



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

August 6, 2018

In Reply Refer to:
1800B3-KV

Gary M. Cocola
225 Crossroads Blvd.
Suite 183
Carmel, CA 93923

In re: K259CF, South Fresno, CA
File No. BLFT-20180306AAR
Facility ID No. 144742

Interference Complaint – Response Required

Dear Licensee:

This refers to the “Interference Complaint” (Complaint)¹ filed on July 18, 2018, by Bott Communications, Inc. (Bott), licensee of Station KCIV(FM), Mount Bullion, California. In the Complaint, Bott alleges that FM Translator Station K259CF, South Fresno, California (K259CF or Station), licensed to you (Licensee), is interfering with the reception of Station KCIV(FM).

In support of the interference allegations, Bott submits 24 listener declarations, 18 executed² and six unexecuted³ (collectively, Listener Declarations).⁴ The Listener Declarations list the individual’s name and address; affirm that the individual is a KCIV(FM) listener without a “legal, economic or familial stake in the outcome/resolution of the interference complaint;” and the location where the interference occurs. Bott also includes call transcripts from 26 listeners (Call Transcripts) each of which fail to include, *inter alia*, complete contact addresses.⁵ In addition, Bott includes emails from listeners Wayne Atkinson (Atkinson), who did not list a contact address, and Christine Pappas, who listed her

¹ All pleadings referenced herein are available at the Media Bureau’s Consolidated Database (CDBS) under the Station’s License Application, File No. BLFT-20180606AAR.

² Specifically, the following listeners executed their declarations: Linda M. Jensen (Jensen); Barbara Jo Harding; Dixie Kuder; Tara Shaw (Shaw); Gregory Cox; Janean Wolfe; Joshua Yrene; Matthew Wright; Barbara Meinert; Victoria Medina; Rudy Rojas (Rojas); Dave Combs; Sarah Eld; Darlene M. Blackwood (Blackwood); Charles Pakchoian; Bruce F. Armstrong; Kenneth A. Dones; and La Donna Strid (Strid). *Id.*

³ Specifically, the following listeners did not sign their declarations: Edward S. Saliba; Janet Hardy; Barbara Harden (Harden); Kathy Geiger; Gloria Verdugo; and Mr. Leon and Mrs. Dianne Molina (Molina). *Id.*

⁴ Complaint, Exh. A.

⁵ *Id.* While all Call Transcripts lack a complete contact address, seven listeners who called the Station appear to have subsequently filed Listener Declarations: Molina; Shaw; Rojas; Strid; Jensen; Blackwood; and Harden.

contact address (Pappas).⁶ Lastly, Bott submits an engineering statement from Jeremy D. Ruck⁷ and a map purportedly showing that certain listener complaints “are at locations within KCIV’s regularly utilized service area.”⁸

The Commission’s Rules (Rules) regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3)⁹ 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.¹⁰

Pursuant to Section 74.1203 of the Rules,¹¹ K259CF is required to eliminate any actual interference it causes. Actual interference is based on a complaint from one or more listeners indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. In particular, “the staff has routinely required a listener complainant to include the listener’s name, address, location(s) at which FM translator interference occurs, and a statement that the complainant is, in fact, a listener of the affected station.”¹²

A review of the Complaint reveals that some, but not all, listener complaints provide the required information. Specifically, all Listener Declarations provide the necessary information; none of the Call Transcripts provide all required information as each is missing at least the individual’s complete contact address; and the Atkinson email fails to provide a contact address while the Pappas email includes a contact address along with other required information.

Therefore, it is necessary for Licensee to submit a detailed report (Interference Response) for each Listener Declaration and Listener Pappas, even if an individual listener has previously filed a complaint in a different interference proceeding that Licensee has addressed. The Interference Response must include: (1) the name and address of the 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 the Station for each device allegedly receiving the interference and whether such interference persists. Section 74.1203(b)¹³ of the Rules further provides 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, Licensee must take appropriate actions required by the provisions of 47 CFR § 74.1203 to resolve the complaint of interference to fulfill its obligations and submit an

⁶ *Id.*

⁷ Complaint at Exh. B.

⁸ *Id.* at 3, and Exh. B at 3 (map allegedly lists locations of 16 residents “within or in proximity to” an area where interference is predicted according to a Longley-Rice model).

⁹ 47 CFR § 74.1203(a)(3).

¹⁰ 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.

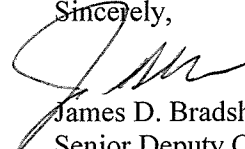
¹¹ 47 CFR § 74.1203.

¹² *Amendment of Part 74 of the Commission Rules regarding FM Translator Interference*, Notice of Proposed Rulemaking, MB Docket No. 18-119, FCC 18-60, para. 7 (2018) (*citing Creation of an LPFM Service*, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd 15402, 15431-31 para. 83 (2012)).

¹³ 47 CFR § 74.1203(b).

Interference Response.¹⁴ Further action on the Complaint will be withheld for a period of thirty days from the date of this letter to provide Licensee an opportunity to respond. Failure to correct the complaint within this time may require Station K259CF to suspend operation pursuant to 47 CFR § 74.1203 of the Rules.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

Cc: Michael Couzens, Esq. (by email)
Kathleen Victory, Esq. (by email)

¹⁴ Licensee should also send a courtesy via 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.