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Desert Broadcasters LLC
68700 Dinah Shore Drive
Cathedral City, CA 92234

In Re: NEW(FM), Cathedral City, CA
Facility ID # 200709
BNPFT-20171201AET

Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a NEW FM translator in Charleston, West Virginia; (2) the Petition to Deny filed by Copper Mountain Broadcasting Company (Copper Mountain) on December 26, 2017; (3) all related pleadings. For the reasons set forth herein, we dismiss the Petition to Deny.

Copper Mountain purports that the proposed NEW FM translator will cause interference to the listeners of KKCM(FM), Thermal California and will violate Section 74.1204(f) of the 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.

The proposed application BNPFT-20171201AET was amended on February 20, 2018. This amendment changed the effective radiated power, the antenna, and the direction of the main lobe. The three listeners³, identified in the Petition, are now located outside the 60 dBμ contour therefore, there is no violation of Section 74.1204(f).

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).

³ Aramita Sandoval (home and Work); Carol Meilinger (work); Ruth Lira (home and work).

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

Accordingly, the Petition to Deny filed on December 26, 2017 by Copper Mountain IS HEREBY DISMISSED and the application GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

Robert Gates
for

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Cc: Gary DeMaroney
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