheral devices (keyboards, speakers, etc.), operating systems and other software (emails, video calls, etc.), televisions, cell phones, cordless landline phones, ear buds, electric car charging equipment, vehicle electronic systems (locks, etc.), baby monitors, speakers, doorbells, clock and car radios, Bluetooth-enabled devices (smart bulbs, home security systems, etc.), HVAC systems (including thermostats and heat pumps), garage doors, refrigerators, ovens, solar panels, music systems, home electrical circuits, invisible dog fences, generators, and septic systems. This extensive interference, they argue, is not merely an inconvenience, but significantly impairs residents' safety, security, and ability to work.²⁹ A number of residents also express concern about the effect of blanketing interference on home values³⁰ and the health effects of constant exposure to a high level of RF radiation.³¹

In addition to blanketing interference concerns, Bainbridge objects to the renewal and assignment of the KKOL license on the basis that "KKOL has not operated with its licensed facilities for the entirety of its license term" and has either been silent or operated with special temporary authority.³² Such limited operation, according to Bainbridge, is not in the public interest, fails to serve the community of license, and constitutes a warehousing of spectrum.³³ Some Informal Objectors also claim that KKOL has failed to meet the minimum operating schedule requirements set out in section 73.1740.³⁴ Knight and the

²⁵ *Notification Letter* at 1 (citing 47 CFR §§ 73.88, 73.318).

²⁶ Application File No. BSTA-20210806AAB (granted Aug. 25, 2021).

²⁷ *See* Appendix A.

²⁸ *See* Appendix B.

²⁹ *See, e.g.*, Schutz Declaration at 1-2; Woods/Harris Declaration at 1; Funk Declaration at 2-3; Baker Declaration at 1; McNeely Declaration at 1; Soisson Declaration at 1.

³⁰ *See, e.g.*, Robba Declaration at 1; Pells Declaration at 1; Applewhite Informal Objection at 1; Nicol Declaration at 2; Matson Declaration at 1; Funk Declaration at 2.

³¹ *See, e.g.*, Smith Declaration at 1; Applewhite Informal Objection at 1; Baker Declaration at 1.

³² Bainbridge Petition at 1, 3-5.

³³ Bainbridge Petition at 3-5.

³⁴ *See, e.g.*, Applewhite Informal Objection at 2; Paul Informal Objection at 2; Trump Informal Objection at 2; 47 CFR § 73.1740(a)(1) (requiring AM stations to operate not less than two-thirds of the total hours that they are authorized to operate between 6 am and 6 pm and two-thirds of the total hours they are authorized to operate between 6pm and midnight, local time, except Sundays).

Informal Objectors request that we deny the Applications;³⁵ Bainbridge requests that we designate the Renewal Application for a hearing.³⁶

In the Intelli Opposition, Intelli contends that the City of Bainbridge Island lacks organizational standing to petition to deny the Applications because “[t]he affidavit of the City’s attorney supplied with the [Bainbridge Petition] makes no demonstration that either the attorney nor any of the City’s alleged ‘constituents’ reside within KKOL’s service area.”³⁷ Intelli also argues that Bainbridge’s claim that KKOL has not served the public interest because of its periods of silence and reduced power operation is “more than a little ironic, because these periods have been a direct result of Intelli’s attempts to resolve issues with the station’s technical operation that have been raised by [Bainbridge and Knight] and other residents living near KKOL’s licensed antenna site on Bainbridge Island.”³⁸ Intelli states that KKOL was “on the air for roughly half of the period between Intelli’s acquisition of the station and the filing of its renewal application, at power levels at or well above its authorized nighttime power of 3.2 kW.”³⁹

Regarding the Resident Objectors’ blanketing interference complaints, Applicants argue that: (1) Station engineers have been diligent in responding to resident complaints;⁴⁰ (2) many of the technical issues experienced by local residents are not related to RF emissions from KKOL;⁴¹ (3) Station engineers successfully resolved complaints that were caused by blanketing interference by installing RF filters or by replacing the affected device;⁴² (4) most of the complaints related to “non-RF devices” that are not protected from broadcast emissions under the Commission’s blanketing rules;⁴³ (5) all blanketing interference complaints need not be resolved prior to action on an application;⁴⁴ and (6) in the future, the Station licensee will continue to “comply with its blanketing interference requirements under the

³⁵ See, e.g., Knight Petition at 3.

³⁶ Bainbridge Petition at 6-7.

³⁷ Intelli Opposition at 2. Bainbridge claims standing to file a petition to deny on the basis that “[c]onstituents of Bainbridge are residents of KKOL’s service area and by definition Bainbridge represents the interests of those residents.” Bainbridge Petition at 2. Bainbridge also states that KKOL has violated numerous city regulations and codes in its construction and operation and that Bainbridge has expended resources addressing these violations. *Id.*

³⁸ Intelli Opposition at 3.

³⁹ *Id.* at 4-5.

⁴⁰ *Id.* at 6; April 26 Joint Supplement at 1-2; Woods/Harris Joint Response at 1; July 28 Inspiration Supplement at 1; September 29 Inspiration Supplement, Exh. A (Lockwood Statement) at 3-5.

⁴¹ April 26 Joint Supplement at 2; Joint Response to Wood/Harris at 2; July 28 Inspiration Supplement at 1; Lockwood Statement at 4-5.

⁴² Lockwood Statement at 3-4 (“Because Part 15 FCC rules include standards for emissions—transmitted interference—but not susceptibility to external RF emissions—received interference—. . . the performance of devices such as key fobs in stronger RF environments is likely to vary widely depending on the device’s design and quality. As these systems are inherent to the car’s security system, repairing and modifying them to be more tolerant of RF fields exceeds the ability of all but the vehicle’s design engineers and factory personnel.”).

⁴³ Lockwood Statement at 3.

⁴⁴ Intelli Opposition at 5-6 (arguing that the Bureau never found that the Station is in violation of the blanketing interference rules and that complete resolution of all interference complaints is not required under the Commission’s rules (Rules) or is a necessary precondition to grant of the Renewal Application); April 26 Joint Supplement (“Notwithstanding the stream of objections from nearby residents and the City of Bainbridge Island, there is not a single legal basis for the FCC to continue to withhold action on the KKOL assignment and renewal applications”).

Commission's rules,"⁴⁵ and "cooperate with residents by continuing to provide effective technical assistance in determining the cause of the problem and advice on corrective measures."⁴⁶ Specifically, should it become the Station licensee, Inspiration commits to: maintaining a dedicated email address and phone number for interference complaints, responding to complaints within three days, and, with Bainbridge's approval, disseminating contact information and consumer education materials through the City's website or other resources.⁴⁷

Inspiration argues that an assignment application is not the correct forum to raise blanketing interference issues. Nevertheless, it agrees to "step into Intelli's shoes and work with residents of the City of Bainbridge Island to address issues they experience with covered electronic equipment caused by blanketing interference from KKOL going forward."⁴⁸ Noting that Intelli's "financial position continues to deteriorate," Inspiration states that it is "well-positioned to work with complainant parties . . . [the transaction] will in no way affect the rights of those who wish to bring complaints about the Station's operations, and Inspiration, as the proposed assignee, is willing to accept a condition to that effect as a prerequisite to the consummation of the transaction."⁴⁹

In response, the Resident Objectors dispute the efficacy of the Station's prior remediation measures and are skeptical that the Station's commitment to troubleshoot only "covered devices"—i.e., devices covered by the blanketing interference rules—will adequately address the blanketing interference problems they are experiencing.⁵⁰ Nicol alleges that Intelli has resolved some issues but not others and expresses concern that additional issues may arise in the future.⁵¹ Knight argues that the definition of covered devices—which excludes many of the affected devices here—is outdated and urges the Commission to expand the definition to include all types of electronic equipment.⁵² However, Knight concedes, "If the blanketing interference problem can be resolved by reducing the broadcast level, we support that as a compromise."⁵³ Likewise, Bainbridge requests that the Applicants "either successfully

⁴⁵ Intelli Opposition at 7.

⁴⁶ July 28 Inspiration Supplement at 1-2.

⁴⁷ July 28 Inspiration Supplement at 2 ("If a resident contacts Salem to report an interference issue, within three business days the Station's chief engineer will respond to the resident and request an appointment for an on-site visit to diagnose the issue (if the resident does not respond initially, the Station will attempt to contact the resident again within the week). Typically, during the initial phone call, the chief engineer will be able to diagnose the problem and will be prepared to fix the issue at the initial onsite visit. If that is not the case and the problem seemingly is caused by blanketing interference, Salem personnel will follow up, communicate a plan of action to the resident, and continue working with the resident until the problem is resolved.").

⁴⁸ July 28 Inspiration Supplement at 1-2.

⁴⁹ April 26 Joint Supplement at 3; *see also* First Assignment Opposition at 3 ("Commission approval of KKOL's sale will in no way affect the rights of Mr. Weaver and others similarly situated with respect to concerns of interference from the station, KKOL's compliance with the terms of its license, or any other aspect of the station's technical operation..."); Second Assignment Opposition at 1-3.

⁵⁰ *See* May 4 Nicol Supplement at 1 (questioning the definition of "covered electronic equipment" and disputing the efficacy of the Station's past remediation actions); August 22 Knight Supplement at 1; Bainbridge Reply at 1 ("Intelli and Inspiration have been unable to resolve the blanketing complaints . . . Bainbridge fails to see how this will change if Inspiration is the licensee of KKOL.").

⁵¹ May 4 Nicol Supplement at 1.

⁵² August 22 Knight Supplement at 1.

⁵³ August 22 Knight Supplement at 2. Nicol also cites the Station's power as a key issue, contending that the main

resolve all blanketing complaints or permanently reduce KKOL(AM)'s authorized power to a level that does not cause blanketing interference."⁵⁴

On September 29, 2022, Inspiration filed a supplement (September 29 Inspiration Supplement) in which it agrees to work with local residents to "implementing reasonable and feasible solutions to diminish problems with non-covered devices that are found to be associated with KKOL's RF emissions."⁵⁵ On September 30, 2022, Inspiration further pledged that, upon grant of the Applications and its subsequent acquisition of the Station, it "will reduce the Station's power by 30% from 50 kW to 35 kW and file the requisite applications for such operation (i.e., pursuant to STA and then as a licensed facility)."⁵⁶

Discussion. We find that grant of the Applications with conditions is in the public interest and that the record raises no substantial and material question of fact as to whether Inspiration is qualified to be a licensee of the Station.

Standing. As a preliminary matter, we find that the City of Bainbridge Island has standing to file the Bainbridge Petition. Under the Communications Act of 1934, as amended (Act), a petition to deny must contain specific allegations of fact demonstrating that the petitioner is a party in interest.⁵⁷ Such allegations of fact must—except for those of which official notice may be taken—be supported by an affidavit of someone with personal knowledge thereof.⁵⁸ In the broadcast regulatory context, standing is generally shown in one of three ways: (1) as a competitor in the market subject to signal interference; (2) as a competitor in the market subject to economic harm; or (3) as a resident of the station's service area or regular listener of the station.⁵⁹ An organization can establish standing on behalf of its members if it provides an affidavit or declaration of one or more individuals entitled to standing indicating that the group represents local residents and that the petition is filed on their behalf.⁶⁰ In this case, we take official notice of the facts that: (1) the entirety of Bainbridge Island is within KKOL's service area; and (2) Bainbridge, as an elected governmental body, represents the residents of Bainbridge Island. Therefore, since Bainbridge Island residents are entitled to listener standing, and Bainbridge represents those residents, Bainbridge has administrative standing to petition to deny the Renewal Application.

difference between KKOL and the other AM stations that historically occupied the Bainbridge Site is that neither of the other stations "transmits at KKO(AM)'s proposed 50 kW of power." May 4 Nicol Supplement at 3.

⁵⁴ May 26 Bainbridge Supplement at 1; Bainbridge Assignment Informal Objection at 1-2.

⁵⁵ September 29 Inspiration Supplement at 2.

⁵⁶ September 30 Inspiration Supplement at 1.

⁵⁷ 47 U.S.C. § 309(d); 47 CFR § 73.3584.

⁵⁸ 47 U.S.C. § 309(d)(1); 47 CFR § 1.16 (allowing unsworn declaration under penalty of perjury in lieu of a sworn affidavit in certain circumstances).

⁵⁹ See, e.g., *Chapin Enterprises, LLC*, Memorandum Opinion and Order, 29 FCC Rcd 4250, 4252, para. 7 (2014); see also *Chet-5 Broad., L.P.*, Memorandum Opinion and Order, 14 FCC Rcd 13041, 13042, para. 3 (1999) ("[W]e will accord party-in-interest status to a petitioner who demonstrates either residence in the station's service area or that the petitioner listens to or views the station regularly, and that such listening or viewing is not the result of transient contacts with the station"); *Office of Comm. of the United Church of Christ v. FCC*, 359 F.2d 994, 1000-06 (D.C. Cir. 1966) (expanding standing from traditional categories of electrical interference or economic injury to station listeners).

⁶⁰ Petition for Rulemaking to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application, Memorandum Opinion and Order, 82 F.C.C.2d 89, 99, para. 26 (1980).

Renewal and assignment standards. Our consideration of the Applications is governed by sections 309(k) and 310(d) of the Act.⁶¹ Section 309(k) establishes that the Commission, to renew the license of a broadcast station, must determine that the station has served the public interest and has committed no serious violations and/or violations that, when taken together, constitute a pattern of abuse.⁶² If the licensee fails to meet that standard, the Commission may deny the application—after notice and opportunity for a hearing under section 309(e) of the Act—or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”⁶³ Section 310(d) provides that no station license shall be transferred or assigned unless the Commission determines that the public interest, convenience, and necessity will be served thereby.⁶⁴ If the transaction does not violate a statute or rule, the Commission still considers whether it could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes.⁶⁵ The Commission then employs a balancing process, weighing any potential public interest benefits of the proposed transaction against any potential public interest harms.⁶⁶

Renewal period. We find that a short-term renewal in these circumstances is appropriate under section 309(k) of the Act.⁶⁷ This limited four-year renewal period will afford the Commission an opportunity to review the Station’s compliance with the conditions set out herein and to take whatever corrective actions, if any, that may be warranted at that time. To be clear, this limited renewal is not taken in response to the Station’s periods of silence or reduced power operation during its license term, as urged by Bainbridge. Rather, the record establishes that the Applicants consistently attempted to return the Station to full power throughout the license term and were prevented from doing so by the unplanned-for impact of blanketing interference at both licensed sites. While we have reservations about the Applicants’ siting choices as explained below, we find that the Station responded appropriately to unusual and serious public interest situations as they arose. By reducing power, going silent when necessary, and remaining engaged in negotiations with local stakeholders, the Applicants properly balanced the obligation to serve their community of license with the need to minimize RF disruption to nearby businesses and residents. Likewise, we find no merit to the Informal Objectors’ suggestion that the Applicants violated the minimum operating requirements set out in section 73.1740 of the Rules. The Informal Objectors offer no further explanation or evidence to support this contention, and Commission records indicate that, for the periods the Station was silent for longer than 30 days⁶⁸—i.e., from February 28, 2018, to February 22, 2019, and September 27, 2019, to September 25, 2020—the licensee properly

⁶¹ 47 U.S.C. § 309(k), 310(d).

⁶² 47 U.S.C. § 309(k).

⁶³ *Id.*

⁶⁴ If the Commission is unable to find that the proposed transaction serves the public interest, or if the record presents a substantial and material question of fact as to whether the transaction serves the public interest, Section 309(e) of the Act requires that the applications be designated for hearing. 47 U.S.C. § 309(e); *see also, e.g., Cumulus Media, Inc.*, Memorandum Opinion and Order, 26 FCC Rcd 12956, 12960-61, para. 7 (MB 2011).

⁶⁵ *See, e.g., SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd 18290, 18300, para. 16 (2005).

⁶⁶ *Id.*

⁶⁷ *See* 47 U.S.C. § 309(k); *See generally, Birach B’casting Corp.*, Hearing Designation Order, 33 FCC Rcd 852, 853, para. 5 (2018) (citing 47 U.S.C. § 312(g)) (*Birach*).

⁶⁸ *See* Renewal Application, Attach. “KKOL Station History.”

obtained silent STAs.⁶⁹ On these facts, we do not find any violation of the minimum operating requirements.

Blanketing Interference. The Resident Objectors' main contention is that, at full power, the RF signal emitted from the Station disrupts the operation of nearby household electronic devices and systems. A wide range of electronic devices in addition to broadcast radio receivers can potentially be impacted by strong signals emitted by nearby radio stations, either through interference with signal reception or through intermodulation products disrupting the intended operation of the device.⁷⁰ The primary means of addressing such blanketing interference without reducing power is the use of RF filters or "chokes." In its simplest form, an RF choke is an inexpensive ferrite ring that can be clipped around a cable, or wrapped within the cable, to help disperse excess RF energy and prevent the cable from acting as an antenna.⁷¹ In some cases a more advanced RF filter—or new devices or cables that are better designed to operate in a higher RF environment—may be needed, requiring expert assistance with selection and installation.⁷²

The Commission's blanketing interference rules require AM licensees to satisfy all complaints of blanketing interference: (1) from within the station's 1 V/m contour; and (2) made within one year of a new station or facilities modification.⁷³ Following the one year period, and for complainants who live outside the blanketing contour, station licensees are obligated to provide "technical information or assistance to complainants on remedies for blanketing interference."⁷⁴ When it adopted the blanketing interference rules, the Commission intended to encourage applicants to select transmitter sites to minimize blanketing interference, ideally in a "sparsely populated" location.⁷⁵

In this case we are concerned not just with interference to reception of communications signals but also with disruption to essential household devices from the RF energy generated by KKOL.⁷⁶ While we do not consider property values⁷⁷ and purported health effects of RF radiation that is otherwise in

⁶⁹ See Application File Nos. BLSTA-20180308AAN (granted Apr. 6, 2018); BLESTA-20181011AAP (granted Oct. 18, 2018); BLSTA-20191015AAJ (granted Oct. 31, 2019); and BLESTA-20200427AHS (granted June 4, 2020).

⁷⁰ Amendment of Parts 73 of the Commission's Rules to More Effectively Resolve Broadcast Blanketing Interference, Including Interference to Consumer Electronics and Other Communications Devices; Notice of Proposed Rulemaking, 11 FCC Rcd 4750, 4754, para. 26 (1996) (Blanketing Interference NPRM).

⁷¹ See generally, Lockwood Statement at 3.

⁷² See May 4 Nicol Supplement at 2; Lockwood Statement at 3 (noting that the Nicol's stove required a new power line 240 volt filter); May 9 Knight Supplement at 2 (describing how new computer equipment and "heavily shielded cable" resolved some of their blanketing interference issues).

⁷³ See Note to 47 CFR § 73.88 (requiring AM licensees to follow the instructions set out in the FM blanketing interference rule, 47 CFR § 73.318). The Bureau routinely provides licensees with detailed guidance on how to apply the blanketing interference rules in the five most common situations. See, e.g., *Mr. Jay Ayer*, Letter Decision, 23 FCC Rcd 1879, Appendix (MB 2008); *Sheila Weber*, Letter Decision, 23 FCC Rcd 2634, Attachment (MB 2007).

⁷⁴ 47 CFR § 73.318(d).

⁷⁵ FM Broadcast Station Blanketing Interference, Report and Order, 49 FR 45142, 45144, paras. 16-22 (1984) (Blanketing Interference R&O).

⁷⁶ The actions taken herein have no effect on the rules governing proximity interference among AM radio stations.

⁷⁷ See, e.g., *James and Marian Rollans et al*, Letter Decision, 22 FCC Rcd 16603, 16609 (MB 2007) ("[C]oncern over property values is not an environmental factor considered by the Commission in reviewing proposals for broadcast facilities."); *Entertainment Communications, Inc.*, Memorandum Opinion and Order, 9 FCC Rcd 1557,

compliance with the Rules,⁷⁸ we are nonetheless troubled by the record evidence that KKOL's operation has impaired local residents' ability to work, heat or cool their homes, secure their homes, operate their cars, and communicate in the case of an emergency. The majority of the affected devices fall into categories that are not covered by the Commission's blanketing interference rules.⁷⁹ However, KKOL's operation at the Bainbridge Island Site—as at the Port of Tacoma Site—raises safety and quality of life issues that warrant careful scrutiny by the Commission as part of its public service analysis under sections 309(k) and 310(d) of the Act. Although KKOL shares a site with two other AM stations, the move to Bainbridge Island resulted in a multifold increase in existing signal strength from previous levels, thus causing extensive blanketing interference to local residents. The blanketing interference rules are intended to avoid such disruption by discouraging applicants from selecting operating sites in areas where blanketing interference is likely, such as densely populated residential areas.⁸⁰ We find that Applicants' problematic site choices, which twice now have resulted in contested proceedings before the Commission, contravene the spirit, if not the letter, of the blanketing interference rules.

In these circumstances, we agree with the Applicants that reduced operating power, community outreach, and ongoing remediation are appropriate measures to address local blanketing interference issues. Therefore, we grant the Applications subject to the Applicants' adherence to all of the voluntary commitments set out in their pleadings, which we do not reiterate in detail here but include in key part: (1) immediately reducing the Station's operating power to 35 kW (which is authorized under the Station's current engineering STA) and continuing to operate at 35 kW pursuant to STA until licensed at that power;⁸¹ (2) within one month of the date of this letter, filing a modification application to permanently reduce the Station's operating power to 35 kW;⁸² (3) conducting community outreach as described in the July 28 and September 29 Supplements; (4) responding promptly to blanketing interference complaints as described in the July 28 Supplement, and (5) remediating blanketing interference to any electronic device attributable to KKOL's operation, including, if necessary, installing RF filters, cables, or replacement devices. These conditions will be in effect for as long as KKOL broadcasts from the Bainbridge Island Site. Failure to meet these conditions may result in additional enforcement measures, including, but not limited to, suspension of the Station's authority to operate.

1558, n.7 (1994) (stating that the Commission lacks jurisdiction to redress claims of property devaluation due to proximity to broadcast tower).

⁷⁸ See 47 CFR § 1.1310 (setting out maximum permissible exposure limits for electric and magnetic field strength for all facilities, operations and transmitters regulated by the Commission); *Blanketing Interference NPRM*, 11 FCC Rcd at 4754, para. 26.

⁷⁹ Non-RF devices are expressly excluded from the blanketing interference rules. 47 CFR § 73.318(b). A radiofrequency (RF) device is defined as “any device which in its operation is capable of emitting radiofrequency energy by radiation, conduction, or other means.” 47 CFR § 2.801. Devices governed by 47 CFR Part 15, while considered RF devices, must accept interference from broadcast stations. 47 CFR § 15.5(b). Examples of Part 15 devices include computers and computer peripherals, light switches, coffee pots, wrist watches, wireless temperature probe receivers, wireless garage door openers, wireless microphones, remote control devices, power tools, cordless telephones, wireless alarm systems, Wi-Fi transmitters, and Bluetooth radio devices.

⁸⁰ *Blanketing Interference R&O*, 49 FR at 45144, paras. 16-22.

⁸¹ BESTA-20221003AAD (granted Oct. 4, 2022, expiring April 3, 2023) (authorizing the Station to operate at varying daytime power levels from 3.2 kW to 50 kW). The relevant licensee must apply for any necessary future STAs to continue operating at 35 kW prior to receiving a license to cover.

⁸² Under 47 CFR § 73.3517(a), a proposed assignee may file a modification application in its own name, contingent upon approval and consummation of the assignment. Such application must be accompanied by written permission from the existing licensee. *Id.*

In turn, we urge Bainbridge Island residents to cooperate with KKOL's remediation efforts, use RF filters as appropriate to protect their devices from interference, educate themselves regarding the design limitations of some electronic devices in the presence of this or any other RF "noise," and recognize that not all technical problems are attributable to the Station's operation. Residents who suspect they are experiencing blanketing interference should contact the Station at kkolinterference@gmail.com or (206) 660-7141 and coordinate with Station engineers to identify the source of the problem.⁸³

With the above conditions, we conclude that Intelli satisfies the public interest standard for renewal of the Station's license. We also find that Inspiration is qualified to hold the Station license and that the proposed assignment is in the public interest. Specifically, the Applicants state that sale of the Station will provide Intelli with "much needed revenues" that will enable it to more quickly bring its other radio stations back on the air.⁸⁴ Moreover, it appears that Inspiration is already involved in troubleshooting blanketing interference complaints with its own engineering resources. Most significantly, as the new licensee, Inspiration has committed to reduce the Station's power and resolve residents' complaints post-assignment. For these reasons, we will grant the Renewal and Assignment Applications subject to the conditions imposed herein.

Conclusion/Actions. For the reasons stated above, IT IS ORDERED that the Petitions to Deny and Informal Objections ARE DENIED and the Renewal Application (Application File No. 161926) filed by Intelli LLC on September 30, 2021, IS GRANTED for a license term of four years from the date of this letter,⁸⁵ with the following conditions:

Grant of this renewal application is conditioned upon the Station licensee: (1) immediately reducing the Station's operating power to 35 kW (which is authorized under the Station's current engineering STA) and continuing to operate at 35 kW pursuant to STA until licensed at that power;⁸⁶ (2) within one month of the date of this letter, filing a modification application to permanently reduce the Station's operating power to 35 kW;⁸⁷ (3) conducting community outreach as described in the July 28 and September 29 Supplements; (4) responding promptly to blanketing interference complaints as described in the July 28 Supplement, and (5) remediating blanketing interference to any electronic device attributable to KKOL's operation, including, if necessary, installing RF filters, cables, or replacement devices. These conditions will be in effect for as long as KKOL broadcasts from the Bainbridge Island Site. Failure to meet these conditions may result in additional enforcement measures, including, but not limited to, suspension of the Station's authority to operate.

⁸³ If the Resident Objectors wish to propose a change in the Commission's blanketing interference rules to expand the category of covered devices, they should raise the matter in a petition for rulemaking, not an individual adjudication as here, to provide for the development of a complete record on the issue. *See* 47 CFR § 1.401.

⁸⁴ Second Assignment Opposition at 3.

⁸⁵ The date set in this letter for the new license term supersedes any notice generated from the FCC Licensing and Management System (LMS).

⁸⁶ BESTA-20221003AAD (granted Oct. 4, 2022, expiring April 3, 2023) (authorizing the Station to operate at varying daytime power levels from 3.2 kW to 50 kW). The relevant licensee must apply for any necessary future STAs to continue operating at 35 kW prior to receiving a license to cover.

⁸⁷ Under 47 CFR § 73.3517(a), a proposed assignee may file a modification application in its own name, contingent upon approval and consummation of the assignment. Such application must be accompanied by written permission from the existing licensee. *Id.*

IT IS FURTHER ORDERED that the Assignment Application (Application File No. 150697) filed by Intelli LLC on November 3, 2021, IS GRANTED with the following condition:

Grant of this application is conditioned upon the parties complying with the conditions set out in this letter.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

Appendix A

Pleadings:

Richard Weaver Informal Objection (Pleading File No. 153478) (July 20, 2021)
Inspiration Media, Inc. and Intelli LLC Opposition (Pleading File No. 156027) (Aug. 4, 2021) (First Assignment Opposition)
Diana Trump Informal Objection (Pleading File No. 159395) (email sent July 15, 2021, uploaded to CDBS Sept. 14, 2021)
Leah Applewhite Informal Objection (Pleading File No. 159397) (email sent July 21, 2021, uploaded to CDBS Sept. 14, 2021)
Nancy and Steve Paul Informal Objection (Pleading File No. 159396) (email sent July 20, 2021, uploaded to CDBS Sept. 14, 2021)
Inspiration Media, Inc. and Intelli LLC Opposition (Pleading File No. 160323) (Sept. 24, 2021) (Second Assignment Opposition)
City of Bainbridge Island Petition to Deny (Pleading File No. 178494) (Jan. 3, 2022) (Bainbridge Petition)
David and Andrea Knight Petition to Deny (Pleading File No. 178506) (Jan. 3, 2022) (Knight Petition)
Knight Supplement with additional 35 resident declarations (Pleading File No. 180625) (Jan. 21, 2022)
Knight Supplement with Hudson and Robba Declarations (Pleading File No. 182809) (Jan. 29, 2022)
Intelli LLC Opposition (Pleading File Nos. 184567 and 184568 (duplicate)) (Feb. 7, 2022) (Intelli Opposition)
Knight Supplement (Pleading File Nos. 184566 and 184611 (corrected)) (Feb. 7 and 8, 2022)
Knight Reply (Pleading File Nos. 185188 and 185188 (duplicate)) (Feb. 22, 2022)
City of Bainbridge Island Reply (Pleading File No. 185530) (Feb. 28, 2022) (Bainbridge Reply)
Knight Supplement (Pleading File No. 186975 and 18699 (duplicate with certificate of service) (Mar. 21 and Apr. 1, 2022)
Debra Marie Robert Informal Objection (Pleading File Nos. 187357 and 188822 (duplicate with certificate of service)) (Apr. 4 and Mar. 18, 2022)
Eileen Nicol Supplement (Pleading File No. 188799) (Apr. 3, 2022)
Denise Pajak Informal Objection (Pleading File No. 189235) (Apr. 11, 2022)
Knight Supplement (Pleading File No. 189376) (Apr. 14, 2022)
Christine E. Spencer Informal Objection (Pleading File No. 189617) (Apr. 22, 2022)
Knight Supplement (Pleading File No. 20355) (Apr. 22, 2022)
Inspiration Media, Inc. and Intelli LLC Supplement (Pleading File Nos. 189732 and 189735) (Apr. 26, 2022) (April 26 Joint Supplement)
Nicol Supplement (Pleading File No. 190021) (May 4, 2022) (May 4 Nicol Supplement)
Knight Supplement (Pleading File No. 190323) (May 9, 2022) (May 9 Knight Supplement)
Knight Supplement (Pleading File No. 191189) (May 20, 2022)
City of Bainbridge Island Supplement (Pleadings File No. 191683) (May 26, 2022) (May 26 Bainbridge Supplement)
Intelli LLC Supplement (Pleading File No. 194581) (July 7, 2022) (Joint Response to Woods/Harris)
Knight Supplement (Pleading File No. 195193) (July 18, 2022)
Inspiration Media, Inc. Supplement (Pleading File No. 195930) (July 28, 2022) (July 28 Inspiration Supplement)
Knight Supplement (Pleading File Nos. 197100 and 197102 (corrected)) (Aug. 5, 2022)
Kenneth Michael Woods Supplement (Pleading File No. 197156) (Aug. 8, 2022)
Knight Supplement (Pleading File No. 197512) (Aug. 12, 2022)
City of Bainbridge Island Informal Objection (Pleading File No. 197808) (Aug. 17, 2022) (Bainbridge Assignment Informal Objection)

Knight Supplement (Pleading File No. 197982) (Aug. 22, 2022) (August 22 Knight Supplement)
Nicol Supplement (Pleading File No. 199499) (Sept. 7, 2022)
Knight Supplement (Pleading File No. 199638) (Sept. 10, 2022)
Inspiration Media, Inc. Supplement (Pleading File No. 201200) (Sept. 29, 2022) (September 29
Inspiration Supplement)
Inspiration Media, Inc. Supplement (Pleading File No. 201490) (Sept. 30, 2022) (September 30
Inspiration Supplement)

Appendix B

Individual Complainants:

Alan Funk
Andres Knight
Barbara Kittell
Bill Biscoombs
Brandi Marinoni
Brian Putnam
Candace Deleo
Christi Brewer
Christine Spencer
Clinton Pells (outside blanketing contour)
Clyde Hanson
Cory Harris
David Knight
David Schutz (outside blanketing contour)
Deborah Baker
Debra Marie Robert
Denise Pajak
Diana Trump
Eileen Nicol
Emily Mockett
Guinevere Maxwell
Hal Bringman
Jacob Bang-Knudsen
Jeffery Robert
Jen Larson
Jennifer Pells (outside blanketing contour)
Joel Soisson
Joyce Bentley
Kathy Cooper
Keith Brofsky
Kenneth Woods
Kim Wilkes
Kimberly Brown
Kirk Robinson
Leah Applewhite
Lee Robinson
Levi Larson
Linda Bruce
Linda Sohlberg
Lisa Biscoombs
Lisa Woods
Marc Andre Kamber
Marc Marinoni
Marc Williamson

Marina Smith
Mark Maxwell
Mark Merger
Melissa Bang-Knudsen
Mike Matson
Myra Hudson
Nancy Paul
Norman Bruce
Paul Cooper
Paul Demainew
Phillip Hutcherson
Renaë Matson
Richard Weaver
Ryan Mauer
Steve Paul
Susan Putnam
Suzann Demainew
Sylvia McNeely
Syndey Thiel
Thomas Hudson
Thomas Nicol
Thuy Lisa Mauer
Trevor Flake

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

David and Andrea Knight
9790 NE Murden Cove Dr.
Bainbridge Island, WA 98110

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

ANN

C. Date of Delivery

Feb 5-04

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7003 2260 0002 9670 0479

PS Form 3811, February 2004

Domestic Return Receipt

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