



Federal Communications Commission
Washington, D.C. 20554

February 16, 2024

In Reply Refer to:
1800B3-CEG

EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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David and Andrea Knight
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Re: KKOL(AM), Seattle, Washington
Facility ID No. 20355
Application File No. BP-20221213AAA

Informal Objection

Dear Applicant and Objector:

We have before us the above-referenced application (Modification Application) for a minor modification to the licensed facilities of station KKOL(AM), Seattle, Washington (Station or KKOL), filed by Inspiration Media, Inc. (Inspiration) on December 13, 2022. We also have informal objections (Objections) to the Modification Application filed by David and Andrea Knight (Knights) on January 11, 2023 (First Knight Objection), and December 14, 2023 (Second Knight Objection),¹ and by John and Adrienne Heile (Heiles) on December 18, 2023 (Heile Objection) (collectively, Objections).² In addition, although not filed in opposition to the Modification Application, the Audio Division, Media Bureau (Bureau) has received a number of informal email complaints from Bainbridge Island residents alleging that KKOL is causing disruption to various household electronics (collectively, Complaints).³ For the reasons set forth below, we deny the Objections and grant the Modification Application.

Background. On November 18, 2022, the Audio Division, Media Bureau (Bureau) released a letter decision (*Renewal Letter*)⁴ granting renewal and assignment applications⁵ for the Station. The

¹ Pleading File No. 232950.

² Pleading File No. 233338.

³ Specifically, the Bureau has received email complaints from the Knights, Amy Enns-Ford, John and Adrienne Heile, Alan Funk, and Emily Rosenberg (Complainants). Complainants cc'd Inspiration on all emails received by the Bureau.

⁴ *Intelli LLC*, Letter Decision, Renewal Application File No. 161926 and Assignment Application File No. 150697 (MB Nov. 18, 2022) (*Renewal Letter*).

Renewal Letter addressed complaints submitted by 67 residents of Bainbridge Island, Washington, including a petition to deny and fifteen supplements filed by the Knights, all alleging that KKOL was causing disruption to various household electronics in nearby residences.⁶ In the *Renewal Letter*, the Bureau responded to these complaints by granting KKOL a short-term (four year) renewal and imposing certain conditions on KKOL's renewal, including the requirement to file, within 30 days of the *Renewal Letter*, a modification application permanently reducing the Station's power from 50 kW to 35 kW.⁷ By filing the Modification Application, Inspiration complied with this condition.

In the Objections and Complaints, Bainbridge Island residents renew their claim that KKOL's operation at 35 kW disrupts the operation of certain household electronics and that the remediation measures undertaken by Inspiration's engineering staff have not resolved all such instances of disruption.⁸ According to the Heiles and Knights, the Bureau should order further modification of KKOL's license to specify an operating power of 1 kW.⁹ The Knights contend that KKOL would still cover its community of license at this power, supporting this argument with an unsigned statement and technical data purportedly provided by Dave Schutz of Hoffman Schutz Media Capital (Schutz Statement).¹⁰ The Knights alternatively urge that the Commission order KKOL to cease operation or replace the Knights' malfunctioning security system and reimburse them for the costs of the system.¹¹

Discussion. Pursuant to sections 309(e) of the Communications Act of 1934, as amended,¹² an informal objection, like a petition to deny, must contain specific allegations of fact sufficient to show that grant of the application would be prima facie inconsistent with the public interest, convenience, and

⁵ Renewal Application File No. 161926 (Renewal Application) and Assignment Application File No. 150697 (Assignment Application) (consummated on December 1, 2022. See Notification of Consummation, File No. 204869 (Dec. 7, 2022)).

⁶ See *Renewal Letter*, Appendix A. 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. 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. See *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).

⁷ *Renewal Letter* at 11.

⁸ Specifically, Objectors and Complainants allege ongoing disruption to a variety of household electronics, including lights, refrigerators, a guitar amplifier, computers and peripheral devices, irrigation and security systems, an electronic photo frame, and a baby monitor. See, e.g., Heile Objection at 1; Second Knight Objection at 1-2.

⁹ Heile Objection at 1; First Knight Objection at 1.

¹⁰ First Knight Objection at 1-6. As a procedural matter, the Schutz Statement is inadmissible because it is not supported by an affidavit or declaration under penalty of perjury of a person with personal knowledge of the facts alleged. However, even if we were to accept the Knight's contention that, from an engineering perspective, KKOL could cover its community of license with 1 kW of power, we do not think it would be in the public interest to involuntarily modify its license to do so, for the reasons discussed herein.

¹¹ Second Knight Objection at 2.

¹² 47 U.S.C. § 309(e).

necessity.¹³ These allegations of fact, except for those of which official notice may be taken, must be supported by an affidavit or declaration under penalty of perjury of someone with personal knowledge of the facts alleged.¹⁴ After thorough review of the record, we find that the Objections do not meet this standard.

In the *Renewal Letter*, the Bureau struck a careful balance between the concerns raised by Bainbridge Island residents regarding the Station’s potential effect on certain consumer electronics and Inspiration’s licensed and rule-compliant broadcast operations. On one hand, the Bureau found that Bainbridge Island residents had raised certain valid “safety and quality of life issues” regarding the Station’s effect on their household electronics, including security and communications equipment.¹⁵ On the other hand, the Bureau acknowledged that the Commission’s rules do not require broadcasters to prevent or remediate adverse impacts from broadcast radio signals on the large and varied universe of non-RF consumer electronics.¹⁶ In these circumstances, the Bureau concluded that a short-term (four-year) license renewal—together with conditions adopting Inspiration’s voluntary commitments to significantly reduce power, conduct community outreach, and carry out remediation measures as needed—addressed residents’ concerns and afforded the Commission “an opportunity to review the Station’s compliance with the conditions and to take whatever corrective actions, if any, that may be warranted at the next renewal proceeding.”¹⁷ The Bureau also urged 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 can be attributed to the Station’s operation.¹⁸

In light of the significant commitments already undertaken by Inspiration, including a one third reduction in operating power, we do not believe it would be in the public interest—or within the scope of the Commission’s blanketing interference rules—to institute a new proceeding for a further modification of the KKOL license. Rather, we affirm that the Bureau’s approach in the *Renewal Letter* strikes an appropriate balance between KKOL’s rule-compliant operation and the safety and quality of life concerns raised by the Objectors and Complainants.¹⁹ The record indicates that Inspiration’s engineering staff has

¹³ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n. 10 (1990), *aff’d sub nom. Garden State Broadcasting L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *reh’g denied* (Sep. 10, 1993); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986).

¹⁴ See 47 U.S.C. § 309(d)(1) (“Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof”); 47 CFR § 1.16 (allowing unsworn declarations in lieu of affidavits).

¹⁵ *Renewal Letter* at 10.

¹⁶ *Id.* at 9-10 (explaining that non-RF devices are expressly excluded from the blanketing interference rules under 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.

¹⁷ *Renewal Letter* at 10.

¹⁸ *Id.* at 11.

¹⁹ We further note that to the extent that the Objections and Complaints challenge the Bureau’s actions taken in the *Renewal Letter*, they are untimely. A petition for reconsideration must be filed within 30 days of the date of public notice of a decision. 47 CFR § 1.106(f). In this case, the *Renewal Letter* went on public notice November 22, 2022,

been responding as required to consumer complaints and attempting to remediate reported issues arising from KKOL's broadcasts. We urge Inspiration and Bainbridge Island residents to continue to work together to resolve any instances of disruption to household electronics that may arise as a result of KKOL's licensed broadcasting operations. We remind Inspiration that failure to satisfy its license conditions may result in additional enforcement measures, including, but not limited to, suspension of the Station's authority to operate. Moreover, we note that our action herein is without prejudice to any future action that the Bureau may take in the context of KKOL's next renewal application.

Conclusion/Actions. For the reasons stated above, IT IS ORDERED that the informal objections filed by David and Andrea Knight on January 11, 2023, and December 14, 2023, Pleading File No. 232950, and by John and Adrienne Heile on December 18, 2023, Pleading File No. 233338, ARE DENIED and the application for a minor modification to the facilities of station KKOL(AM), Seattle, Washington, filed by Inspiration Media, Inc. on December 13, 2022 (Application File No. BP-20221213AAA) IS GRANTED.²⁰

Sincerely,

Albert Shuldiner
Chief, Audio Division

and became final December 22, 2022. *See Broadcast Actions*, Public Notice, Report No. PN-3-221122-01 (Nov. 22, 2022). The Objection was filed on January 11, 2023, and is therefore untimely as a petition for reconsideration of the *Renewal Letter*.

²⁰ This action in no way affects the licensee's other obligations as set out in the *Renewal Letter*.