

2018 APR -3 PM 2: 21

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
MOUNTAIN COMMUNITY)
TRANSLATORS, LLC)
)
Facility No. 92373)
)
Licensee of FM Translator Station K243BN)
Laveen, Arizona)

Accepted / Filed

MAR 29 2018

**Federal Communications Commission
Office of the Secretary**

To: Office of the Secretary
Attention: Chief, Media Bureau (Audio Division)

Objection to Interference Complaint

Mountain Community Translators, LLC (“MCT”) files this Objection to the Interference Complaint filed by 1TV.com, Inc. (“1TV”). 1TV, the licensee of KIKO-FM, Claypool, Arizona, alleges that FM Translator K243BN licensed to MCT is causing impermissible interference to KIKO-FM. The 1TV complaint should be dismissed for failure to establish interference by K243BN (“Translator” or “K243BN”) to the regularly received signal of KIKO-FM.

In support of its Interference Complaint, 1TV must demonstrate interference to KIKO-FM’s regularly received signal.¹ The KIKO-FM regularly received signal must be assessed based on the site from which the station currently operates, not from its former site. KIKO-FM began broadcast operations from its current site after the Translator was already operating. It is

¹ See 47 C.F.R. 74.1203(a)(3) (“Interference will be considered to occur whenever reception of a *regularly used signal* is impaired by the signals radiated by the FM Translator.”) (emphasis added).

impossible to establish interference by the Translator to the regularly received signal of KIKO-FM since the regularly received signal of KIKO-FM can only be determined by who could receive the station after the Translator was already on the air. Since the Translator is not causing any interference to listeners within the predicted protected KIKO-FM service area there is no basis for claiming the Translator is causing impermissible interference. KIKO-FM cannot show that listeners outside of its predicted protected service area would regularly receive its signal but for the Translator since its regularly received signal is defined as the signal broadcast and received with the preexisting Translator in place.

The interference complaints appear to be from listeners who could regularly receive the station from KIKO-FM's former channel (97.3 Mhz), but not its current channel (96.5 Mhz). 1TV has not demonstrated that the complainants can regularly receive KIKO-FM's signal from its current channel. Determining the area of a regularly received signal from an FM full power station's currently licensed facility is a critical issue for allegations of Translator interference. An FM full power station moving to a new channel may lose coverage in certain areas. Due to the full power station's relocation, listeners in those areas could hear for the first time what they think is an interfering Translator. But the Translator would not be "interfering" if the full power station no longer served the area where the listeners are located. The KIKO-FM relocation involved a move to a new channel with a different service area. *See* attached Technical Statement.

Lastly, MCT notes the deficiency of the interference complaints. Each of the complaints contains boilerplate language, "I wish to continue to regularly listen to KIKO at the above location without being subject to interference caused by the interfering signal (96.5, Translator

K243BN, facility ID 76329)” it is quite evident the three complainants have not themselves identified the source of interference but have been fed the source of interference including the facility ID numbers. Under the circumstances it cannot even be said that the Translator is the cause of the interference. It should be noted that the interference complaints were actively solicited by 1TV and even at that it could only generate 3 complaints.

The 1TV interference complaint should be denied since the three complaints are deficient. More importantly, none of the complaints demonstrates interference with the regularly received signal of KIKO-FM, since the station began to operate from a new site subsequent to the Translator’s operation.

Respectfully submitted,

MOUNTAIN COMMUNITY TRANSLATORS, LLC

BY: A Wray Fitch

A. Wray Fitch, III

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March 29, 2018

CERTIFICATE OF SERVICE

I, Cynthia Evans, do hereby certify that a copy of the foregoing “Objection to Interference Complaint” was mailed by First Class U.S. Mail, postage prepaid, this 29th day of March 2018, to the following:

John Low
1TV.com Inc.
4501 Broadway
Miami, AZ 85539



Cynthia Evans

TECHNICAL STATEMENT

TECHNICAL STATEMENT

This Technical Statement is in support of opposition to the Interference Complaint filed against FM translator station K243BN Laveen, Arizona, facility ID 92373, by 1TV.COM, Inc. (“1TV”). Mountain Community Translators, LLC (“MCT”) is the licensee of K243BN.

1TV filed an Interference Complaint under Section 74.1203 received by the Commission on March 19th, 2018 against K243BN. 1TV is the licensee of KIKO-FM Claypool, Arizona, facility ID 11894. 1TV is asserting that K243BN is interfering with its KIKO-FM now that it has recently changed channels from 247C2 (97.3 mhz) to channel 243C2 (96.5 mhz).

BACKGROUND

K243BN has been operating from the Shaw Butte communications antenna farm on its current channel 243D (96.5 mhz) since July 26th, 2012 (see BLFT-20120726AHJ). It has made a few technical changes to its operations from this site over the last few years, but has always been operating on channel 243D (96.5 mhz) with similar technical facilities from July 2012 to the present day. K243BN did file a minor change application, BPFT-20171005ACG, to relocate its operation to an adjacent tower, 0.64 kilometers away, at the same Shaw Butte tower farm. This application was granted on December 1st, 2017. MCT promptly relocated K243BN to this new tower and filed a licensed application on December 11, 2018. 1TV references this minor change and license application in its complaint but fails to mention that this new operation is at the same antenna farm with a reduced predicted 60 dB μ coverage. The reduction in coverage is because of a lower antenna height and the addition of a directional antenna system at the new site. Thus, this modification in facilities by K243BN would only reduce any potential interference towards KIKO-FM.

KIKO-FM filed to equivalent class channel change to non-adjacent 243C2 from 247C2 with BPH-20160927ADT. A Construction Permit was granted on June 20th, 2017. While KIKO-FM filed a license application, form 302-FM, on the same day as the grant of the CP, its operation was conditioned on Program Test Authority being granted to KRFM(FM) Show Low, Arizona, facility ID 33692, to operate on channel 253C0 before KIKO-FM could begin Program Tests on channel 243C2. KRFM didn't begin operations on channel 253C0 until August 10th, 2017. KIKO-FM then modified its pending license application that it began Program Tests on channel 243C2 on August 11th, 2017.

DISCUSSION

K243BN was operating from the Shaw Butte antenna farm with the maximum Effective Radiated Power of 250 watts on channel 243D (96.5 mhz) long before KIKO-FM commenced its new operation on 96.5 mhz, having moved from its prior operation on 97.3 mhz.

Exhibit 1 shows the present 40 dB μ interference contour for the currently licensed operation of K243BN. It also shows the 60 dB μ protected contour for the new operation of KIKO-FM on channel 243C2. As can be seen, there is no overlap anywhere close between these two facilities.

Exhibit 2 shows the reduction in 60 dB μ coverage with the minor change implemented by K243BN in December 2017. This documents that this change would only reduce any potential interference towards KIKO-FM and not be a reason for any new interference complaints. It should be noted that two of the three listener complaints supplied by 1TV are dated 11/7/2017 and 11/24/2017. The reduction in coverage by K243BN may have resolved any issues with these two listeners. The third listener complaint, dated 2/20/2018, makes no

reference to prior listenership to KIKO-FM, only that they “want to listen” to the station in various areas.

Exhibit 3 shows the current predicted 60 dB μ protected contour for KIKO-FM on channel 243C2. While it attempts to document interference complaints from listeners, all of these concerned listeners appear to be outside of the normally protected coverage of KIKO-FM. In fact they are located approximately between 30 and 50 kilometers beyond the normally protected 60 dB μ (F50,50) contour of KIKO-FM.

The listener complaints accompanying the Interference Complaint seem to reference the prior ability to listen to the operation of KIKO-FM when it was on 97.3 mhz (channel 247C2), but are now receiving some interference to their reception to KIKO-FM on its new channel 96.5 mhz (channel 243C2). This is perhaps possible, but a prior reception on a different channel shouldn't be used as the basis for a new interference complaint by KIKO-FM. MCT would also like to note that all three of these listener complaints seem to be derived from a “prompted form” and advertisement that was put on the KIKO-FM web site *after* it began operation on 96.5 mhz (<http://965oldies.com/>). See the attached Exhibit 4 and sample form taken from this web site at Exhibit 5. The advertisement even states “*This is very important as it will help us eliminate this interference so you can enjoy your music in more places across the Valley*” and it goes on to state “*This will help us get this other station off our frequency*”. MCT has also learned that KIKO-FM has been running on air advertising with a similar message. Thus, MCT believes these three complaints were prompted and coached by station personnel when submitting their written statements. Once again, all three appear to reference their reception from the prior operation on KIKO-FM when it was on 97.3 mhz, not a complaint of New interference being caused by the operation of K243BN on 96.5 mhz.

Lastly, it should be noted, that KIKO-FM applied for and received the grant of an engineering Special Temporary Authority, BSTA-20171024AAO filed October 24th, 2017. This STA called for a greatly reduced coverage area for KIKO-FM to operate with 0.3 Kilowatts on channel 243 (96.5 mhz) vertical polarization only at a much lower altitude site. Exhibit 6 is the proposed 60 dBu contour for the proposed STA operation with the current main transmitter 60 dB μ coverage. This map was taken from the STA application. The application reason for the requested STA operation stated “*The main site is off air due to technical problems*”. A copy of the STA grant letter from the Commission is attached as Exhibit 7 for reference. While MCT has no way of knowing how much time KIKO-FM was operating from these greatly reduced STA facilities, it is obvious that KIKO-FM was having transmitter issues with its main transmitter operations in late October 2017 and possibly thereafter. The STA authority is still current until April 24th, 2018. Two of the three listener complaints are date 11/7/2017 and 11/24/2017. It would be interesting to know at what times and dates KIKO-FM was off the air and/or operating with these reduced facilities to help determine if the listener issues were caused by interference issues, or with KIKO-FM operating with a signal less than its main authorized facilities.

CONCLUSION

Since FM translator station K243BN Laveen, AZ was operating on 96.5 mhz (ch. 243D) long before KIKO-FM began operations on 96.5 mhz (ch. 243C2), it would be impossible for any listenership to a 96.5 mhz KIKO-FM operation in any areas of potential interference. There is no prohibited overlap of the predicted interference and protected contours between K243BN and KIKO-FM. Thus, KIKO-FM is the “new” station on 96.5 mhz. They should not be protected from any prior licensed class D service interference located well outside of their

protected 60 dB μ service area. MCT contends that no interference is being caused by the operation of K243BN to any area inside of the protected 60 dB μ service contour of KIKO-FM.

For these reasons and the reasons stated above, the Interference Complaint filed by KIKO-FM should be dismissed.

Respectfully Submitted,

Victor A Michael, Jr.
Sole Member/Technical Consultant
K243BN/Mountain Community Translators, LLC
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Dated: March 28th, 2018

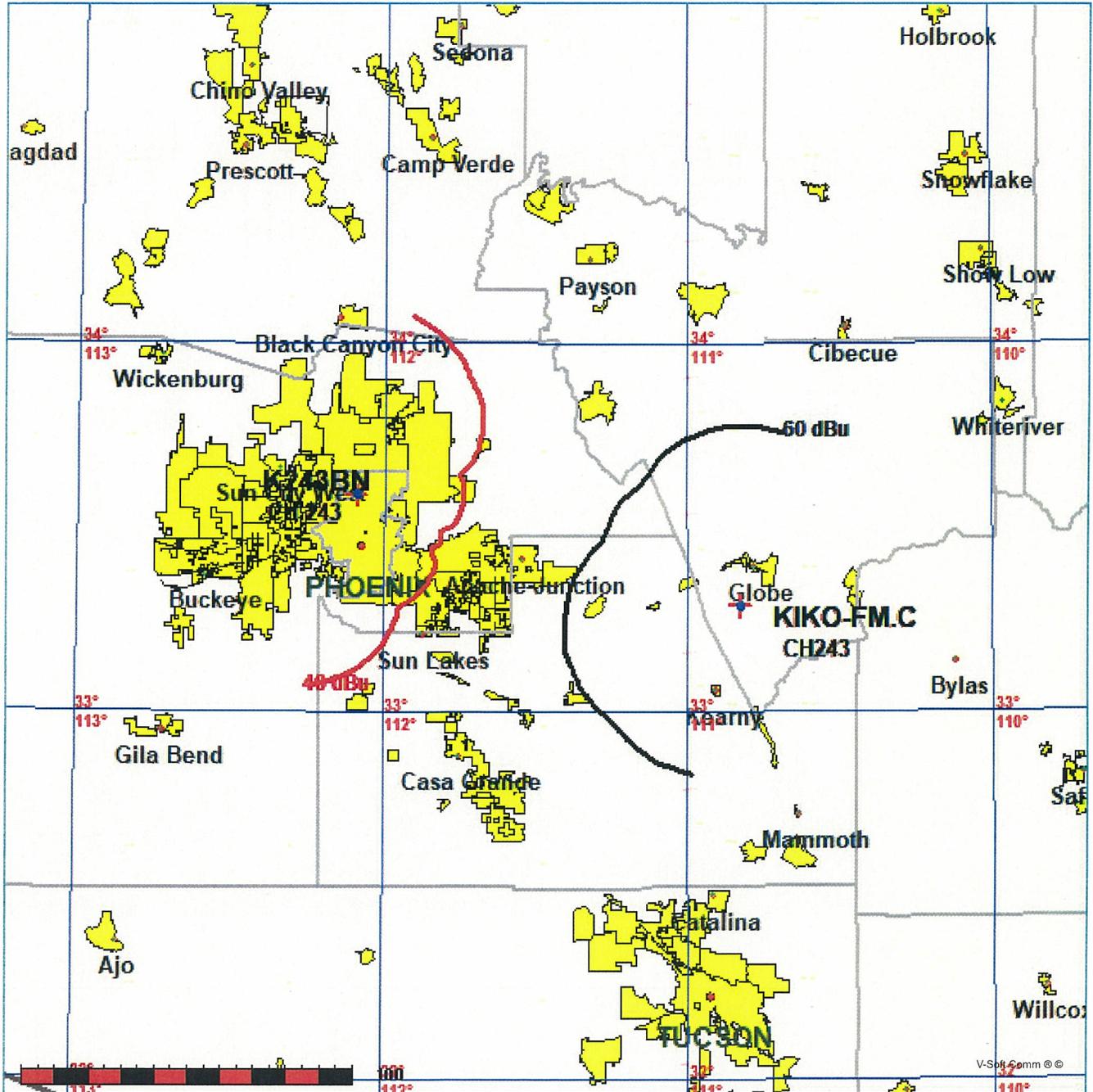
EXHIBITS

EXHIBIT 1 - K243BN INTERFERENCE CONTOUR WITH KIKO-FM

FMCommander Single Allocation Study - 03-27-2018 - NGDC 30 SEC
K243BN's Overlaps (In= -7.67 km, Out= 41.59 km)

K243BN CH 243 D DA
Lat= 33 35 39.1, Lng= 112 05 08.0
0.25 kW 0 m HAAT, 669 m COR
Prot.= 60 dBu, Intef.= 40 dBu

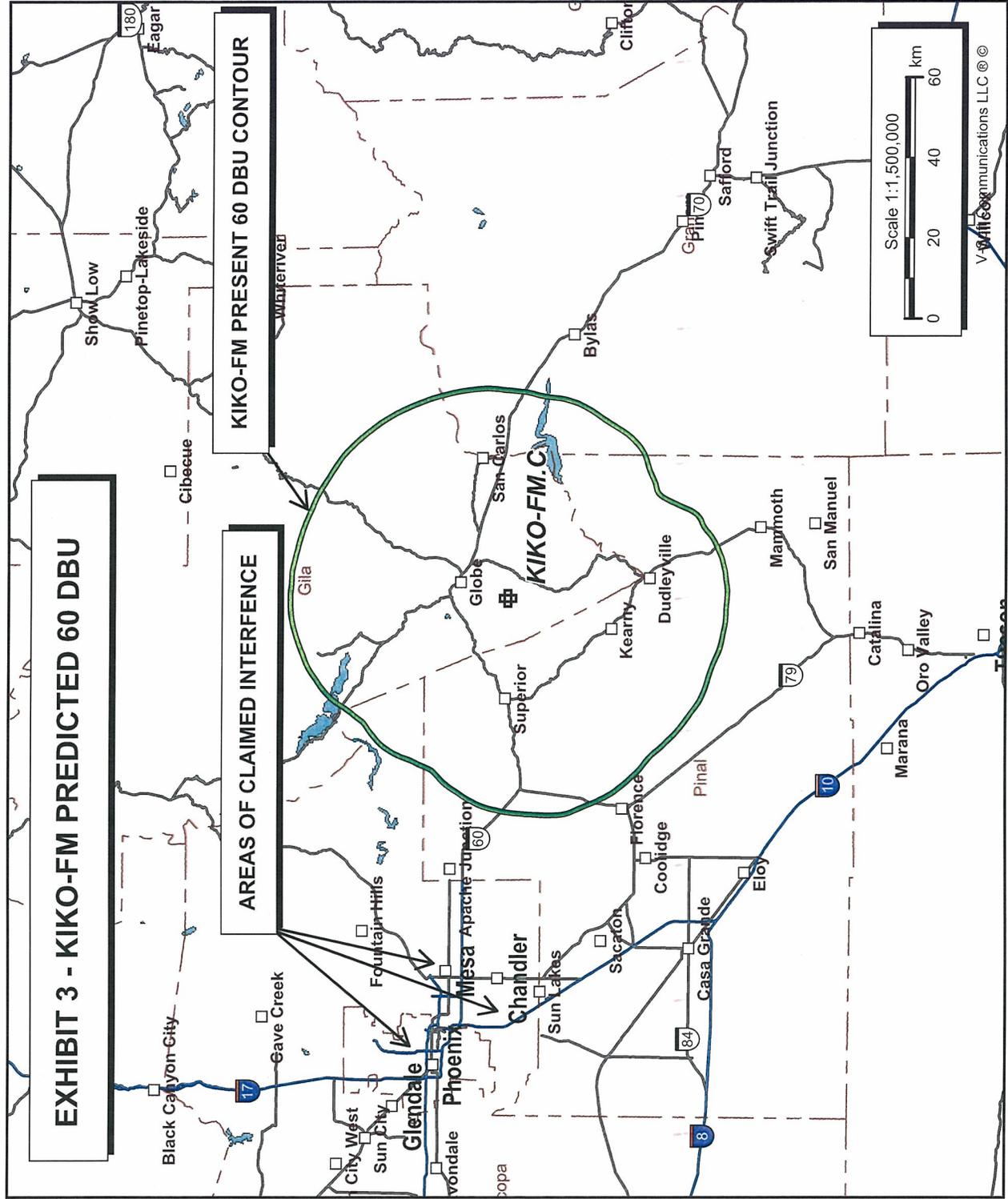
KIKO-FM CH 243 C2 BPH20160927ADT
Lat= 33 17 20.0, Lng= 110 49 45.0
0.68 kW 1015 m HAAT, 2352 m COR
Prot.= 60 dBu, Intef.= 40 dBu



KIKO-FM.C

BPH20160927ADT
Latitude: 33-17-20 N
Longitude: 110-49-45 W
ERP: 0.68 kW
Channel: 243
Frequency: 96.5 MHz
AMSL Height: 2352.0 m
Elevation: 2302.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model:

EXHIBIT 3 - KIKO-FM PREDICTED 60 DBU



AREAS OF CLAIMED INTERFERENCE

KIKO-FM PRESENT 60 DBU CONTOUR

EXHIBIT 4 - KIKO-FM WEB SITE ADVERTISEMENT



HOME OLDIES MUSIC LISTEN HERE JOIN IN CROWD HERE ADVERTISING ABOUT US CONTACT US

ANNOUNCEMENT



We've moved to 96.5FM! LISTERENERS REPORT SIGNAL INTERFERENCE

If you turned on 97.3FM and did not hear your favorite oldies, go down the dial a bit to 96.5FM, our new home. If you are getting interference, please print out the form below and fill out completely. Scan and email to V.Low@att.net or 965Oldies@outlook.com. If you are mailing it, the address is 4501 Broadway, Miami Az 85539...attention Lucy Rodriguez. This is very important as it will help us eliminate this interference so you can enjoy your music in more places across the Valley. Thank you in advance for being a loyal Good Time Oldies 96.5FM.

Click on the link below and form will appear in PDF format...print, fill out completely, scan, and email or mail to 4501 Broadway, Miami, Az 85539, attention Lucy Rodriguez

[Interference Letter KIKO 965](#)

This will help us get this other station off our frequency.

Thanks for your help!

1 month ago in [Announcement](#)





Click Here to See Upcoming Arizona Gun Shows

CALENDAR

S	M	T	W	T	F	S



965Oldies
112 likes

Like Page

Be the first of your friends to like this




965Oldies
on Saturday

Just when you thought it was safe to work on your own car, Steve Ronzasky returns with "About your car", April 7th at 9am for his 1-hour car care show with an ATTITUDE!

Sponsored by FactoryMotorParts

You'll find out how to save big money on auto repair and how to avoid rip-offs from those not-so-honest auto repair guys. Listen every Saturday and Sunday from 9am to 10am on Funny 1260AM and Good Time Oldies 96.5FM

EXHIBIT 5 - KIKO-FM WEB SITE FORM LETTER

I am a regular listener of the station KIKO (FM) at 96.5 MHz from the following area/area(s):*/_____

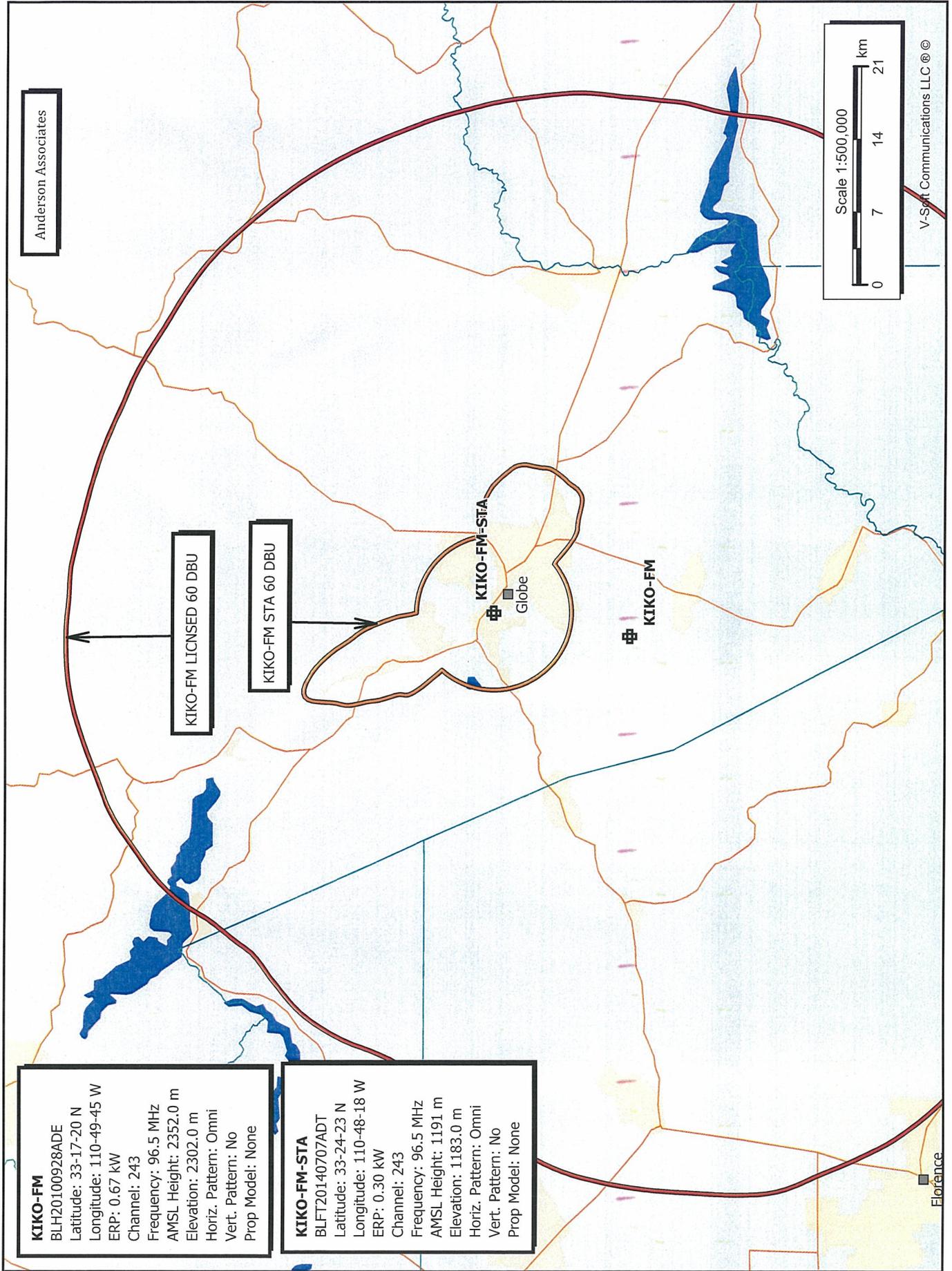
I received a listenable KIKO signal on my radio from the above location(s) and : I have been a listener since KIKO was on 97.3 which I could hear fine from the above location.. However, my reception of the KIKO signal (now on 96.5 MHz) is now being interfered with by another station signal bleeding over 96.5 MHz. I wish to continue to regularly listen to KIKO at the above location without being subject to interference caused by the interfering signal (96.5, translator K243BN, facility ID 76329).

Other than being a regular listener of KIKO, I am not connected with or employed by the licensee of KIKO. I understand that this statement may be filed with the Federal Communication Commission to protect the KIKO signal and state under penalty of perjury that this statement is true and accurate.

Signed:_____ Printed
Name:_____ Address:_____
Daytime Phone number:_____
Date:_____

The location description is the physical address of regular listening at home. Work, etc. If regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place-such as the two exits or mile markers between which the regular listening takes place., or the cross streets for the road location where the listening regularly takes place.

EXHIBIT 6 - KIKO-FM STA COVERAGE MAP



Dale Bickel

From: Dale Bickel
Sent: Thursday, October 26, 2017 12:58 PM
To: john low
Subject: KIKO-FM BSTA-20171024AAO granted 10/26



Special Temporary Authority For a Radio Broadcast Station

Audio Division, Media Bureau

Date: October 26, 2017
File Number: BSTA-20171024AAO
Call Sign: KIKO-FM
Facility ID Number: 11894

For the reasons provided in the application request, Special Temporary Authority IS GRANTED for operation of the station above with the parameters specified in the STA request only (as needed). The licensee is responsible for addressing any complaints of interference that may arise.

This STA authority expires **April 24, 2018**.

Authorized by: Dale Bickel dale.bickel@fcc.gov
Senior Electronics Engineer

A copy of this e-mail will be posted in the FCC's CDBS database under the file number above. Please retain a copy of this authorization for your records.

Considerations:

Licensee must take all steps to ensure that workers and the public are not exposed to radiofrequency exposure in excess of the Commission's exposure limit.

Requests for extension of STA may be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.