

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re: Application of)	
)	
MOUNTAIN COMMUNITY)	
TRANSLATORS, LLC)	FILE NO. 0000125254
)	FILE NO. BLFT-20171211AAV
)	
For minor modification of)	FACID 92373
K243BN Laveen, AZ)	
)	
To: Office of the Secretary		
Attn: Media Bureau		

INFORMAL OBJECTION TO APPLICATION AMENDMENT
and
FURTHER SUPPLEMENT TO PENDING ACTUAL INTERFERENCE COMPLAINT

1TV.com, Inc., licensee of station KIKO-FM Claypool, Arizona, ("1TV") by its attorney, hereby submits an Informal Objection to the above-captioned application amendment filed by Mountain Community Translators, LLC, ("MCT") on November 10, 2020, for minor modification of facilities and as a further supplement to the pending proceeding concerning actual interference caused by K243BN to KIKO-FM. In support thereof, the following is shown:

MCT's amended application violates Commission rules by proposing continued destructive and impermissible interference to the over-the-air reception of station KIKO-FM by established station listeners.

By letter dated September 17, 2020, (copy attached hereto) the Media Bureau found that licensed station K243BN is causing impermissible actual interference to KIKO-FM listeners in violation of §74.1203 of the Commission's rules ("Bureau Letter"). The Bureau Letter ordered MCT to file a plan to resolve all interference caused to 11 KIKO-FM listeners "within thirty days."

On September 18, 2020, MCT submitted a plan offering to reduce ERP “to 50 watts or cease operation altogether by Commission request (emphasis supplied)”¹ along with a contemporaneous application proposing to modify station facilities from CH243 to CH220.² By letter dated October 9, 2020, the Commission dismissed that cross-band application as an unauthorized proposal for major change of facilities.

The Technical Statement submitted with MCT’s above-captioned amended application states in relevant part:

Because of interference issues with KIKO-FM Claypool, Arizona, facility ID 11894, which recently upgraded on to a full class C station on channel 243, K243BN seeks to decrease its Effective Radiated Power (“ERP”) from 250 watts to 1 watt. It will also replace its current one bay directional antenna with a higher gain Nicom BLK-5 yagi directional antenna to provide further protection to KIKO-FM.

While the application states that it is filed “because of interference issues with KIKO-FM,” MCT fails to address how the proposed modifications will eliminate all existing actual interference as required by the Bureau Letter and the Commission’s rules.

As demonstrated herein, the proposed power reduction and modified antenna orientation will not eliminate all extant interference. In the meantime, KIKO-FM listeners continue to suffer daily impermissible interference.

Submitted herewith is a technical report prepared by Charles Anderson, a professional broadcast consulting engineer.³ Using the 11-listener interference data specified in the Bureau Letter, Mr. Anderson studied and mapped the specific listener locations where interference occurs

¹ The Bureau Letter and the Commission’s rules require MCT to resolve the interference. MCT fails to present any basis for requiring MCT to await further Commission “requests” for MCT to resolve the interference.

² File No 121878

³ Mr. Anderson’s professional broadcast engineering credentials are a matter of record in the Commission’s files.

in relation to KIKO-FM's 45 dBu contour and calculated the ratio of undesired-to-desired adjacent channel relationship between KIKO-FM and K243BN's proposed power reduction to 1 watt ERP using a Nicom BLK-5 yagi antenna with a modified directional orientation. Mr. Anderson finds that the proposed power reduction and antenna pattern would not eliminate the impermissible interference caused by K243BN to valid interference claims filed by KIKO-FM listeners E. Hooten, Hudgens and Sanchez identified in the Bureau Letter.⁴ In each case, the U/D ratio continues to impermissibly exceed the -20 dBu co-channel ratio in violation of the Commission's rules and without regard to the requirements of the Bureau Letter.⁵

Further, Mr. Anderson evaluated and compared the application technical parameters to the interference complaint received by 1TV from KIKO-FM listener Jo Ramsey (copy attached hereto).⁶ In which case, the U/D ratio impermissibly exceeds -20 dBu in violation of the Commission's rules.

Conclusion

Based on the forgoing, the proposed modification of facilities will not eliminate the interference caused to KIKO-FM as instructed in the Bureau Letter and suggested by the above-captioned application. Accordingly, the translator application should be dismissed or denied.

⁴ Edward Hooten, (a/k/a E. Hooten), Rachel Hudgens (a/k/a Hudgens) and Jeydi Sanchez (a/k/a Sanchez)

⁵ Cf – Letter dated February 6, 2020, to LBI Radio License LLC BNPFT-20180507AAH 1800B3-DB. Commission dismissed an application proposing 1 watt ERP purportedly to resolve interference issues when the applicant was not able to demonstrate that a power reduction to 1 watt did not resolve the impermissible interference which would be caused by the proposed FM translator facilities.

⁶ The complaint lists the listener's full name, address and phone number, a clear, concise and accurate description of the location where actual interference occurs, a statement that the Listener listens over-the-air to KIKO-FM at least twice per month, and a statement that the Listener has no legal, financial, employment, or familial affiliation or relationship with KIKO-FM. As a result, the Listener Complaint satisfies the definition of a Listener Complaint in FCC Rule 74.1201(k). Because the U/D ratio exceeds -20 dBu at 1 watts ERP, it will logically also exceed -20 dBu at K243BN's licensed 250 watts ERP.

Respectfully Submitted,

1TV.COM, INC.

November 24, 2020

Miller and Neely, P.C.
Suite 203
3750 University Blvd., West
Kensington, MD 20895

By _____/S/_____
John S. Neely, Esq.
Its Attorney

I certify that on November 24, 2020, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

Vic Michael
Mountain Community Translators, LLC.
1418 Bradley Avenue
Cheyenne, WY 82001

_____/S/_____
John S. Neely, Esq.



Federal Communications Commission
Washington, D.C. 20554

September 17, 2020

In Reply Refer to:
1800B3-KV

Mountain Community Translators, LLC
c/o Victor A. Michael, Jr.
1418 Bradley Avenue
Cheyenne, WY 82001

1TV.com, Inc.
c/o John Neely, Esq.
Miller and Neely, PC
3750 University Blvd., West
Suite 203
Kensington, MD 20895

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

Interference Complaint -- Response Required

Dear Counsel:

This letter refers to 1TV.com, Inc.'s (1TV)¹ "Interference Complaint and Request to Order Immediate Suspension of Operations" (Complaint) filed on July 2, 2020. The Complaint alleges interference from FM Translator K243BN, Laveen, Arizona (K243BN or Translator) to the direct reception by the public of the off-the-air signal of KIKO-FM.²

In the *Translator Interference Order*,³ the Commission adopted certain changes to the translator interference complaint resolution process. Among other things, the Commission revised the relevant

¹ 1TV is the licensee of Station KIKO-FM, Claypool, Arizona (KIKO-FM or Complaining Station).

² K243BN is licensed to Mountain Community Translators, LLC (MCT or Licensee).

³ *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, MB Docket No. 18-119, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*). The *Translator Interference Order* became effective on August 13, 2019. *Effective Date of Amended Rules for FM Translator Interference*, MB Docket No. 18-119, Public Notice, 34 FCC Rcd 7004 (2019).

rules to require that stations complaining of interference must submit a complete interference claim package consisting of specified technical showings along with a required minimum number of rule-compliant listener complaints.⁴

Pursuant to Table 1 of 47 CFR § 74.1203(a)(3) of the Commission's rules (Rules),⁵ 1TV is required to submit a minimum of ten rule-compliant listener complaints.⁶ 1TV has submitted 19 listener complaints which it claims comply with the Rules.⁷

Based on our review of the Complaint, we conclude that 1TV has submitted a valid interference claim package. In particular, we find that 1TV has exceeded its required showing of ten rule-compliant listener complaints with the following 11 rule-compliant Complainants, along with the required engineering showings:⁸ Burgess (driving); Cammarata (driving); T.E. Davis (driving); T. Davis (driving); E. Hooten (driving); Hudgens (driving); Moore (driving); Pyle (driving); Robinson (driving); Sanchez (driving); and O'Neal (driving).⁹ With respect to the complaints of J. Hooten, R. Hooten, and T. Hooten, because they reported only interference locations that are duplicative of E. Hooten's reported interference locations,¹⁰ their complaints were not counted towards 1TV's required minimum of ten rule-compliant listener complaints.¹¹ Regarding the remaining Complainants, we find their complaints to be unacceptable. Specifically, Holley and McDonald reported interference locations that are located outside of KIKO-FM's 45 dBu protected signal strength contour.¹² In addition, the complaints of Listeners 1, 2, and 17 are illegible and, therefore, are unacceptable.¹³

⁴ 47 CFR §§ 74.1203(a)(3), 74.1204(f); *Translator Interference Order*, 34 FCC Rcd at 3463-3466, 3469-3470, paras. 12-15; 23-24.

⁵ 47 CFR § 74.1203.

⁶ Although 1TV states that the population within KIKO-FM's 60 dBu protected contour is 957,966 persons, *see* Complaint at 3, our independent engineering review found 837,850 persons that are located within KIKO-FM's 60 dBu protected contour. For populations of 500,000 – 999,999, a minimum of ten rule-compliant listener complaints are required; thus, the discrepancy is of no material significance. *See* Table 1 of 47 CFR § 74.1203(a)(3).

⁷ Specifically, 1TV has submitted complaints from the following listeners: Illegible Listener Name (Listener 1); Illegible Listener Name (Listener 2); Jayne Burgess (Burgess); Thomas Cammarata (Cammarata); Thomas E. Davis (T.E. Davis); Thomas Davis (T. Davis); Susan Holley (Holley); Edward Hooten (E. Hooten); Jamie Hooten (J. Hooten); Ryan Hooten (R. Hooten); Terri Hooten (T. Hooten); Rachel Hudgens (Hudgens); Jeffrey J. McDonald (McDonald); Linda S. Moore (Moore); Terry L. Pyle (Pyle); Danielle O'Neal (O'Neal); Illegible Listener Name (Listener 17); Laura L. Robinson (Robinson); and Jeydi Sanchez (Sanchez). Complaint, Attach. 1, Listener Complaints. Collectively, these listener complainants will be referred to as the Complainants.

⁸ Several of the Complainants reported multiple interference locations such as home, work and driving. In listing the rule-complaint complaints, we have listed in a parenthetical the acceptable interference location(s).

⁹ Complaint, Attach. 1, Listener Complaints.

¹⁰ In particular, these complainants each stated, "When listening to 96.5 in the Phoenix AZ area, interference is from the US 60 & I-10 interchange to the west to HWY 51 and 101 in the north to the 202 in the south. The interference gets so bad in the north valley I cannot pick up KIKO. The station bleeding in is from Fountain Hills AZ and is identified by the call sign K-Love." *Id.*

¹¹ *Translator Interference Order*, 34 FCC Rcd at 3466, para. 15. ("[T]ranslator interference claims must be based on 'separate receivers at separate locations' . . .").

¹² Complaint, Attach. 1, Listener Complaints.

¹³ In the complaints for Listeners 1 and 17, the listener's name, address, telephone number, and date are illegible, and in the complaint for Listener 2, the listener's name and address are illegible. *Id.*

Accordingly, MCT is required to remediate the interference as set forth in the timeline below:¹⁴

1. Within thirty days of this letter, MCT must file:

- a plan to resolve the interference;¹⁵ or
- evidence that ITV's Complaint is not a valid and complete interference claim package.¹⁶

2. Within sixty days of submitting a remediation plan, if one has been submitted, MCT must file either (i) the **jointly** agreed upon interference testing results; (ii) the testing results of the parties mutually agreed upon independent engineer; or (iii) the results from MCT's remediation with the 11 referenced listeners¹⁷ if said listeners elect to participate in the remediation process. No unilateral testing results will be considered.¹⁸ Upon receipt, we will review said information to determine if the interference has been resolved.

¹⁴ *Translator Interference Order*, 34 FCC Rcd at 3468-3469, para 21. ("[T]he staff will direct the complainant station to serve the translator operator with a non-redacted copy of the relevant listener complaints so that the translator operator can verify the basic elements of the complaint, such as the existence of the complainant, current residence at the given address, etc."). Normally we would impose a requirement that ITV serve the listener complaints on MCT; however, ITV has already served MCT with the Complaint, thus rendering it unnecessary to impose that condition.

¹⁵ In the *Translator Interference Order*, the Commission declared that acceptable plans include the following: 1) relocating to an available same-band FM channel; 2) working with willing listener complainants; or 3) working with the complaining station. Regarding direct listener remediation, if the listener agrees to allow the translator station to adjust or replace its receiver equipment to address interference, the translator station "must document and certify that the desired station can now be heard on the listener's receiver." *Translator Interference Order*, 34 FCC Rcd at 3472, para. 30. If, however, the listener's equipment is not the cause, or the listener declines to participate in the remediation process, then "the translator operator and the complaining station must work together to resolve the interference complaint using suitable techniques." *Id.* at 3473, para. 32. The "lack of interference can be demonstrated by on-off tests and/or field strength measurements at the relevant site, provided they take place in a manner *acceptable to both parties*." *Id.* at 3474, para. 33 (emphasis added). If, however, "the parties fail to agree upon appropriate methods and technical parameters to be used for interference testing at a particular site or sites, the parties should engage a mutually acceptable third party engineer to observe or carry out the testing." *Id.*

¹⁶ MCT has "the burden of rebutting the presumption of validity of each complaint." *Id.* at 3468-3469, para. 21. We note that the Commission has stated that the following activities are not evidence of an invalid listener complaint: "(1) social media connections [with the station] . . . ; (2) membership in listener clubs or participation in station-run promotions, contests, and events; (3) charitable donations to the station . . . and (4) time contributed volunteering at a station or at a station-run event, so long as the volunteer does not hold a regular position at the station comparable to a station employee." *Id.* at 3467, para. 19 (footnotes omitted). However, "advertisers are deemed to have a financial interest in the station, as are underwriters." *Id.*

¹⁷ Specifically, as noted above, the 11 referenced listeners are Burgess (driving); Cammarata (driving); T.E. Davis (driving); T. Davis (driving); E. Hooten (driving); Hudgens (driving); Moore (driving); Pyle (driving); Robinson (driving); Sanchez (driving); and O'Neal (driving). See *supra* page 2.

¹⁸ The Commission opined that "[a]t any point in the process the parties may also agree that interference has been resolved using any mutually acceptable means; however, any contested data may not be unilaterally presented . . . as a remediation showing (or to dispute a remediation showing)." *Translator Interference Order*, 34 FCC Rcd at 3474, para. 33.

We will withhold further action on the parties' filings during the interference remediation timeline set forth above. Failure to comply with the remediation timeline may result in K243BN being ordered to cease operations.

Sincerely,

/s/

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

RECEIVED
JAN 10 2008

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FILL OUT THIS FORM AND SEND IT TO BACK TO KIKO-FM. PLEASE MAKE SURE TO COMPLETE EVERY BLANK, & SIGN.

I listen to KIKO-FM at 96.5 MHz Facility ID 11894 using an over-the air radio signal at least twice a month. My over-the-air reception of the KIKO-FM signal on 96.5 MHz is being interfered with by interfering signal (96.5, translator K243BN, facility ID 76329) another radio station signal bleeding over 96.5 MHz at the following location(s) or area(s): (please describe clearly and concisely) the exact intersection, you must enter the cross street or highway and off ramp: _

W. Northern Ave, & N. 19th Ave , I-10 and 35th Ave. Phoenix, Az. heard K-Love clearly. I-10 & 35th Ave. to I-10 and 43rd Ave heard KIKO clearly. I-10 and 43rd Ave. to Dysart Road heard K-Love over KIKO in the background. _____

Note: If the interference is received in a vehicle, please identify the road and location where the interference takes place-such as perhaps between exits or mile markers or in relationship to named cross streets or landmarks. Describe the programming interfering with KIKO-FM: (please describe clearly and concisely) the exact intersection, you must enter the cross street or highway and off ramp: interference, Religious programing interference

KLOVE _____ I-10 & 43rd Ave through Dysart Road and Camelback _____

I wish to listen to KIKO-FM 96.5 at the above location over-the-air without being subject to the interference described in this statement. Other than listening to KIKO-FM at least twice a month, I am not connected with KIKO-FM. I have no legal, employment, financial, or familial affiliation or relationship with KIKO-FM. I understand that this statement may be filed with the Federal Communications Commission to protect the KIKO-FM signal and state under penalty of perjury that this statement is true and accurate.

Signed: Jo E. Ramsey Date: 6/3, 2020

Printed Name: _____ Jo E. Ramsey _____

Address: _____ 5426 N. Rattler Way _____

City _____ Litchfield Park _____ State _____ Az 85340 _____

Daytime Phone number: _____ 602-762-3212 _____

Check one of the following:

☒ I DO NOT WISH to be contacted by the radio station causing the interference to resolve the matter. ☐ I WISH to be contacted by the radio station causing the interference to resolve the matter.