

FEDERAL COMMUNICATIONS COMMISSION
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River Vale Media Foundation, Inc.
6 Pine Lake Terrace
River Vale, NJ 07675

NOV 05 2009

In Re: NEW, Brooklyn, NY
Facility ID # 155888
BNPFT-20030828APN
Petition To Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a new FM Translator to serve Brooklyn, New York on Channel 296; (2) the Petition To Deny filed by ICBC Broadcast Holdings-NY, Inc. filed on April 2, 2004; (3) the Petition To Deny filed by AMFM New York Licenses, LLC filed on April 8, 2004. For the reasons set forth herein, we deny the Petitions To Deny and grant the application.

ICBC Broadcast Holdings-NY, Inc. purports that the proposed translator will cause interference to WBLS(FM), New York, NY, on Channel 298. AMFM New York Licenses, LLC purports that the proposed translator will cause interference to WLTW(FM), New York, NY on Channel 294. The proposed FM translator's 94 dBu interfering contour overlaps the 54 dBu protected contours of WBLS(FM) and WLTW(FM). However, pursuant to Section 74.1204(d) applicants may show lack of interference by using the undesired-to-desired signal ratio method in conjunction with the standard FCC F(50,50) curves. See *Living Way Ministries, Inc.*, FCC 02-244, released September 9, 2002. The applicant states that using the undesired-to-desired signal ratio method, the 136 dBu interfering contour will not cause potential interference to population working, traveling or living in that area. There is no evidence that the proposed interfering contour will cause interference to any population working or living within the interfering area.

ICBC Broadcast Holdings-NY, Inc. purports that the new proposal is in violation of Section 74.1204(f). In order to provide convincing evidence under Section 74.1204(f) that grant of the translator construction permit "will result in interference to the reception" of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dBμ contour of the proposed translator station;¹ (3) some evidence, such as a declaration from each of the claimed listeners, that the person listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will

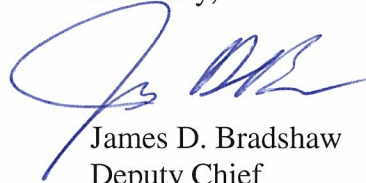
¹ The best method is to plot the specific addresses on a map depicting the translator station's 60 dBμ contour.

result in interference to the reception of the “desired” station at that location. The “undesired-to-desired” (“U/D”) signal strength ratio methodology may be used to demonstrate the potential for interference under Section 74.1204(f).² Section 74.1204(f) requires the objector to show that a specific U/D signal strength ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result. The petitioner had failed to include WBLS(FM) listeners and the plot of the listeners within the 60 dBμ contour of the granted translator.

Please note, Section 74.1203(a) states that should the translator commence operation and cause interference to WBLS(FM) or WLTW(FM), the translator will be required to eliminate the interference or cease operation.

Accordingly, the April 2, 2004 Petition To Deny filed by ICBC Broadcast Holdings-NY, Inc. and the April 7, 2004 Petition To Deny filed by AMFM New York Licenses, LLC ARE HEREBY DENIED and BNPFT-20030828APN IS GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Bradshaw', is written over the typed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Charles R. Naftalin
Marissa Repp
Arthur Belendiuk

² See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).