

2018 JUN 18 PM 1:00

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

Before the

In re Interference Complaint

**MOUNTAIN COMMUNITY
TRANSLATORS, LLC**

FM Translator Station K243BN
Laveen, Arizona

) File No. BLFT-20171211AAV
)
)
) Facility Identification Number 92373
)
) Reference Number 92373

Accepted / Filed

To: Federal Communications Commission
Attn: Media Bureau, Audio Services Division

JUN 14 2018

Federal Communications Commission
Office of the Secretary

RESPONSE

Mountain Community Translators, LLC ("MCT") hereby files this Response to the Commission Staff Letter dated May 14th, 2018 (a copy of this letter is attached as Exhibit 1) regarding complaints alleging that FM translator station K243BN, Laveen, Arizona, Facility Id. No. 92373, is causing interference to the direct over the air reception of KIKO-FM, Claypool, Arizona, Facility Id. No. 11894, in violation of Section 47 CFR § 74.1203 of the Commission's Rules.

As instructed by the Commission, MCT has attempted to contact the three individuals who submitted interference complaints. As of this date, MCT has not received response from any of the three individuals, with the exception that MCT did receive USPS returned receipts from two of the three individuals that certified letters sent to them by MCT were received.

MCT also believes that any interference complaints filed by 1TV.com, Inc., licensee of KIKO-FM Claypool, AZ, are invalid and entitled to no consideration because KIKO-FM is operating with less than unauthorized facilities. In support thereof, the following is respectfully submitted.

I. Introduction

MCT is the licensee of K243BN Laveen, Arizona. It has been operating at the same Shaw Butte communications tower site on channel 243D (96.5 mhz) since July 26th, 2012. ITV changed its channel of operation of KIKO-FM Claypool from channel 247C2 to channel 243C2 from the same transmitter site on August 11th, 2017. ITV filed an Interference Complaint against K243BN on March 19th, 2018 and provided a list of three listener complaint forms. MCT filed an Objection to the Interference Complaint on March 29th, 2018. The Commission sent a letter to MCT dated May 14th, 2018 requiring it to respond to the three interference complaints supplied by ITV within 30 days.

II. Listener Complaints Non-Cooperative

On May 14th, 2018 after receiving the letter from the FCC in an email, MCT immediately attempted to contact the three listeners listed in the complaint. At 10:55am Arizona time on May 14th, 2018 a phone call was placed to Cynthia DeSanti. There was no answer and a message came on that the person did not have a voice mailbox set up on this phone. A certified letter was sent to all three listeners, a sample of which is attached as Exhibit 2. The letter was sent to Ms. DeSanti at the address provided, or 16602 N. 33rd Ave., Phoenix, AZ 85053. The USPS certified return receipt has never been returned to date, and Ms. DeSanti has not contacted MCT as requested.

MCT attempted to contact Kevin Tew at the phone number listed on the complaint form at 11am, May 14th, 2018. The phone was answered by a voicemail message acknowledging it was Kevin Tew. A message was left to return the call at his convenience regarding his interference complaint filed against K243BN. To date, Mr. Tew has not returned the call. A certified letter was also sent to Mr. Tew at 1121 E. Jasper Drive, Gilbert, AZ 85296, and no

response to this letter has yet to be received. A USPS signed return receipt was received in the mail by MCT from Kevin Tew (see Exhibit 3 for receipts).

Lastly, MCT attempted to contact Jo Ann Schalk at the phone number listed on the complaint form at 11:05am, May 14th, 2018. The phone was answered by a voicemail message. A message was left to return the call at her convenience regarding her interference complaint filed against K243BN. To date, Ms, Schalk has not returned the call. A certified letter was also sent to Ms. Schalk at 29900 N. Desert Willow Dr., San Tan Valley, AZ 85143, and no response to this letter has yet to be received. A USPS signed return receipt was received in the mail by MCT from JoAnn Schalk.

Despite attempting to contact the three listeners by phone and mail, which filled out the forms submitted by 1TV, MCT has been unable to make contact with any of the three listeners. Thus, it is not possible for MCT to attempt to resolve or confirm any of these three listener complaints.

III. KIKO-FM Is Operating With Unauthorized Facilities

1TV filed a license to cover Construction Permit (BPH-20160927ADT), file number BLH-20170620ABG to specify its new operation on channel 243C2 (96.5 Mhz), with program tests beginning on August 11th, 2017. MCT visited the transmitter site of KIKO-FM on October 26th, 2017. A photo of the two bay Nicom BKG-77 (See Exhibit 4) mounted on top of the tower utilized by KQMR(FM) Globe, Arizona, facility ID 22977 for an auxiliary operation, shows the Nicom antenna was not properly spaced between the two bays. The Construction Permit and License of KIKO-FM specified spacing between the two bays to be 0.85 wavelengths or about 8.7 feet. However, the photo clearly shows the antennas are spaced not more than 4 feet apart, or something less than half (0.5) wavelength spacing. This would reduce the antenna gain by 30 to

40 percent because of this improper spacing. This would reduce the licensed coverage area by more than the allowable 10 percent. Thus, this less than allowable transmission facility is unauthorized, and should not be afforded normal protection from the licensed operation of K243BN. Kona Coast Radio, LLC, which is under common ownership with MCT and K243BN, has filed a Petition for Reconsideration against the license application of KIKO-FM, BPH-20170620ABH on May 21st, 2018 which documents some of the technical issues with the transmission of KIKO-FM in further detail and included here by reference.

IV. Conclusion

MCT has individually addressed the three interference complaints submitted by 1TV. Despite its reasonable efforts to contact the individuals, none of the three will respond or cooperate with MCT to help it either resolve or verify interference complaints filed against the operation of K243BN. Therefore, MCT should not be required address these three complaints further. MCT has also documented that KIKO-FM is not operating in compliance with its currently authorized facilities on channel 243C2. Therefore, any past or future interference complaints filed against K243BN should not be considered valid at least until such time that KIKO-FM can document that it is operating in compliance with its licensed facilities under BPH-20170620ABH. MCT has documented that KIKO-FM has been operating with less than authorized facilities.

Respectfully Submitted,

By: _____


Victor A Michael, Jr.

Sole Member

Mountain Community Translators, LLC

87 Jasper Lake Road

Loveland, CO 80537

(970)669-9200

vicmichael@aol.com

June 12, 2018



EXHIBIT 1 - COPY OF COMMISSION LETTER

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

May 14, 2018

In Reply Refer to:
1800B3-KV

Mountain Community Translators, LLC
87 Jasper Lake Road
Loveland, CO 80537

In re: K243BN, Laveen, AZ
File No. BLFT-20171211AAV
Facility ID No. 92373

Interference Complaint – Response Required

Dear Licensee:

This refers to the “Interference Complaint Under Section 74.1203” (Interference Complaint)¹ filed on March 19, 2018, by 1TV.com, Inc. (1TV), licensee of Station KIKO-FM, Claypool, Arizona.² In the Interference Complaint, 1TV alleges that FM Translator Station K243BN, Laveen, Arizona (K243BN or Station), licensed to Mountain Community Translators, LLC (Mountain or Licensee), is interfering with the reception of Station KIKO-FM.³

On March 29, 2018, Mountain responded to the Interference Complaint by filing an “Objection to Interference Complaint” (Objection). In the Objection, Mountain argues that: (1) 1TV has not demonstrated that the listeners can receive KIKO-FM on its current channel 243C2;⁴ and (2) it does not need to address the listener complaints because they are “deficient.”⁵

Pursuant to 47 CFR § 74.1203 of the Rules, K243BN is required to eliminate any actual interference it causes. Therefore, it is necessary for Mountain to submit a detailed report (Interference Response) on each listener complaint even if an individual listener has previously filed a complaint in a different interference proceeding that Licensee has addressed. For each listener complaint, the Interference Response must include: (1) the name and address of the complainant; (2) specific devices

¹ All pleadings referenced herein are available at the Media Bureau’s Consolidated Database (CDBS) under the Station’s License Application, File No. BLFT-20171211AAV.

² The station is licensed to operate at Claypool, Arizona on Channel 243C2, pursuant to BLH-20170620ABG.

³ In support of the interference allegations, 1TV includes listener complaints. Interference Complaint, Exh. 2. Additionally, on April 12, 2018, 1TV filed a “Supplement Interference Complaint Under Section 74.1203” containing a map of locations where listeners experienced interference.

⁴ Mountain claims that the “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.” Objection at 2.

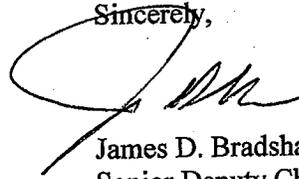
⁵ Mountain contends “each of the complaints contains boilerplate language” and were actively solicited by 1TV.

receiving the interference (*i.e.* type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by the Station for each device allegedly receiving the interference and whether such interference persists. Each of the listener complaints must be addressed individually.

The Rules regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3)⁶ of the Rules states that an FM translator station will not be permitted to continue to operate if it causes any actual radio signal interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station.⁷ Actual interference is based on listener complaints indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. Section 74.1203(b)⁸ of the Rules states that if the interference cannot be properly eliminated by the application of suitable techniques, the operation of the offending FM translator station shall be suspended and shall not be resumed until the interference has been eliminated.

Within thirty days of this letter, Mountain must take appropriate actions required by the provisions of 47 CFR § 74.1203 to resolve all complaints of interference to fulfill its obligations and submit its Interference Response.⁹ Further action on the Interference Complaint will be withheld for a period of thirty days from the date of this letter to provide Mountain an opportunity to respond. Failure to correct all complaints within this time may require Station K243BN to suspend operation pursuant to 47 CFR § 74.1203 of the Rules.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: John Low (by email)
A. Wray Fitch III, Esq. (by email)

⁶ 47 CFR § 74.1203(a)(3).

⁷ An FM translator station creating actual radio signal interference to any authorized broadcast station is obligated to eliminate the interference, regardless of the location where the impaired signal reception occurs.

⁸ 47 CFR § 74.1203(b).

⁹ Mountain should send a courtesy email to Kim Varner at kim.varner@fcc.gov and James Bradshaw at james.bradshaw@fcc.gov. Additionally, the obligation to resolve interference complaints is ongoing. Specifically, should any complaints be filed in the future, Licensee must resolve or address those complaints within 30 days of receipt.

EXHIBIT 2 - SAMPLE LETTER SENT

May 5th, 2018

Cynthia DeSanti
16602 N. 33rd Avenue
Phoenix, AZ 85053

RE: Interference complaint filed against K243BN Laveen, Arizona.

Dear Cynhia,

This letter is in regards to a letter we received today from the Federal Communications Commission ("FCC") (see attached copy) regarding an interference complaint that you filed against our FM translator station K243BN Laveen, Arizona. I have also attached a copy of your interference complaint.

The FCC is requiring that I contact you to try to address your interference complaint. I just tried to call you to discuss this issue, but there was no answer and no voicemail set up.

I have attached a questionnaire to gather some more information about your interference issues and your reception problems with KIKO-FM Claypool, Arizona now that it is transmitting on 96.5 Mhz.

Could you please fill out the questionnaire and return it to the address below? I have enclosed postage to cover the cost of mailing it. Or you could return it to me via email if that is easier for you.

The FCC takes these matters very seriously, as do we.

Please feel free to contact me anytime at any of the contact information listed below.

Sincerely,

Victor Michael
Sole Member/Manager
Mountain Community Translators, LLC
87 Jasper Lake Road
Loveland, CO 80537
970-744-9191 cell
vicmichael@aol.com

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
 John R. Schalk
 29900 N. Desert Willow Dr.
 San Tan Valley, AZ 85143

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee
 B. Received by (Printed Name) *John Schalk* C. Date of Delivery
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Priority Mail Express®
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Article Number (transfer from service label)
 7017 3380 0000 4945 9688

PS Form 3811, April 2015 PSN 7530-02-000-9053

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com

PHOENIX AZ 85053

Certified Mail Fee \$3.45
 Extra Services & Fees (check box, add fee) \$0.00
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
 Postage \$0.71
 Total Postage and Fees \$0.91

Sent to
 Cynthia Desanti, Bee Family Rob.
 16402 N. 33rd Ave.
 Phoenix AZ 85053

PS Form 3800, April 2015 PSN 7530-02-000-0047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
 Kevin Tew
 1121 E. Jasper Dr.
 Gilbert, AZ 85296

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee
 B. Received by (Printed Name) *Kevin Tew* C. Date of Delivery
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Article Number (transfer from service label)
 7017 3380 0000 4939 2107

PS Form 3811, April 2015 PSN 7530-02-000-9053

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Certified Mail Fee \$3.45
 Extra Services & Fees (check box, add fee) \$0.00
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
 Postage \$0.71
 Total Postage and Fees \$0.91

Sent to
 Kevin Tew
 1121 E. Jasper Dr.
 Gilbert, AZ 85296

PS Form 3800, April 2015 PSN 7530-02-000-0047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
 Kevin Tew
 1121 E. Jasper Dr.
 Gilbert, AZ 85296

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee
 B. Received by (Printed Name) *Kevin Tew* C. Date of Delivery
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Article Number (transfer from service label)
 7017 3380 0000 4939 2107

PS Form 3811, April 2015 PSN 7530-02-000-9053

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For delivery information, visit our website at www.usps.com

SAN TAN VALLEY AZ 85143

Certified Mail Fee \$3.45
 Extra Services & Fees (check box, add fee) \$0.00
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
 Postage \$0.71
 Total Postage and Fees \$0.91

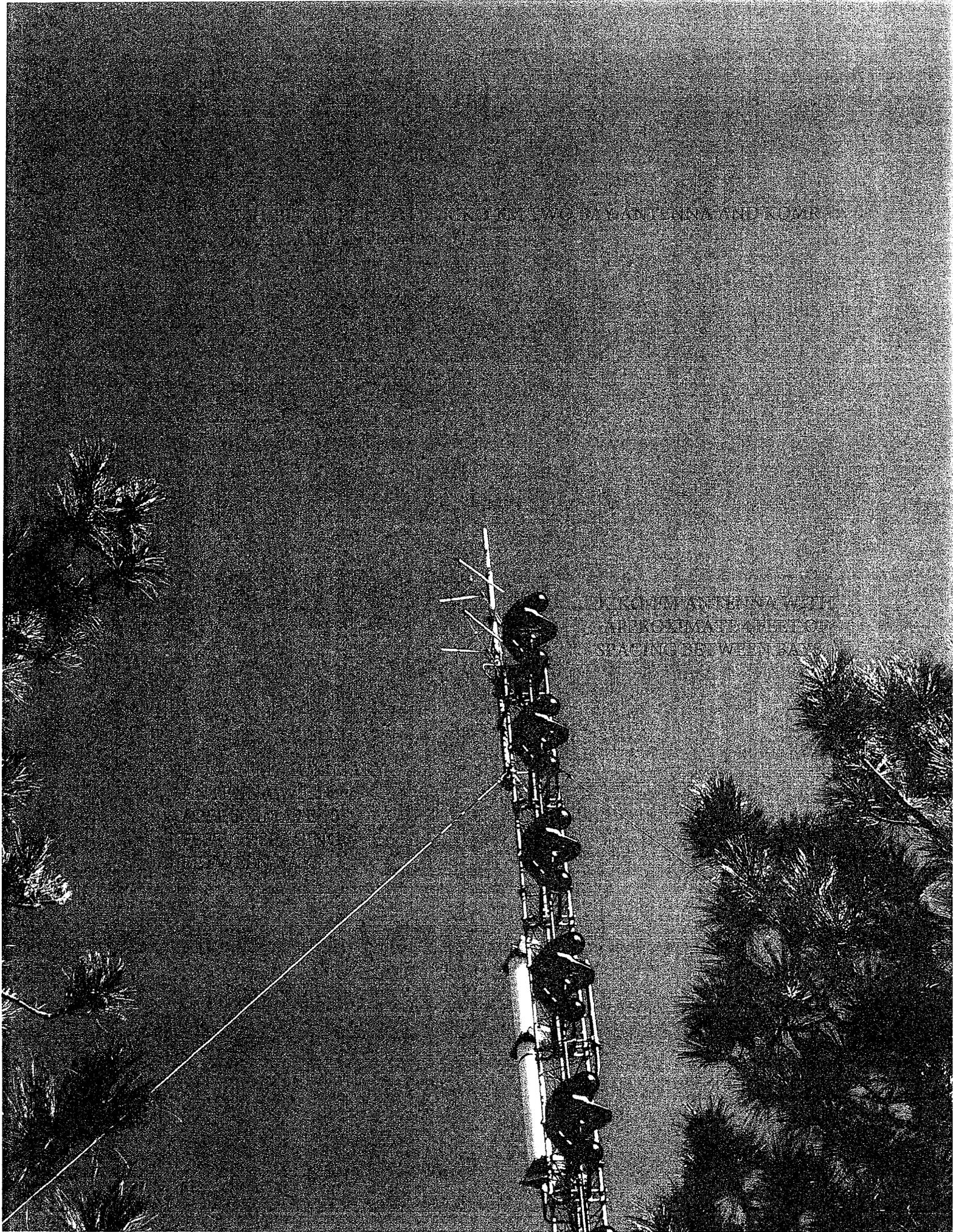
Sent to
 John R. Schalk
 Street and Apt. No. or PO Box No.
 29900 N. Desert Willow Dr.
 City, State, ZIP+4®
 San Tan Valley AZ 85143

PS Form 3800, April 2015 PSN 7530-02-000-0047 See Reverse for Instructions

EXHIBIT 3 - CERTIFIED LETTER SENT AND RECEIVED RECEIPTS

ANTENNA AND CABLE

THE COMPANY HAS A LARGE STOCK OF ANTENNA AND CABLE



CERTIFICATE OF SERVICE

I, Victor A Michael, Jr., hereby certify that a true and correct copy of the foregoing
“Response” was sent via first class mail (unless otherwise indicated) this 12th day of June, 2018
to the following:

James D. Bradshaw*
Federal Communications Commission
Media Bureau
445 12th Street, SW
Washington, DC 20554
James.bradshaw@fcc.gov

Kim Varner*
Federal Communications Commission
Media Bureau
445 12th Street, SW
Washington, DC 20554
Kim.varner@fcc.gov

John Low*
1TV.com, Inc.
4501 Broadway
Miami, AZ 85539
v.low@att.net

 E-12-2018

*Copy served by e-mail and regular first class mail.