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October 30, 2015

Spokane Public Radio, Inc.
2319 N. Monroe Street
Spokane, WA 99205

In re: NEW(FM), Spokane, WA
Spokane Public Radio, Inc.
Facility ID No. 144996
BNPFT-20130822AFA
Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a new translator filed by Spokane Public Radio, Inc. ("SPR"); (2) the Petition to Deny ("Petition") filed by QueenB Radio, Inc. ("QueenB") on September 12, 2013; (3) the Opposition filed by SPR on September 27, 2013; and (4) all related pleadings. For the reasons set forth herein, we dismiss the Petition and grant the application.

QueenB, licensee of FM translator station K262AG, purports that the proposed translator will cause interference to its listeners in the Coeur d'Alene area on Channel 262 in violation of 47 C.F.R. Section 74.1204(f) of the Commission's Rules.

In order to provide convincing evidence under Section 74.1204(f) that grant of the translator construction permit "will result in interference to the reception" of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dBμ contour of the proposed translator station; (3) some evidence, such as a declaration from each of the claimed listeners, that the person listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will result in interference to the reception of the "desired" station at that location. The "undesired-to-desired" ("U/D") signal strength ratio methodology may be used to demonstrate the potential for

interference under Section 74.1204(f).¹ Section 74.1204(f) requires the objector to show that a specific U/D signal strength ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result.

In its Opposition, SPR argues that QueenB has failed to prove that any of the alleged listeners of K262AG will receive interference in the Coeur d'Alene area. SPR provides information showing that the predicted signal strength of KXLY-FM, the station being rebroadcast by K262AG, is above 90 dBu in the Coeur D'Alene area, as opposed to the far weaker 10 dBu predicted signal of K262AG in the same area. In its Reply to Opposition to Petition to Deny, filed October 31, 2013, QueenB provides three signed declarations from Sandy Maitland, Nikki Lambert and Jason Lambert, alleging that they each listen to K262AG in areas within the 60 dBu contour of the proposed SPR translator, despite the extremely low predicted signal strength of K262AG. QueenB further argues that the proposed translator would likely cause co-channel interference to the reception of K262AG. SPR does not refute these claims.

However, QueenB has recently received grant of a modified permit on Channel 264 (BPFT-20150723ABZ) that would eliminate any alleged conflict with the proposed SPR translator. Accordingly, we will dismiss the Petition. Please note, 47 C.F.R. Section 74.1203(a) states that should the SPR translator commence operation and cause interference to K262AG, the translator will be required to eliminate the interference or cease operation. We therefore dismiss the Petition to Deny and grant the application BNPFT-20130822AFA.

Accordingly, the September 12, 2013 Petition to Deny filed by QueenB Radio, Inc. IS HEREBY DISMISSED and the application BNPFT-20130822AFA IS HEREBY GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Ernest T. Sanchez
David O'Neill

¹ See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).