

Before the  
Federal Communications Commission  
Washington, DC 20554

In re Matter of: )  
 )  
 **SAGA BROADCASTING, LLC** ) File No. BLFT-20170111ABH  
 FM Translator K250BW, Bellingham, WA ) Facility ID No. 143909

To: Office of the Secretary  
Attention: Chief, Media Bureau

**OPPOSITION TO SUPPLEMENTAL OBJECTION**

Saga Broadcasting, LLC ("Saga"), licensee of FM Translator K250BW, Bellingham, Washington, by its counsel, responds to the pleading denominated "Supplemental Objection" filed February 14, 2019, by Classic Radio ("Classic").<sup>1</sup> By this latest filing, Classic has backed off from asking that K250BW cease broadcasting, but it now insists that the Audio Division issue an order requiring Saga to: (1) operate K250BW pursuant to certain previously-made adjustments to the station's signal; (2) "work with" Classic to eliminate any actual interference; and (3) reimburse one of Classic's listeners for the cost of a new radio receiver. As shown herein, Classic's "Supplemental Objection" may be dismissed.

Initially, the Commission may reject the "Supplemental Objection" outright as procedurally defective because there is no pending application to which Classic may object.<sup>2</sup> The license (File No. BLFT-20170111ABH) for K250BW was granted on February 8, 2017, and the grant appeared on Public Notice Report No. 48921 on February 13, 2017. No timely objection or petition for reconsideration was filed by Classic or any other party. Accordingly,

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<sup>1</sup> Under Section 73.3587 of the Rules, there is no deadline for filing an opposition to an informal objection.

<sup>2</sup> See Section 73.3587 ("Before FCC action on any application for an instrument of authorization, any person may file informal objections to the grant. Such objections may be submitted in letter form (without extra copies) and shall be signed. The limitation on pleadings and time for filing pleadings provided for in §1.45 of the rules shall not be applicable to any objections duly filed under this section.") [Emphasis added.]

the grant of the license became a “final order” as of March 27, 2017. Therefore, there is no application pending at the Commission to which Classic may object. Classic is limited to filing a complaint of interference, which it has done. And, as reflected in Saga’s prior Opposition and Classic’s instant pleading, there is no basis to pursue any complaint of interference.

To review, Classic is the licensee of KING-FM, Seattle, WA, which operates on a first-adjacent channel to K250BW. Classic has alleged that signals from K250BW (which rebroadcasts Saga’s AM station KPUG, Bellingham, WA) are interfering with the ability of certain very distant listeners to receive KING-FM, in violation of Section 74.1203(a) of the Commission’s Rules. The affected listeners are confined to areas around Bellingham, WA, at least 140 km from the KING-FM transmitter site. Saga believes that the inability of any listener in the Bellingham area to receive KING-FM is due to either the enormous distance separation or due to the presence of a Canadian first-adjacent channel station. In any case, in light of Saga’s recent adjustments to K250BW, the cause of any KING-FM listener discomfort in Bellingham certainly is not due to the presence of that station.

The Supplemental Objection is the product of Classic’s email campaign of December 4, 2018, whereby the KING-FM Operations Director wrote prior complainants to determine, in light of remedial measures applied by Saga, “whether you are still experiencing interference on 98.1 KING FM?” Classic submitted to the Commission copies of only three responses:

1. Bonnie Meyer ([bonnie0424@aol.com](mailto:bonnie0424@aol.com)) responded that, although the interference “still happens,” she needed to “cancel my membership [to KING-FM] due to financial and mobility constraints, and inability to get to the controls.” Because Ms. Meyer no longer is a listener to KING-FM, Saga is absolved from any responsibility to address her complaint.

2. Max R. Knittel ([Max.Knittel@wwu.edu](mailto:Max.Knittel@wwu.edu)) stated that, after trying several receivers, “Reception is better!...although being in a marginal reception area, it depends on atmospheric conditions. I still sometimes get noise that is similar to KPUG interference, but there are no words.” In Mr. Knittel’s June 25, 2018 “Listener Interference Complaint Declaration,” he cited interference from “KPUG sports talk radio,” and “a nearly constant buzz of background voices....” As he now reports hearing “no words,” it is obvious that any reception difficulties experienced by Mr. Knittel are due to some source other than K250BW. Accordingly, there is nothing more for Saga to do to address Mr. Knittel’s complaint.
3. Terry McEwen ([temcewen@aol.com](mailto:temcewen@aol.com)) reports that his reception has “changed a little for the better. I now no longer can hear voices in the background when I listen to 98.1 but there is a constant buzzing that ruins the music. I solved the problem on this end but I had to buy a new radio receiver that gets FM II....”<sup>3</sup> In Mr. McEwen’s June 22, 2018 “Listener Interference Complaint Declaration,” he reported “background voice interference and noise.” In addition, Mr. McEwen stated that “the Interference has been constant for at least three years.” K250BW went on the air on or around January 11, 2017, meaning the station had only been operational for 513 days (1.4 years) when Mr. McEwen signed his complaint, and Mr. McEwen now reports hearing only a “constant buzzing.” Accordingly, it is obvious that any reception difficulties experienced by Mr. Knittel are due to some source other than K250BW, meaning there is nothing more for Saga to do to address Mr. Knittel’s complaint.

In short, Saga is absolved from any further responsibility for these listeners. There are

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<sup>3</sup> Saga believes that Mr. McEwen’s reference to “FM II” means Hybrid Digital (“HD”) transmission.

only two remaining *bona fide* complainants, and neither reports hearing KPUG programming on 98.1 MHz. They report only “noise” or “buzzing,” which likely is due to either a weak signal in that area from KING-FM or, as Saga has previously reported, from first-adjacent channel full-power Canadian station CKSR-FM, 98.3 MHz, Chilliwack, BC.

In addition, it is to be expected that Classic’s listeners would have difficulty hearing KING-FM because the locations of each of the complainants are located far outside the predicted 54 dB $\mu$  contour of KING-FM (even outside the predicted 45 dB $\mu$  contour) and on the cusp of the 42 dB $\mu$  KING-FM contour.<sup>4</sup>

As previously reported, Saga already has undertaken substantial measures to address and eliminate any possible interference to KING-FM listeners in Bellingham, Washington that could be due to the operation of K250BW, and these measures were demonstrably effective, as evidenced by Classic’s own “Supplemental Complaint.” There is no basis whatsoever for imposing on Saga any restrictions on K250BW, because the interference has abated. Further, there is no Commission rule requiring Saga to “work with” Classic in the future. Finally, there is no Commission rule – and no precedent of which Saga is aware – requiring Saga to reimburse the listener who voluntarily purchased a new radio receiver.

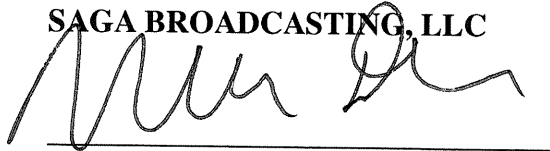
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<sup>4</sup> Pursuant to *Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, FCC 18-60, released May 10, 2018, the Commission is reviewing its procedures for resolving FM translator interference complaints. The Commission has proposed to modify Section 74.1203(a)(3) to provide that no complaint of actual interference will be considered actionable if the alleged interference occurs outside the desired station’s 54 dB $\mu$  contour. If adopted, that proposal would moot Classic’s Complaint, because all of the complaints are located well outside the KING-FM 54 dB $\mu$  contour.

Based on the foregoing, Saga repeats its request that the Audio Division dismiss the Classic complaint. Or, in the alternative, defer action on it until after new FM translator interference rules are in effect which could render moot Classic's complaint.

Respectfully submitted,

**SAGA BROADCASTING, LLC**

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', is written over a horizontal line.

Gary S. Smithwick  
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Its Attorneys

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February 26, 2019


## CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, hereby certify that copies of the foregoing "Opposition to Supplemental Objection" were this 26th day of February, 2019, sent via First Class Mail, postage pre-paid, unless otherwise noted, to the following:

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