

**FEDERAL COMMUNICATIONS COMMISSION  
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SEP 4 2009

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In re: 1TV.COM, Inc. (1TV)  
KIKO(AM), Queen Creek, Arizona  
Facility Identification Number: 72477  
File Number: BP-20071002ADQ  
Petition for Reconsideration

Dear Mr. Monahan:

This letter is in reference to the Petition for Reconsideration and the amendment filed on July 24, 2008, in response to our June 23, 2008, action dismissing the above-captioned application<sup>1</sup> for prohibited overlap with a construction permit for new AM station at Ajo, Arizona (BNP-20001023ADF).<sup>2</sup>

A preliminary review of the application, as amended, reveals that the proposed 0.5 mV/m daytime groundwave contour overlaps the 0.025 mV/m contour of a proposal for a new co-channel station at Prescott, Arizona (File No. BNP-20040130BDS), and at Prescott Valley, Arizona (File No. BNP-20040129ATP), in violation of Section 73.37(a) of the Commission's rules.<sup>3</sup> In addition, the proposed 0.5 mV/m and 0.025 mV/m daytime groundwave contours overlap respectively the 0.025 mV/m and 0.5 mV/m contours of a new authorized facility at Ajo, Arizona (Construction Permit BNP-20001023ADF), in violation of Section 73.37(a) of the Commission's rules using FCC Figure M3 ground conductivities for the Ajo permit.<sup>4</sup> We note

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<sup>1</sup> The application was originally filed by Shoecraft Broadcasting, Inc., but later assigned to 1TV. Com, Inc.

<sup>2</sup> Two subsequent electronic amendments were filed on August 26, 2008, and February 2, 2009, to correct errors in the July 24, 2008 amendment.

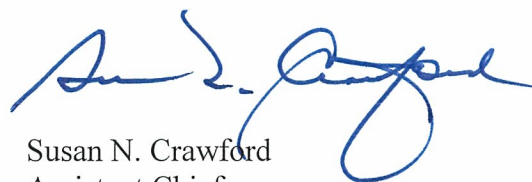
<sup>3</sup> These auction applications are protected pursuant to 47 C.F.R Section 73.3571.

<sup>4</sup> 1TV stated that the July 13, 2007, Special Field Test Authority (SFTA) for the KJ6XTL test transmitter was used

that 1TV is also the permittee of the Ajo facility (BNP-20001023ADF), and states that it will request cancellation of BNP-20001023ADF or change the permit to an experimental synchronous facility upon grant of this application. However, pursuant to the *Interference Reduction Order* where an applicant proposes to reduce interstation interference through modification or deletion of interfering AM facilities, it must show substantial overall interference reduction and service improvements by an interference reduction showing.<sup>5</sup> 1TV failed to submit the required showing.

Accordingly, the July 24, 2008, Petition for Reconsideration filed by 1TV.Com, Inc. is hereby DENIED. Pursuant to the Public Notice entitled "*Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*", FCC 84-366, we will not entertain another petition for reconsideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Susan N. Crawford', is written over a horizontal line.

Susan N. Crawford  
Assistant Chief  
Audio Division  
Media Bureau

cc: Timothy C. Cutforth  
John Low, President, 1TV

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to obtain the ground conductivity measurements (28°, 48°, and 68° radials labeled AJO, AZ) for the Ajo Permit (BNP-20001023ADF). We found that these measurements were unacceptable because the July 13, 2007, SFTA was reissued four times after that date (on November 28, 2007, December 17, 2007, January 16, 2008, and February 29, 2008) due to erroneous test transmitter site coordinates (station's engineer Mr. Low repeatedly claimed due to defective GPS device). The final SFTA, issued on February 29, 2008, indicated site #1 coordinates located at the proposed KBSZ facility (BP-20071107ACH). This site is not within two miles of the Ajo site. Consequently, FCC M3 ground conductivity was used for the Ajo permit. In addition, the February 29, 2008, SFTA's ground conductivities (labeled Queen Creek, Arizona, for the 160°, 180°, 200°, 220°, 280°, 300°, 320°, 340° radials) were acceptable for use for the proposed KIKO facility, since the test transmitter test site #2 coordinates were located within two miles of the proposed KIKO site.

<sup>5</sup> Be advised that interference reduction agreements that propose deletion of an AM station require a case-by-case public interest determination. An applicant must demonstrate that a sufficient "local service floor" will be maintained in the community losing local transmission service. See *Policies to Encourage Interference Reduction Between AM Broadcast Stations*, 5 FCC Rcd, 4492, 4493(1990) ("*Interference Reduction Order*"). As part of this case-by-case public interest analysis involving loss of existing service, we generally consider four factors: the amount of AM interference that will be eliminated in relation to the number of AM and FM services remaining available to areas that will lose service; the areas and populations that will gain service as a result of the proposed contingent facilities change; whether the proposed contingent facilities change will create new "white" or "gray" areas;<sup>5</sup> and the availability of AM and FM service in the area that will experience a reduction in service due to the contingent facilities change.