

JCE Licenses, L.L.C.  
Station WFTL(AM), West Palm Beach FL  
Facility ID No. 29490  
June 2005

STATEMENT RE: COMMISSION POLICY TO ENCOURAGE  
INTERFERENCE REDUCTION BETWEEN AM BROADCAST STATIONS

This statement is provided in connection with an application by JCE Licenses L.L.C. (“JCE”), for minor changes in facilities of AM Station WFTL, West Palm Beach, Florida, and concerns the proposed WFTL nighttime operation.

Introduction

WFTL’s nighttime modification proposal was initially filed February 14, 2005. By letter of May 4, 2005 (“Letter”), the staff dismissed the proposal, concluding that it was inconsistent with Commission policy on encouraging the reduction of interference in the AM band. *Policies to Encourage Interference Reduction Between AM Broadcast Stations*, 5 FCC Rcd 4492 (1990) (“Policy”). This resubmission responds to the Letter’s findings and conclusions, and demonstrates that the proposal is entirely consistent with precedent and is palpably in the public interest.

Background

WFTL operates on the frequency 850 kHz. The co-channel operation of AM Broadcast Station WABA in Aguadilla, Puerto Rico, limits the potential for improvement of the WFTL nighttime facilities.

WABA is located on the northwestern tip of the island Territory of Puerto Rico, approximately 1,033 miles from the authorized WFTL transmitter

site in Palm Beach County, Florida. Because of the distance involved, the fact that much of the distance between the stations is over water, and that the impact on the WABA nighttime signal will be minimal, WABA has consented to, and has agreed with WFTL on the desirability of, a nighttime power increase for WFTL.

The purpose of this statement is to demonstrate that the undertakings of the parties are taken in furtherance of and in compliance with the Commission's policy to encourage interference reduction between AM broadcast stations.

### Summary of Commission Policy

The Policy recognized the need to improve the overall quality of the AM service, and "remove[d] the regulatory barriers that prevent or discourage individual AM stations from lessening the amount of interstation interference and improving the quality of service through private agreements." *Id.*, at ¶ 2.

The three prongs of the Policy are (1) repeal of the policy recognizing "grandfathered" status to deleted AM stations, (2) to permit the filing of contingent applications that would assure a reduction in overall AM interference, and (3) to insulate such applications from competing proposals.

The Commission employs a four-point showing from applicants seeking processing under the Policy. Three of them apply here:<sup>1</sup>

1. Reduction in overall interference.
2. Areas and populations gaining service from the proposal.
3. Level-of-service floor in the area affected.

---

<sup>1</sup> The fourth, whether the proposal will create any white or gray areas, does not apply. None will be created by the proposal.

There follows a summary of such showing, based upon the engineering exhibit of the applicant's consulting engineer, L. Robert du Treil, Sr. ("Exhibit") which is incorporated into the application of which this statement is a part.

#### Reduction in Overall Interference

The Exhibit demonstrates that a grant of the proposal will result in a significant increase in the total amount of interference-free nighttime service provided to Palm Beach County, Florida by WFTL. The proposed WFTL nighttime interference-free ("NIF") contour will provide service to 81.8 percent of the county. The existing WFTL NIF under the current CP operation provides service to only 76.7 percent of the county.

#### Increased Service

The existing WFTL operation provides NIF coverage to 891,990 persons. The proposed NIF coverage includes 1,011,634 persons, a gain of 119,644 persons.

The existing NIF for WABA provides service to 196,544 persons. The proposed NIF will provide service to 181,722 persons, a reduction of 14,822 persons.

The proposal will therefore result in a net gain of 104,822 persons for new primary service.

#### Level-of-Service Floor

The proposal creates no gray or white area because the entire gain and loss areas created by the proposed modification to WFTL receive service from five or more aural services. The WABA NIF contour will continue completely to encompass the city limits of Aguadilla.

Fourteen other aural services provide service to the entire WABA loss area, as listed in Figure 4 to the Exhibit. These include two stations licensed to serve Aguadilla.

Thus, the community of Aguadilla—and beyond—will continue to be well served by a number of stations upon the upgrade of nighttime facilities for WFTL: it will be served by two stations licensed to the community, and by twelve stations licensed to other communities.

#### WABA Alternatives

The Letter concludes that the WFTL nighttime proposal will not reduce overall interference in the AM band, and finds that it will in fact create new interference to WABA. The Letter advises that WFTL “may not justify its proposal by simply comparing WFTL’s gains in nighttime interference-free coverage area to the loss of service area to any other station.” It adds, “WABA could have filed a simultaneous minor change application to remove the interference that it receives from the WFTL proposal.” The Letter observes, “Such proposals are envisioned by the Commission’s AM interference reduction policy.”

In point of fact, filing a simultaneous minor change application is not an alternative for WABA. As the Exhibit states, a power increase for WABA would cause impermissible interference to YVLC in Valencia, Venezuela. However, it is

important, within the framework of the Policy, to consider other application alternatives that are open to WABA.

WFTL and WABA could have structured their agreement along these lines:

1. WABA could revert to daytime-only operation.
2. As a daytimer, WABA could reapply for nighttime authority.
3. WABA could reduce power to secondary, unprotected nighttime service.

Each of these alternatives would involve a companion WABA application to the WFTL application. Each would provide the Commission with a two-application framework, the results of which would be consistent with the Policy.

**But in each case, the overall level of service to the public would be decreased.** Operation as a daytime-only station would cause a loss of service to 181,722 persons. With a restored, reduced nighttime service,<sup>2</sup> WABA would serve 69,257 fewer persons than would be served under the WFTL proposal. With secondary, unprotected nighttime service, 77,020 fewer persons would be served by WABA than under the WFTL proposal.

Where is the public interest in any of these alternatives? Clearly, in order for the parties to achieve their service goals, the proposal as configured is the best, most efficient public interest alternative. For the Commission to require the parties to gin up an application for WABA would be a purely makeweight exercise. It

---

<sup>2</sup> Current allocation requirements would permit operating power of only 300 Watts, not the current 1.0 kiloWatt operation.

would exalt the form of a two-application framework over the substance of service to the public.

### Conclusion

The proposal fashioned by WFTL and WABA is in the public interest. WFTL will serve significant new populations and will cover nearly 82% of populous Palm Beach County. The WABA service area is well served by other broadcast facilities, including the proposed loss area. The new WABA NIF contour will completely encompass Aguadilla, its city of license.

Any other construction alternative for WABA would decrease service to significantly greater populations than will be served by grant of this proposal.

For these reasons, the Commission may and should find that the proposal is entirely consistent with and in furtherance of its policy to encourage reduction of interference among AM licensees, and is ultimately in the public interest.