

2018 APR -9 PM 2: 29 Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of )

MOUNTAIN COMMUNITY )  
TRANSLATORS, LLC )

Facility No. 146671 )

Licensee of FM Translator Station K243BP )  
Casa Grande, Arizona )

Accepted / Filed

APR -6 2018

Federal Communications Commission  
Office of the Secretary

To: Office of the Secretary  
Attention: Chief, Media Bureau (Audio Division)

**Objection to Interference Complaint**

Mountain Community Translators, LLC ("MCT") files this Objection to the Interference Complaint filed by 1TV.com, Inc. ("1TV"). 1TV, the licensee of KIKO-FM, Claypool, Arizona, alleges that FM Translator K243BP licensed to MCT is causing impermissible interference to KIKO-FM. The 1TV complaint should be dismissed for failure to establish interference by K243BP ("Translator" or "K243BP") to the regularly received signal of KIKO-FM.

1 TV's allegations are totally baseless for the simple reason that the Translator has been dark during the entire time of alleged interference. The Translator was not operating and therefore could not have been causing any interference. Troubling and worthy of further investigation are the misrepresentations made to the Commission by 1TV based on its false claims of interference.

The Translator has not been operating on channel 243D (96.5 MHz) since May 15, 2017. KIKO-FM changed its operating channel from 247C2 to 243C2 (96.5 MHz) on August 11, 2017 well after the Translator ceased operations on channel 243. It would therefore be impossible for the Translator to cause interference to KIKO-FM from the time it began broadcasting on 96.5 until present. Yet 1TV submits two complaints alleging interference during that time when it knew, or clearly should have known, that the Translator was not on the air. In fact, Mr Low, owner of 1TV, acknowledges the Translator's silent authority status. Despite that, he submits bogus interference complaints making an unfounded claim that the Translator was operating intermittently-- something he would have further affirmed to be false had he made even the slightest effort to confirm that the Translator was indeed dark. *See attached Technical Statement*

Mr. Low further compounds the falsehoods by claiming a pending modification application filed by MCT will exacerbate the interference by proposing to increase power to 250 Watts on KIKO-FM's co-channel. The pending application however is for channel 271D not co-channel 243D.

Doug Pelley, engineer for KIKO, in a declaration, adds additional falsehoods. He states as a matter fact that, "thus when KIKO- FM listener for example: Jo Ann Schald is driving from the San Tan area going west [sic] will experience interference from K243 ( 96.5 MHz), Casa Grande Arizona." No she won't because the Translator is not on the air. Mr. Pelley also makes the same false claim that the pending minor modification application will result in increased interference by assuming continued operation on channel 243D instead of what is actually proposed, which is channel 271D.

Wherefore, the Interference complaint should be summarily dismissed

Respectfully submitted,

MOUNTAIN COMMUNITY TRANSLATORS, LLC

BY:   
A. Wray Fitch III

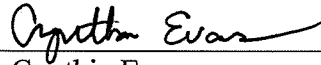
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April 6, 2018

## **CERTIFICATE OF SERVICE**

I, Cynthia Evans, do hereby certify that a copy of the foregoing "Objection to Interference Complaint" was mailed by First Class U.S. Mail, postage prepaid, this 6<sup>th</sup> day of April 2018, to the following:

John Low  
ITV.com, Inc.  
4501 Broadway  
Miami, AZ 85539

  
\_\_\_\_\_  
Cynthia Evans

## **TECHNICAL STATEMENT**

## **TECHNICAL STATEMENT**

This Technical Statement is in support of an opposition to the Interference Complaint filed by 1TV.com, Inc. (“1TV”) against FM translator station K243BP Casa Grande, Arizona, facility ID 146671. Mountain Community Translators, LLC (“MCT”) is the licensee of K243BP.

1TV filed an Interference Complaint under Section 74.1203 received by the Commission on March 19<sup>th</sup>, 2018 against K243BP. 1TV is the licensee of KIKO-FM Claypool, Arizona, facility ID 11894. 1TV is asserting that K243BP is interfering with its KIKO-FM now that it has recently changed channels from 247C2 (97.3 mhz) to channel 243C2 (96.5 mhz).

## **BACKGROUND**

K243BP was acquired by MCT from Educational Media Foundation (“EMF”) on June 30<sup>th</sup>, 2017, form 345 assignment file number BALFT-20170322AAD. This assignment also covered the assignment of K243BN Laveen, Arizona, facility ID 92373. Prior to the assignment being granted, EMF filed to take K243BP silent as of May 15<sup>th</sup>, 2017 because of the pending assignment. The request to remain silent Special Temporary Authority, BLSTA-20170607AAE, was granted on June 8<sup>th</sup>, 2016. MCT filed for an extension of this silent STA, BLESTA-20171115AAV, which was granted by the Commission on December 13<sup>th</sup>, 2017. This authority expires on May 16<sup>th</sup>, 2018. If K243BP does not resume broadcasting by May 16<sup>th</sup>, 2018 its license will be forfeited for having been silent for more than one year per FCC rules.

Upon the assignment of K243BP to MCT, as part of the agreement with EMF, K243BP did not assume the current tower site lease for the currently licensed tower site for K243BP. The prior owner wished to utilize the K243BP tower site lease for use by another facility they own in the same area. This is the primary reason that EMF took K243BP silent before the assignment was completed so that the site could be re-configured for the new station use. MCT

assumed the responsibility to reconstruct K243BP at a new tower site location. In that effort, MCT has identified a new tower site to which it can relocate K243BP. It is at the Sacaton Mountain communications antenna farm near Casa Grande, Arizona. MCT filed for a modification of facilities to relocate to the site with the form 349 filing of BMPFT-20170718AGR which was granted on August 10<sup>th</sup>, 2017. However, after there was some technical issues discovered with this particular tower site, MCT filed for a modification of Construction Permit to relocate the proposed operation to an adjacent tower at the same Sacaton Communications site with the form 349 filing of BMPFT-20180302ABA, which the Commission has now promptly granted on March 19<sup>th</sup>, 2018.

KIKO-FM filed to equivalent class channel change to non-adjacent 243C2 from 247C2 with BPH-20160927ADT. A Construction Permit was granted on June 20<sup>th</sup>, 2017. While KIKO-FM filed a license application, form 302-FM, on the same day as the grant of the CP, its operation was conditioned on Program Test Authority being granted to KRFM(FM) Show Low, Arizona, facility ID 33692, to operate on channel 253C0 before KIKO-FM could begin Program Tests on channel 243C2. KRFM didn't begin operations on channel 253C0 until August 10<sup>th</sup>, 2017. KIKO-FM then modified its pending license application that it began Program Tests on channel 243C2 on August 11<sup>th</sup>, 2017.

### **DISCUSSION**

1TV's Interference complaint filed against MCT's K243CP Casa Grande, Arizona is without any merit, and obviously falsely and maliciously filed. K243BP has not been operating on channel 243D (96.5 mhz) since May 15<sup>th</sup>, 2017. KIKO-FM changed its operating channel from 247C2 to 243C2 (96.5 mhz) on August 11<sup>th</sup>, 2017, or well after K243BP has ceased operations on channel 243. So it would be impossible for K243BP to cause any interference to

KIKO-FM from August 11<sup>th</sup>, 2017 until this present date. K243BP has not had a physical transmitter site to operate from available to it since it acquired K243BP on June 30<sup>th</sup>, 2017. K243BP is planning to restore its transmissions soon from the Sacaton Mountain tower site, but on a new authorized displacement channel 271D (102.1 mhz). This change in channels was necessary because of the prohibited contour overlap with the new proposed operation of KIKO-FM on channel 243C2. See the contour overlap map attached as Exhibit 1 for details. The Commission granted this new channel of operation for K243BP as of August 10<sup>th</sup>, 2017, and is assigning the new call sign of K271CR to reflect the new channel of operation. Obviously 1TV failed to research the operational status of K243BP at this time of its filing of the Interference Complaint against K243BP or it would have known that the translator has not been on the air since May 15<sup>th</sup>, 2017, or long before it began operations by KIKO-FM on channel 243.

1TV's owner and licensee of KIKO-FM, Jon Low, signed the Interference Complaint against K243BP making several false statements in the complaint. He claims that the *"Interference complaint is filed against Construction Permit BMPFT-20170718AGR, is resulting in listeners complaining of interference from the **Co-channel** K243BP, Channel 243(96.5MHz) signal to the received signal of KIKO(FM)"* Had Mr. Low actually looked closer at the authorization specified in BMPFT-20170718AGR, he may have noticed the authorization specified operation on channel 271D, not 243D as he contends. He should have also noted that there had not yet been a form 350 license application filed for K243BP to cover this permit for which prior filing is required by the Commission before any program tests can begin with an FM translator station.

Mr Low goes on to state *"The interference continues to negatively impact the listeners of KIKO-FM 96.5 FM. Interference listeners complaints have been generated as a direct result of*



*the translator K243BP operation on 96.5 MHz are submitted hereto at Exhibit1, and potted google earth map with engineer declaration as Exhibit2. 1TV.Com Inc. hereby confirms that the complaining bona fide listeners are not employed of or principles of the licensee or any affiliated companies. Moreover, these listeners are unbiased parties. Many other complaints have been received.”*

As documented above, this statement cannot be true or accurate since K243BP was not operational on channel 243D (96.5 mhz) during the dates of the provided two listener complaints.

Mr. Low once again makes further false statements by stating “*To make matters worse K243BP has recently filed BMPFT-20180302ABA, K243BP seeking to relocate to an adjacent tower site on the same Sacaton Mountain Communications site and remain a “fill-in” KLVA(FM) Maricopa, Arizona, facility ID 2749. K243BP, Mountain Community Translators, LLC seeks to modify the CP with some minor technical changes in height and directional pattern. The new proposed operation of K243BP specifies a maximum Effective Radiated Power of 0.25 kilowatts (250 watts). The increase power to (250) watts will only exacerbate the interference with the **Co-Channel** KIKO (FM), channel 243C2 (96.5 MHz), Claypool, Arizona Facility ID No. 11894.*

Once again, had Mr. Low actually reviewed the details of MCT’s form 349 application, BMPFT-20180302ABA for K243BP, he should have noticed that the application was for channel 271D, **NOT** channel 243D as he claims.

Amazingly, these same false claims are backed up Doug Pelley engineer for KIKO-FM in a signed declaration accompanying the Interference Complaint with the statement “*The following*

*is true and correct to the best of my personal knowledge, information, and belief, under penalty of perjury”*

### **CONCLUSION**

The Interference Complaint filed by 1TV has no merit and is full of false statements and inaccuracies. K243BP was not operational during the time of the claimed interference to KIKO-FM. The two listener complaints attached to Interference Complaint filed by 1TV do not identify K243BP as the interference source. They also could not be receiving interference from the operation of K243BP since it was not operation during the two dates of the interference complaints, or November 24<sup>th</sup>, 2017 and October 20, 2017. Thus, they cannot be accurate and should be considered invalid.

It should also be noted that the owner, John Low, is the owner of 1TV and Rocket Radio Corporation. 1TV and Rocket Radio Corporation have filed Interference Complaints against not only K243BP, but also MCT's K243BN Laveen, Arizona, facility ID 92373 and K275CP Phoenix, Arizona, facility ID 138167. All three Interference Complaints were received at the Commission on the same day, March 19<sup>th</sup>, 2018. MCT is filing a response to each of these complaints that show all are without merit and should be dismissed.

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Dated: March 30<sup>th</sup>, 2018

# EXHIBIT 1 - K243BP INTEFERENCE CONTOUR WITH KIKO-FM (CP)

FMCommander Single Allocation Study - 03-29-2018 - NGDC 30 SEC  
K243BP's Overlaps (In= -44.08 km, Out= -2.83 km)

K243BP CH 243 D

Lat= 32 49 18.0, Lng= 111 42 42.0

0.06 kW 0 m HAAT, 675 m COR

Prot.= 60 dBu, Intef.= 40 dBu

KIKO-FM CH 243 C2 BPH20160927ADT

Lat= 33 17 20.0, Lng= 110 49 45.0

0.68 kW 1015 m HAAT, 2352 m COR

Prot.= 60 dBu, Intef.= 40 dBu

