



Federal Communications Commission  
Washington, D.C. 20554

February 7, 2007

DA 07-568  
In Reply Refer To: 1800B3-BSH  
Released: February 7, 2007

Mr. James W. Bonner  
112 Emmons Street  
Muscle Shoals, AL 35661

M. Scott Johnson, Esq.  
Fletcher Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

In re: **WBTG-FM, Sheffield, AL**  
Facility ID No. 60608  
File No. BRH – 20031114AGW  
Application for Renewal of License

**Informal Objection**

Dear Mr. Bonner and Counsel:

This letter concerns the captioned application filed by the Slatton & Associates Broadcasters, Inc. (“Slatton”) to renew the license of Station WBTG-FM, Sheffield, Alabama. On February 12, 2004, Mr. James W. Bonner (“Bonner”) filed an informal objection to the subject renewal application.<sup>1</sup> For the reasons set forth below, we deny Bonner’s informal objection, and grant the renewal application.

**Background.** In support of his objection, Bonner contends that WBTG-FM “knowingly overmodulate[s] and emit[s] spurious sidebands which capture and make unavailable WTAK[FM] – 106.1 Huntsville, AL to potential listeners in Sheffield and the surrounding cities of Tusculmbia, Florence, and Muscle Shoals.”<sup>2</sup>

**Discussion.** In evaluating an application for license renewal, the Commission’s decision is governed by Section 309(k) of the Communications Act of 1934, as amended (the “Act”). That section provides that we are to grant the renewal application if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Commission’s Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse.<sup>3</sup> If, however, the licensee fails to meet that

---

<sup>1</sup> Slatton filed a “Response to ‘Protest’” (“Response”) on May 24, 2005.

<sup>2</sup> Informal Objection at 1.

<sup>3</sup> 47 U.S.C. §309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). See *Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, Order, 11 FCC Rcd 6363 (1996).

standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”<sup>4</sup>

Slatton states that “Bonner provides no support for his belief that the interference of which he complains is caused by some unspecified improper operation by Slatton.”<sup>5</sup> As correctly noted by Slatton, Station WTAK-FM is licensed to Hartselle, Alabama, rather than Huntsville, Alabama, as claimed by Bonner. Slatton asserts that “[t]he possible existence of such interference is not surprising, given: (a) the geographic proximity of the two stations in question, and (b) the fact that the two stations operate on channels first adjacent to one another.”<sup>6</sup> In order to rebut Bonner’s charges of improper operation by station WBTG-FM, Slatton retained Kevin C. Kidd (“Kidd”) of KK Broadcast Engineering to inspect the station’s equipment and operation. Kidd’s report is submitted as Attachment A to Slatton’s Response.

Kidd reports that his company conducted a complete RF proof of the WBTG-FM transmitter site on March 7, 2005, using standard engineering practices and guidelines as set forth in the Commission’s Rules. Kidd’s inspection demonstrated compliance with the spurious emissions or overmodulation restrictions set forth in Section 73.1570(b)(2) of the Rules.<sup>7</sup> Additionally, Kidd states that analysis of the spectrum plots revealed that Station WBTG-FM’s occupied bandwidth easily satisfied the specifications<sup>8</sup> of Section 73.317 of the Rules.<sup>9</sup> Kidd concludes that WBTG-FM’s transmitting equipment is working well within the specifications set forth in the Commission’s rules concerning FM broadcast station practices.<sup>10</sup> Staff analysis affirms the reliability of Kidd’s report. Finally, we note that Bonner’s residence is 93 kilometers from the WTAK-FM transmitter site and more than 50 kilometers beyond WTAK-FM’s predicted service (60 dB $\mu$ ) contour. The Commission’s technical rules are designed to protect FM signals from interference only within this service contour. Accordingly, Bonner’s WTAK-FM reception difficulties cannot be considered unusual and do not, of themselves, provide evidence of unlawful technical operations by WBTG-FM.

Accordingly, we find neither evidence of serious violations of the Act or the Commission’s Rules nor of other violations that, when considered together, evidence a pattern of abuse. Further, we find that Station WBTG-FM served the public interest, convenience, and necessity during the subject license term. Thus, there is no need for further inquiry regarding grant of the subject renewal application and we will grant that application.

**Conclusion.** Accordingly, for the reasons set forth above, the informal objection filed by James W. Bonner IS DENIED. Finally, because the subject application is in full compliance with the Commission’s Rules and the Act, and finding that the public interest, convenience, and necessity would

---

<sup>4</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

<sup>5</sup> Response at 1.

<sup>6</sup> *Id.*

<sup>7</sup> 47 C.F.R. § 73.1570(b)(2).

<sup>8</sup> Response, Attachment A at 2.

<sup>9</sup> 47 C.F.R. § 73.317.

<sup>10</sup> Response, Attachment A at 2.

be served thereby, the application for renewal of license for Station WBTG-FM, Sheffield, Alabama (File No. BRH-20031114) IS GRANTED.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Slatton & Associates Broadcasters, Inc.