



Federal Communications Commission
Washington, D.C. 20554

March 11, 2024

In Reply Refer To:
1800B3-KV

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In re: W266BW, Winder, GA
Davis Broadcasting of Atlanta, L.L.C.
Facility ID No. 147273
Application File No. 0000186272

Interference Complaint

Dear Counsel:

This letter refers to the Media Bureau's (Bureau) May 11, 2023, letter (*Remediation Required Letter*),¹ finding that Tri-State Communications, Inc. (Tri-State), licensee of Station WLJA-FM, Ellijay, Georgia (WLJA-FM),² filed a valid interference claim package (Complaint)³ concerning FM Translator W266BW, Winder, Georgia (W266BW or Translator), licensed to Davis Broadcasting of Atlanta, L.L.C. (Davis), per section 74.1203(a)(3)⁴ of the Commission's rules (Rules). In the *Remediation Required Letter*, the Bureau ordered Davis to either remediate the interference caused to WLJA-FM or to submit evidence that the Complaint is not a valid and complete interference claim package.⁵ We have before us a

¹ See Letter from James D. Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau, to Davis Broadcasting of Atlanta, LLC, et al., Application File No. 0000186272, Letter Order (MB May 11, 2023).

² Facility ID No. 36892.

³ See Complaint of Tri-State, Pleading File No. 0000194058 (filed Jun. 27, 2022) (Complaint). See also *Remediation Required Letter* at 1, n. 2 (finding that Tri-State's petition for reconsideration is in fact a translator interference claim and therefore is subject to our procedures for such interference claims).

⁴ 47 CFR § 74.1203(a)(3).

⁵ *Remediation Required Letter* at 1.

Response (Response) to the *Remediation Required Letter*, filed by Davis on June 9, 2023; a Motion to Strike (Motion), filed by Davis on June 23, 2023; and related responsive pleadings.⁶ For the reasons discussed below, we deny the Motion, grant the Complaint, and require Davis to immediately cease operation of W266BW.

Background. On May 11, 2023, the Bureau found that the Complaint was a valid and complete interference claim package. Specifically, the Bureau found that Tri-State exceeded the minimum of seven rule-compliant listener complaints, which the Bureau determined Tri-State was required to submit under the Rules,⁷ by submitting 10 rule-compliant listener complaints, along with the required engineering showings.⁸ Accordingly, the Bureau directed Davis to file, within 30 days of the *Remediation Required Letter*, a plan to resolve the interference to the Complainants or submit evidence demonstrating that the Complaint was not a valid and complete interference claim package.⁹ The Bureau further directed Davis to submit, within 60 days of filing a timely interference remediation plan (if one was filed), certain specific evidence demonstrating that the interference was resolved.¹⁰ The Bureau cautioned Davis that “[f]ailure to comply with the remediation timeline may result in W266BW being ordered to cease operations.”¹¹

On June 9, 2023, Davis filed a Response arguing that the Complaint is not a valid and complete interference claim package and should be dismissed.¹² Davis contends that, according to its calculations, Tri-State was required to submit a minimum of eight rule-compliant listener complaints but failed to do so.¹³ Specifically, Davis alleges that after performing joint testing in February 2023, the parties agreed that W266BW is not causing interference at the locations reported by Redmann, Vaughn, and

⁶ See Response of Davis, Pleading File No. 0000216477 (filed Jun. 9, 2023) (Response) and Comments on W266BW Response filed by Tri-State, Pleading File No. 0000216930 (filed Jun. 20, 2023) (Comments); Motion of Davis, Pleading File No. 0000217110 (filed Jun. 23, 2023); Opposition of Tri-State, Pleading File No. 0000217619 (filed Jul. 6, 2023) (Motion Opposition); and Reply of Davis, Pleading File No. 0000217905 (filed Jul. 13, 2023) (Motion Reply).

⁷ 47 CFR § 74.1203(a)(3).

⁸ *Remediation Required Letter* at 2. Specifically, the Bureau found that Tri-State submitted rule-compliant listener complaints from the following complainants: Phyllis A. Loner (Loner); Todd Redmann (Redmann); Peggy Hill (Hill); Jack and Elaine Kitchens (the Kitchens); Betty P. Vaughn (Vaughn); Steve Rakestraw (Rakestraw); Larry Caldwell (Caldwell); Elaine Smith (Smith); Don Williams (Williams); and Herbert Goss (Goss). *Id.* at 2 & n.10. Collectively, these listener complainants will be referred to as the Complainants. Because several of the Complainants reported multiple interference locations, such as home, work, and driving, the Bureau identified in a parenthetical the rule-compliant interference location(s) for each Complainant. *Id.* The Bureau further found that the listener complaint from James R. Garmon was not rule-compliant. *Id.*

⁹ *Id.* at 3-4.

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² See Response at 1.

¹³ According to Davis, “the population served by WLJA-FM within its 60 dbu contour is 313,721.” *Id.* at 5. Davis also notes that Tri-State acknowledged in the Complaint that a minimum of eight listener complaints were required based on its calculations of 304,576 persons within WLJA-FM’s protected contour. *Id.*

Rakestraw.¹⁴ Additionally, Davis argues that Tri-State submitted undesired to desired (U/D) data that used locations that were not reported by Vaughn and the Kitchens as receiving interference.¹⁵ Davis further contends that Tri-State's U/D ratios for all Complainants were defective because Tri-State studied W266BW's licensed envelope antenna pattern, rather than its measured composite antenna pattern.¹⁶ Davis opines that "[w]hen the U/D ratios are accurately calculated using W266BW's measured composite antenna pattern, they do not meet the -20 dB standard required for valid listener complaints."¹⁷ Lastly, Davis asserts that "Tri-State assumes that when listeners around Atlanta say they cannot receive WLJA-FM, interference by W266BW must be the cause" but "[t]he reality is that WLJA-FM's signal is weak or non-existent in much of metropolitan Atlanta due to distance and terrain."¹⁸

On June 20, 2023, Tri-State filed "Comments" to the Response, declaring that the Bureau should order W266BW to cease operations because Davis failed to demonstrate that the Complaint is not a valid and complete interference claim package.¹⁹ Regarding the U/D data submitted for the listener complaints of Vaughn and the Kitchens, Tri-State reports that because they reported several interference locations, "for the ease of reporting and testing" Tri-State submitted U/D ratios using a single "summarized" location for Vaughn and a different single "summarized" location for the Kitchens, which Tri-State says it believed reflected all interference locations reported by these listeners.²⁰ Tri-State asserts that Davis did not object to use of the "summarized" locations for these listeners during the parties' February 2023 joint testing.²¹ Nevertheless, Tri-State opines, to "clarify any possible confusion," Tri-State submits with the Comments new U/D ratios for all interference locations reported by Vaughn and the Kitchens, which Tri-State requests be included as part of the Complaint.²² Next, Tri-State asserts that it correctly calculated the U/D ratios for all Complainants using W266BW's licensed antenna pattern because Tri-State says the Rules do not require U/D calculations to be made using W266BW's measured antenna pattern.²³ Moreover, Tri-State declares, W266BW's licensed antenna pattern was the only pattern available to Tri-State because Davis refused to provide detailed information concerning the W266BW antenna system and did not submit the W266BW measured antenna pattern in any previous application on file with the Commission.²⁴ Tri-State further contends that Davis did not sufficiently describe W266BW's antenna

¹⁴ *Id.* at 4. Davis cites the joint testing "report" Tri-State initially submitted to the Bureau via email in April 2023, *see Remediation Required Letter* at 1, n.2, asserting that in the report Tri-State's consulting engineer stated "that there was no interference at these locations." Response at n.7.

¹⁵ Response at 2. Davis also states that Tri-State's map showings for Vaughn and the Kitchens were likely defective because Tri-State presumably plotted the "invalid locations." *Id.* at 3.

¹⁶ *Id.*

¹⁷ *Id.* In support, Davis submitted undesired to desired ratios for the Complainants comparing W266BW's licensed antenna pattern to what Davis says is the "actual antenna fill pattern." "WLJA-FM Tabulated Listener Complaint Adjusted for Antenna Pattern Fill," Exhibit F, *id.*

¹⁸ *Id.* at 6.

¹⁹ Comments at 1.

²⁰ *Id.* at 2.

²¹ *Id.* In support, Tri-State attached an exhibit purportedly detailing the results of the February 2023 joint testing. *See* "Results of On/Off Tests," Exhibit A, *id.*

²² *See* "U/D Data for Listeners 4 and 5 from W266BW Licensed and 'Measured' Antennas," Exhibit C, *id.*

²³ *Id.* at 4.

²⁴ *Id.* at 3-4.

system in the W266BW license application but merely “reported that the antenna in use by W266BW was a Scala ‘Custom.’”²⁵ Tri-State argues that the W266BW measured antenna pattern showings submitted by Davis in the Response should not be considered because the U/D data cannot be verified.²⁶ Finally, Tri-State asserts that Davis’s claims about the extent of WLJA-FM’s signal in the metropolitan Atlanta area, and whether terrain impairment exists between WLJA-FM’s facilities and metro Atlanta, are irrelevant.²⁷ Tri-State declares that WLJA-FM’s licensed community is Ellijay, Georgia, and that Tri-State has no desire to serve Atlanta.²⁸ Moreover, Tri-State contends, even if it were seeking to serve Atlanta, the existent of terrain impairment does not relieve a translator station of its obligations to eliminate interference under section 74.1203 of the Rules.²⁹

On June 23, 2023, Davis filed a Motion arguing that Tri-State’s Comments should be stricken as an unauthorized pleading.³⁰ Davis declares that Tri-State’s “belated attempt to supply compliant U/D data through an unauthorized pleading should be summarily rejected.”³¹ Additionally, Davis asserts, Tri-State has still failed to submit “a rule-compliant map plotting the specific locations of the alleged interference [reported by Vaughn and the Kitchens].”³² Lastly, Davis reiterates its claim that Tri-State has failed to submit the minimum required number of listener complaints.³³

On July 6, 2023, Tri-State filed the Motion Opposition arguing that there is no legal basis to strike Tri-State’s Comments.³⁴ Specifically, Tri-State notes that in the *Remediation Required Letter* the Bureau did not expressly forbid Tri-State from filing Comments.³⁵ Moreover, Tri-State claims, the Response contained “misrepresentations of key facts relating to the manner in which W266BW is actually operating and . . . outright false U/D ratio data.”³⁶ Regarding W266BW’s operations, Tri-State contends that in the Response Davis disclosed that W266BW is operating at variance from its license authorization and that the Bureau must investigate whether said operations are in violation of the Rules.³⁷ With respect to the U/D data submitted in the Response, Tri-State declares that it was “based on factors that are entirely made up.”³⁸ In particular, Tri-State claims that Davis’s U/D data includes a column labeled

²⁵ *Id.* at 5.

²⁶ *Id.* at 6.

²⁷ *Id.* at 8.

²⁸ *Id.*

²⁹ Comments at 8 (citing 47 CFR § 74.1203).

³⁰ Motion at 1.

³¹ *Id.* at 2.

³² *Id.*

³³ *Id.* In particular, Davis alleges “Tri-State and Davis agreed [after joint testing] that there was no interference at three . . . locations. Tri-State submitted inaccurate U/D data for another location. [Additionally] the Undesired/Desired ratio at the locations identified by Tri-State does not exceed -20dB with the measured composite antenna pattern.” *Id.* at 2-3.

³⁴ Motion Opposition at 2.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

“Adjustment to Actual Fill Pattern Interpolated” but Davis does not explain its methodology for “adjusting” the U/D data.³⁹ Tri-State asserts that the Rules do not authorize such an adjustment.⁴⁰ As for Tri-State’s use of “summarized” interference locations for the complaints of Vaughn and the Kitchens, Tri-State contends that “[t]here is no reason the . . . Bureau cannot simply treat the [updated U/D data for Vaughn and the Kitchens] . . . provided by Tri-State as part of the Comments as a supplement to its Complaint; it would be wildly inefficient to require that Tri-State start all over again, with a new round of interference complaints.”⁴¹ Lastly, in the Motion Opposition, Tri-State includes an updated map of all interference locations reported by all Complainants,⁴² which Tri-State requests that the Bureau treat “as a further supplement to the Complaint.”⁴³

On July 13, 2023, Davis replied that Tri-State’s Motion Opposition improperly raises arguments outside the scope of the Motion and impermissibly seeks to “further supplement” the defective Complaint.⁴⁴ Specifically, Davis declares that in the Motion Opposition Tri-State tries for a third time to correct the Complaint by submitting an updated map of the listener complaints, but the *Translator Interference Order* does not grant Tri-State unlimited opportunities to correct fatal errors in the Complaint.⁴⁵ Moreover, Davis contends, while the Bureau did not “expressly forbid” innumerable actions in the *Remediation Required Letter*, that does not imply the Bureau’s assent to engage in said actions.⁴⁶ In particular, Davis argues that the Bureau did not authorize Tri-State to disregard the interference resolution procedures set forth in the *Translator Interference Order*⁴⁷ by filing “Comments” to the Response.⁴⁸ With respect to allegations that W266BW is operating at variance from its license, Davis states that W266BW’s operations are in compliance with its license authorization and “[t]he directional pattern of the Scala antenna system utilized in the operation of W266BW meets all requirements for filling the licensed envelope of an FM translator.”⁴⁹ Davis also contends that it correctly calculated the U/D ratios in the Response.⁵⁰ Finally, Davis objects to Tri-State’s statement that if Tri-

³⁹ *Id.* at 3.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* at 4.

⁴⁴ Motion Reply at 3.

⁴⁵ *Id.*

⁴⁶ *Id.* at 1.

⁴⁷ *Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*), recon. denied, Order on Reconsideration, 35 FCC 11561 (2020).

⁴⁸ Motion Reply at 2.

⁴⁹ “Technical Statement” at 1, *id.* (footnote omitted). Specifically, Davis’s consulting engineer states that in the permit application W266BW listed a specific envelope. After the permit was granted, Davis reports “the envelope was sent to directional antenna manufacturers to analyze options to fill the envelope [Davis] chose an option that filled the area to the southwest, south, and southeast and provided significant attenuation towards the WJLA transmitter.” *Id.*

⁵⁰ In particular, Davis’s consulting engineer states that in order to provide the Bureau with “accurate U/D ratios based on W266BW’s actual fill pattern and operation, I adjusted the Undesired signal by the attenuation difference

State is not allowed to supplement its Complaint, Tri-State will file a new interference complaint.⁵¹ Davis declares that previously it has “relocated its translator, engaged numerous consulting and technical engineers and repeatedly contracted with tower crews to examine the translator’s operations—all at significant expense. Enough is enough.”⁵² Davis requests that the Bureau dismiss Tri-State’s “defective” Complaint and bar Tri-State from filing a new interference complaint.⁵³

Discussion. Motion. We disagree with Davis’s assertion that Tri-State’s Comments should be stricken as an unauthorized pleading and that we should not consider the supplemental U/D data and interference map Tri-State submitted with the Comments and Motion Opposition. Pursuant to section 74.1203(a) of the Rules, a complaint alleging actual interference may be filed at any time, and although we will return or dismiss an interference claim package that we determine is incomplete after our initial review, there is no proscription against supplementing a pending interference complaint, particularly where, as here, the supplement merely makes minor corrections to the U/D data and the location plots for two of ten otherwise compliant listener complainants.⁵⁴ Specifically, upon receipt of an interference claim package from a complaining station, the Bureau reviews the contents to determine if it is a valid and complete interference claim package.⁵⁵ If the Bureau determines that it is a valid and complete interference claim package, the Bureau issues a letter directing the translator to submit, within specified time period, a remediation plan or evidence contesting the validity or completeness of the interference claim package.⁵⁶

In the *Remediation Required Letter*, the Bureau issued a preliminary finding that the Complaint was a valid and complete interference claim package and ordered Davis to either remediate the interference caused to WLJA-FM or to demonstrate that Tri-State had not filed a valid and complete interference claim package. Here, Davis responded by disputing the Bureau’s preliminary finding, claiming the parties had agreed in February 2023 that W266BW was not causing interference at the locations reported by Redmann, Vaughn, and Rakestraw; that the U/D data used locations that were not reported by Vaughn and the Kitchens as receiving interference; and that the U/D ratios for all Complainants were defective because Tri-State studied W266BW’s licensed envelope antenna pattern, rather than its measured composite antenna pattern.⁵⁷ Under these circumstances, we find that Tri-State was not precluded by the Rules from commenting on the Response or from further supplementing the pending Complaint and that acceptance of Tri-State’s Comments and updated engineering showings is consistent with past practice allowing supplementation of pending interference complaints.⁵⁸ Therefore,

between the licensed envelope and the actual Scala antenna system and provided . . . a comparative table.” *Id.* (footnote omitted).

⁵¹ *Id.* at 4.

⁵² *Id.* at 5.

⁵³ *Id.*

⁵⁴ 47 CFR § 74.1203(a)(3); *Translator Interference Order*, 34 FCC Rcd at 3470-71, para. 26.

⁵⁵ *See Translator Interference Order*, 34 FCC Rcd at 3468, para. 21.

⁵⁶ *Id.* at 3474, para. 35.

⁵⁷ *See Response* at 2-5.

⁵⁸ We note that under section 1.106(f) of the Rules governing petitions for reconsideration, “[n]o supplement . . . to a petition for reconsideration . . . , filed after expiration of the 30 day period [for filing such petitions], will be considered except upon leave granted upon a separate pleading for leave to file.” 47 CFR § 1.106(f). However, as noted *supra* note 3, we find that Tri-State’s Complaint is a translator interference claim and therefore is subject to our procedures for such interference claims. *Translator Interference Order*, 34 FCC Rcd at 3470, para. 26 (“[W]e preserve the right of a full-service station to challenge a translator’s operation on the basis of interference at any

we will deny the Motion and we will consider Tri-State's Comments along with the updated engineering showings.

Complaint. We find Tri-State's Complaint as supplemented with the updated engineering showings of U/D data and an interference map is a valid and complete interference claim package. As an initial matter, we find that Tri-State was required to submit a minimum of eight rule-compliant listener complaints.⁵⁹ Previously, we found that Tri-State was required to submit a minimum of seven rule-compliant listener complaints based on our independent engineering review finding that 251,735 persons resided within WLJA-FM's protected service contour.⁶⁰ Our revised engineering review, however, has determined that the population within WLJA-FM's protected contour is in fact 306,007 persons.⁶¹

Our revised finding of the required minimum number of listener complaints does not, however, change our conclusion that Tri-State exceeded the required minimum number of listener complaints with ten rule-compliant listener complaints.⁶² Regarding the listener complaints of Vaughn and the Kitchens, we find that the Complaint as supplemented with the updated engineering showings complies with the Rules. Under section 74.1203(a)(3) of the Rules, a complaint alleging actual interference must include, among other things, undesired to desired data at "each listener location" and a map plotting the "specific locations of the alleged interference."⁶³ In the Complaint as originally filed Tri-State submitted undesired to desired data using "summarized" locations that were not reported by these listeners as receiving interference along with a map plotting the summarized locations. In the supplemental filings, however, Tri-State submitted updated undesired to desired data using the interference locations that were reported by Vaughn and the Kitchens along with an updated map plotting these interference locations and therefore the Complaint as supplemented complies with the standards set forth in section 74.1203(a)(3) of the Rules.

Regarding Davis's argument that Tri-State's On-Off Testing Report (Report) states that there was no interference at three of the eleven locations tested by the parties in February 2023,⁶⁴ we note that the Commission has stated that unilateral submissions of contested translator interference data is unacceptable as a remediation showing.⁶⁵ Here, Davis did not sign the Report or state that it agreed with the Report's findings, but rather Davis expressly declined to offer any conclusions regarding the findings in the Report.⁶⁶ Moreover, Davis has specifically disputed the Complaint's use of "summarized" locations for two listener complainants, including one of the locations where Davis notes the Report states

time if it otherwise meets the heightened requirements set out herein.")). Therefore, we need not consider whether the Comments can be accepted under section 1.106(f) of the Rules.

⁵⁹ For populations of 300, 000 - 399, 999, a minimum of eight rule-compliant listener complaints are required. See Table 1 of 47 CFR § 74.1203(a).

⁶⁰ See *Remediation Required Letter* at 2, n. 8.

⁶¹ The discrepancy arose from the inadvertent use of 2010 United States Census data rather than of 2020 United States Census data as stated in *Remediation Required Letter*.

⁶² See also *Remediation Required Letter* at 2, n. 8 (noting that if even eight listener complaints are required Tri-State has exceeded this showing).

⁶³ 47 CFR § 74.1203(a)(3)(ii), (v).

⁶⁴ Response at 4 & n.7. *ra*

⁶⁵ *Translator Interference Order*, 34 FCC Rcd at 3474, para. 33 ("[A]ny contested data may not be unilaterally presented to the Commission as a remediation showing (or to dispute a remediation showing).").

⁶⁶ Response at 2, n.7 ("Davis offers no conclusions regarding the purported findings of the [R]eport . . .").

there was no interference.⁶⁷ Accordingly, we decline to consider the interference test data in the Report because it was submitted unilaterally by Tri-State and is contested by Davis.

We further find that Tri-State properly calculated the U/D data using the W266BW antenna pattern verified in the W266BW license authorization. We reject Davis's contention that Tri-State should have calculated the U/D ratios using the "measured composite antenna pattern" that Davis submitted in the Response, which has not been verified by Tri-State or Commission staff.⁶⁸ In this case the licensed antenna pattern is the only pattern that has both been verified and that was available to Tri-State at the time of filing the Complaint. W266BW is licensed to use a directional antenna,⁶⁹ a Scala CL-FM/SRM/SV.⁷⁰ A permittee that seeks to license a facility with a directional antenna must provide verification that the directional pattern of the antenna conforms to what the Commission authorized in the construction permit.⁷¹ In particular, an FM Translator permittee must submit, among other things, a tabulation of the measured directional antenna relative field values.⁷² In the W266BW license authorization, Davis provided this verification of the W266BW antenna pattern which Tri-State properly used in its U/D data showings. To the extent that Davis seeks to receive interference protection based on the unverified "measured composite pattern," Davis would need to file an application for a modification of license with the necessary documentation to demonstrate a complete proof of performance for its proposed directional antenna. Regarding Tri-State's allegations that Davis is operating at variance to its license authorization, we note that W266BW's measured composite antenna pattern, which although not verified by Commission staff, appears to be within the Translator's licensed antenna pattern. Lastly, we reject Davis's unsupported claim that W266BW is relieved of its interference obligations because of the alleged terrain blockage. Unverified, bare assertions about alleged terrain impairment are not a basis for a translator licensee to be relieved of its obligations.⁷³

We find that Davis has failed to demonstrate that the Complaint is not a valid and complete interference claim package or remediate the interference to WLJA-FM as required by section 74.1203(b) of the Rules and the *Remediation Required Letter*.⁷⁴ We, therefore, grant Tri-State's Complaint and order

⁶⁷ *Id.* at 2-3.

⁶⁸ *Id.*

⁶⁹ A directional antenna suppresses the radiated field in certain directions and enhances it in other directions. *See Updating FM Broadcast Radio Service Directional Antenna Performance Verification*, Notice of Proposed Rulemaking, 36 FCC Rcd 16872, 16873, para. 3 (2021).

⁷⁰ *See* Response at 3.

⁷¹ *See Updating FM Broadcast Radio Service Directional Antenna Performance Verification*, Report and Order, 37 FCC Rcd 6305, para. 4 (2022).

⁷² *See FCC Form 2100-350, Schedule 350-- FM Translator or FM Booster Station License Application, Instructions*, p.8 ("[T]he directional antenna must comply with 47 CFR § 74.1235(i). Applicants proposing a directional antenna must complete the table . . . for Measured Field Values . . .").

⁷³ Moreover, in the *Translator Interference Order*, the Commission declined to allow terrain-based methodology to measure protected contours for listener complaints. *See Translator Interference Order*, 37 FCC Rcd at 3478, para 41 ("we decline to allow terrain-based propagation modeling as an alternative method of determining the extent of a station's 45 dBu contour . . .").

⁷⁴ 47 CFR § 74.1203(b) (providing that if the interference cannot be properly eliminated through suitable techniques, operation of the offending FM translator or booster station shall be suspended until the interference has been eliminated); *Translator Interference Order*, 34 FCC Rcd at 3474, para. 35 ("If all interference complaints have not been resolved by the remediation deadline, the Commission may order the immediate suspension of translator operations or reduction of power pursuant to section 74.1203(b)."); *Remediation Required Letter* at 3-4.

W266BW to cease operations immediately.

Conclusion. Accordingly, in light of the foregoing, IT IS ORDERED, that the “Interference Complaint” filed on June 27, 2022, and supplemented on June 20, 2023, and July 6, 2023, by Tri-State Communications, Inc., IS GRANTED.

IT IS FURTHER ORDERED that, pursuant to sections 74.1203 and 0.283 of the Rules,⁷⁵ Davis Broadcasting of Atlanta, L.L.C. IS HEREBY ORDERED TO CEASE OPERATION OF TRANSLATOR STATION W266BW, Winder, Georgia, facility ID no. 147273, IMMEDIATELY.⁷⁶

Sincerely,

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

⁷⁵ 47 CFR §§ 74.1203 and 0.283.

⁷⁶ Please note that any request by Davis to operate with reduced/temporary facilities on this same channel will only be granted upon an acceptable demonstration that the proposed facilities will not cause interference at all of the listening locations provided by the Complainants. *See Remediation Required Letter* at 2, n.10.