

FEDERAL COMMUNICATIONS COMMISSION

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1400 Inc.
1945 J N Pease Place
Suite 101
Charlotte, NC 28262

In re: NEW(FM), San Bernardino, CA
Facility ID No. 144632
BNPFT-20130812ABF
Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application as amended on August 26, 2013, for a new translator in San Bernardino, California; (2) the Petition to Deny filed by Entravision Holdings, LLC ("Entravision") on September 3, 2013; and (3) all related pleadings. For the reasons set forth herein, we deny the Petition to Deny and grant the application.

Entravision purports that the proposed translator will cause prohibited contour overlap and interference to KSSE(FM), Arcadia, California on channel 296 (BMLH-20000927ABW) in violation of 47 C.F.R. Section 74.1204(a). Section 74.1204(a) states that an application for an FM translator station will not be accepted for filing if the proposed operation would involve overlap of predicted field strength contours with any other authorized facility.

In its Petition, Entravision states that using Longley-Rice to predict the signal strength of the desired station, KSSE(FM), is more accurate than the standard FCC F(50,50) curves. Entravision submits in its Petition an exhibit claiming that the proposed interfering contour (40 dBμ) of the translator will overlap the protected contour (60 dBμ) of KSSE(FM) as determined by Longley-Rice. For the purpose of determining contour overlap, translator applicants are simply required to show compliance with the overlap provisions of Section 74.1204(a) by using the standard prediction method. Entravision provides no support for the suggestion that the use of Longley-Rice is appropriate to show compliance with Section 74.1204(a). Furthermore, there is no basis to support that it is required by the translator applicant.

Entravision further purports that the proposed translator application fails to comply with Section 74.1204(f) of the Commission's Rules. 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 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.

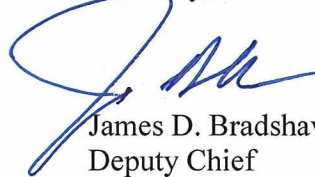
Our review of the proposed, under Section 74.1204(a), there is no predicted overlap between the proposed interfering contour (40 dBμ) and the protected contour (60 dBμ) of the KSSE(FM)

In its Petition, Entravision provides the names and addresses of seventeen of KSSE(FM)’s contest winners residing in Riverside, California. However, none of the listeners in Exhibit 3 of the Petition are located within the 60 dBμ of the translator. Therefore, the application is not in violation of Section 74.1204(f). Accordingly, we will deny the Petition.

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

Accordingly, the September 3, 2013, Petition to Deny filed by Entravision Holdings LLC, IS HEREBY DENIED and BNPFT-20130812ABF IS HEREBY GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Barry A. Friedman
Franciso R. Montero

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

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