



**Federal Communications Commission
Washington, D.C. 20554**

June 7, 2017

In Reply Refer to:
1800B3-PPD

Calvary Radio Network, Inc.
150 West Lincolnway
Suite 2001
Valparaiso, IN 46383

In re: W264BF, Englewood, IL
BLFT-20141117AQF
Facility ID No. 140680

Informal Objection

Dear Licensee:

This letter refers to: (1) the above-referenced license to cover application filed by Calvary Radio Network, Inc. (Calvary) for W264BF, Englewood, Illinois (License Application); (2) the November 21, 2014, Informal Objection and Notice of Expected Interference (Objection) filed by NM License, LLC (NML), licensee of WRXQ, Coal City, Illinois;¹ (3) the November 26, 2014, Opposition to Informal Objection (Opposition) filed by Calvary; and (4) related responsive pleadings.² For the reasons set forth below, we dismiss the Objection and grant the License Application.

Background. The License Application seeks a license for W264BF to operate on Channel 264, the same frequency as WRXQ. Relying on Section 74.1204,³ the Objection alleges that W264BF's "proposed facilities likely will cause harmful interference" to listeners of WRXQ.⁴ NML provides a technical statement as evidence that "operation of W264BF based on the [construction permit] facilities will cause impermissible interference to regular WRXQ listeners."⁵ In its Opposition, Calvary states that

¹ Alpha Media Licensee LLC (Alpha) became the licensee of WRXQ on February 25, 2016.

² The following responsive pleadings were submitted: (1) NML submitted a Reply to Opposition to Informal Objection on December 11, 2014 (Reply); (2) NML submitted a Supplement to Reply to Opposition to Informal Objection on December 19, 2014 (Supplement); (3) Alpha submitted a Second Supplement to Reply to Opposition to Informal Objection on May 11, 2016 (Second Supplement); (4) Alpha submitted a Third Supplement to Reply to Opposition to Informal Objection on September 2, 2016 (Third Supplement); and (5) Calvary submitted a letter on February 24, 2017 (Letter).

³ 47 CFR § 74.1204.

⁴ Objection at 2.

⁵ *Id.* at Exh. A.

NML has not provided persuasive evidence of predicted interference, as required by Section 74.1204, including listener complaints.⁶ Pursuant to Section 74.1203,⁷ Alpha submitted its Reply, Supplement, Second Supplement, and Third Supplement alleging actual interference from W264BF with the reception of WRXQ, and submitted 29 complaints from listeners of WRXQ.

On January 25, 2017, staff sent a letter to Calvary, asking it to either resolve the complaints of interference within 30 days or to suspend W264BF's operations.⁸ The *Staff Letter* asked Calvary to submit a detailed report addressing the complaints. Specifically, the *Staff Letter* stated the report should include: "(1) the name and address of each complainant; (2) specific devices receiving the interference (*i.e.* type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by W264BF for each device allegedly receiving the interference and whether such interference persists."⁹ The *Staff Letter* also noted that "[f]ailure to correct all complaints within this time may require W264BF to suspend operation pursuant to 47 CFR §§ 74.1203(e) and 74.1232(h)."¹⁰

In response to the *Staff Letter*, Calvary submitted its Letter on February 17, 2017, stating that it had reduced W264BF's effective radiated power (ERP) from ten watts to six watts.¹¹ Calvary also stated it had sent questionnaires to all 29 complainants and had received responses from five of the complainants.¹² The five respondents either did not respond to Calvary's follow-up questions or stated the interference had been reduced or eliminated.¹³ Calvary stated it would "continue to work with these complainants to ensure any interference to their reception of WRXQ caused by W264BF is eliminated."¹⁴ Alpha did not submit a response to the Letter.

Discussion. Section 74.1203(a) provides, in pertinent part, that an FM translator station "will not be permitted to continue to operate if it causes any actual interference to...the direct reception by the public of off-the-air signals of any authorized broadcast station...."¹⁵ The FM translator rules strictly prohibit interference by these secondary service stations, and an interfering FM translator station must remedy the interference or cease operation.¹⁶ Calvary has reduced its ERP, as well as contacted the complainants to resolve their interference issues. Alpha has not disputed Calvary's efforts to resolve the interference or alleged that the interference continues. Thus, we have determined W264BF has taken the necessary steps to eliminate any interference to station WRXQ.

⁶ See *Ass'n for Cmty. Educ., Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682, 12686-7, para. 13 (2004).

⁷ 47 CFR § 74.1203.

⁸ Letter from James D. Bradshaw, Deputy Chief, Audio Division, FCC Media Bureau, to Calvary Radio Network, Inc. (Jan. 25, 2017) (*Staff Letter*) at 1.

⁹ *Id.* at 1.

¹⁰ *Id.* at 2.

¹¹ Letter at 1.

¹² *Id.* at 2-3.

¹³ *Id.*

¹⁴ *Id.* at 3.

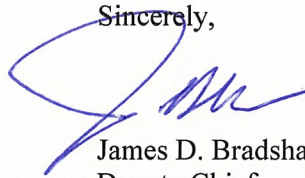
¹⁵ 47 CFR § 74.1203(a).

¹⁶ 47 CFR § 74.1203(b).

Conclusion. Based on the above, IT IS ORDERED, that Alpha Media Licensee LLC's November 21, 2014, Informal Objection and Notice of Expected Interference is DISMISSED.

IT IS FURTHER ORDERED, that Calvary Radio Network, Inc.'s pending License Application (BLFT-20141117AQF) for Station W264BF, Englewood, Illinois, IS GRANTED, with an Effective Radiated Power of six watts.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Cc: Matthew H. McCormick (by email)
Michael D. Basile (by email)