



**Federal Communications Commission
Washington, D.C. 20554**

February 15, 2018

In Reply Refer to:
1800B3-PPD

Dennis J. Kelly, Esq.
P.O. Box 41177
Washington, DC 20018

David D. Burns, Esq.
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, N.W.
Washington, DC 20036

In re: W299BX, Dothan, AL
File No. BLFT-20161109ABT
Facility ID No. 141166

Interference Complaint

Dear Counsel:

This refers to the Interference Complaint filed by Fox Broadcasting Corporation, LLC (Fox), on June 5, 2017 (Complaint). For the reasons set forth below, we dismiss the Complaint.

Background. In its Complaint, Fox alleges W299BX, licensed to Alabama Media, LLC (Alabama Media), is interfering with the reception of WFXX(FM), Georgiana, Alabama and includes complaints from nine listeners.¹ On September 12, 2017, Staff requested Alabama Media to address the listener complaints.²

In response to the *Staff Letter*, Alabama Media states that it was able to contact only two of the complainants. However, those two complainants “stated on camera that they did not sign their respective statements.”³ The remaining six complainants either have not responded to Alabama Media’s attempts to contact them to offer remediation or have not provided accurate contact information.⁴ Fox did not provide a response to the Opposition.

Discussion. Section 74.1203(a) provides, in pertinent part, that an FM translator station “will not be permitted to continue to operate if it causes any actual interference to...the direct reception by the public of

¹ Complaint at 4-13.

² Letter from James D. Bradshaw, Deputy Chief, Audio Division, FCC Media Bureau, to Alabama Media, LLC at 1 (Sept. 12, 2017) (*Staff Letter*).

³ Opposition to Informal Objection at 2 (Oct. 12, 2017) (Opposition).

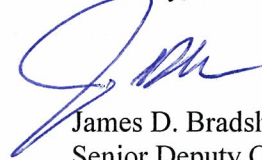
⁴ *Id.* at 2-3.

off-the-air signals of any authorized broadcast station....”⁵ The Commission has interpreted “direct reception by the public” to limit actionable complaints to those that are made by *bona fide* listeners.⁶ The staff has routinely required a complainant to provide his name, address, location(s) at which FM translator interference occurs, and a statement that the complainant is, in fact, a listener of the affected station. Moreover, as is the case with other types of interference complaints,⁷ the staff has considered only those complaints of FM translator interference where the complainant cooperates in efforts to identify the source of interference and accepts reasonable corrective measures.⁸ Accordingly, when the Commission concludes that a *bona fide* listener has made an actionable complaint of uncorrected interference from an FM translator, it will notify the station that “interference is being caused” and direct the station to discontinue operations.⁹

The issue before us is whether W299BX has failed to eliminate actual interference to co-channel station WFXX. Here, Alabama Media has contacted or attempted to contact all nine complainants. However, the complainants either claimed they did not file a complaint, or the complainants did not respond to Alabama Media’s efforts to remedy the interference. Thus, we have determined that Alabama Media has fulfilled its interference remediation obligations and dismiss Fox’s Complaint.¹⁰

Conclusion. Based on the above, IT IS ORDERED, that Fox Broadcasting Corporation, LLC’s June 5, 2017, interference complaint is DISMISSED.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

⁵ 47 CFR § 74.1203(a).

⁶ See *Association for Cmty. Educ., Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682, 12688, para. 16 (2004) (*Association for Cmty. Educ.*).

⁷ See, e.g., *Jay Ayer and Dan J. Alpert*, Letter Order, 23 FCC Rcd 1879, 1883 (MB 2008) (requiring complainants to cooperate fully with the station’s efforts to resolve interference and cautioning that the failure to do so could lead to a finding that the station has fulfilled its interference remediation obligations).

⁸ See *Radio Power*, Letter Order, 26 FCC Rcd 14385-86 (MB 2011) (listing grounds that translator licensee claimed are sufficient to conclude that complainant has failed to reasonably cooperate and finding that a listener may reasonably reject a non-broadcast technology to resolve interference claim).

⁹ See 47 CFR § 74.1203(e); see also *Amendment of Part 74 of the Commission’s Rules Concerning FM Translator Stations*, Report and Order, 5 FCC Rcd 7212, 7230, para. 131 (1990), *modified*, 6 FCC Rcd 2334 (1991), *recon. denied*, 8 FCC Rcd 5093 (1993); *Association for Cmty. Educ.*, 19 FCC Rcd at 12688, para. 15.

¹⁰ See *Joseph C. Chautin, III, Esq.*, Letter, 22 FCC Rcd 5364, 5364 (MB 2007) (actual translator interference is based on listener complaints indicating that the signal that the complainant regularly receives is being impaired by the signal radiated by the FM translator station).