

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO SERVICES DIVISION
APPLICATION STATUS: (202) 418-2730
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Unity Broadcasting LLC
50 S. Clarke Road
Ocoee, FL 34761

In Re: NEW(FM), Bithlo, FL
Facility ID # 201532
BNPFT-20171206AAF

Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above captioned application; (2) the Petition to Deny filed by Hispanics United in Broadcasting (HUB) on January 2, 2018 (3) all related pleadings. For the reasons set forth herein, we grant the Petition to Deny and dismiss the application BNPFT-20171206AAF.

HUB, licensee of WRXW-LP, Winter Park, Florida, filed a Petition to Deny stating that the proposed translator application (NEW(FM)) will cause interference to listeners of WRXW-LP. HUB states that this proposed facility is in violation of Section 74.1204(f). 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;¹ (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).² Section 74.1204(f) requires the objector to show that a specific U/D signal strength

¹ The best method is to plot the specific addresses on a map depicting the translator station's 60 dBμ contour.

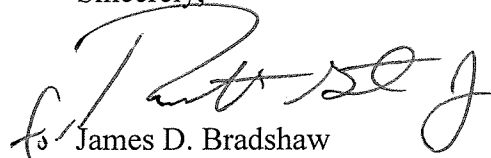
² See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).

ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result.

The Petitioner submitted documentation from three listeners, Roberto Concepcion, Lollie Charland, and Patricia Chavez, that certified and they are listeners of WRXW-LP and live, work or travel within the 60 dBu contour of proposed translator. Since the Petitioner has demonstrated that there are listeners within the proposed 60 dBu contour of proposed application for NEW(FM), the application is dismissed.

Accordingly, the Petition to Deny filed on January 2, 2018 by HUB IS HEREBY GRANTED, the application BNPFT-20171206AAF IS HEREBY DISMISSED. These actions is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bradshaw", is written over the typed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

CC: John Trent (email)
Suhai M. Sanchez