

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Interference Complaint

**MOUNTAIN COMMUNITY
TRANSLATORS, LLC**

FM Translator Station K243BN
Laveen, Arizona

) File No. BLFT-20171211AAV
)
)
) Facility Identification Number 92373
)
) Reference Number 1800B3-KV

To: Federal Communications Commission
Attn: Media Bureau, Audio Services Division

ADDITIONAL RESPONSE

Mountain Community Translators, LLC ("MCT") hereby files this Response to the Commission Staff Letter dated May 14th, 2018 (a copy of this letter is attached as Exhibit 1) regarding complaints alleging that FM translator station K243BN, Laveen, Arizona, Facility Id. No. 92373, is causing interference to the direct over the air reception of KIKO-FM, Claypool, Arizona, Facility Id. No. 11894, in violation of Section 47 CFR § 74.1203 of the Commission's Rules. This additional response is being made in response the Supplemental Interference Compliant received from ITV.COM, Inc ("ITV"). In that Supplement, ITV has included three additional alleged complaints from listeners.

As instructed by the Commission letter in footnote 9, if MCT received any additional complaints, it must respond within 30 days to those interference complaints. MCT has attempted to contact the additional three individuals who submitted interference complaints. As of this date, MCT has not received response from any of the three individuals, with the exception that MCT did receive a USPS returned receipt from one of the three individuals that certified letters

sent to them by MCT were received. One other letter was returned by the USPS for an insufficient address and unable to forward.

MCT also believes that any interference complaints filed by 1TV, licensee of KIKO-FM Claypool, AZ, are invalid and entitled to no consideration because KIKO-FM is operating with less than unauthorized facilities. In support thereof, the following is respectfully submitted.

I. Introduction

MCT is the licensee of K243BN Laveen, Arizona. It has been operating at the same Shaw Butte communications tower site on channel 243D (96.5 mhz) since July 26th, 2012. ITV changed its channel of operation of KIKO-FM Claypool from channel 247C2 to channel 243C2 from the same transmitter site on August 11th, 2017. ITV filed an Interference Complaint against K243BN on March 19th, 2018 (some 7 months after it commenced operation on channel 243C2) and provided a list of three listener complaint forms. MCT filed an Objection to the Interference Complaint on March 29th, 2018. The Commission sent a letter to MCT dated May 14th, 2018 requiring it to respond to the three interference complaints supplied by ITV within 30 days. MCT filed a Response to the Commission's letter on June 12th, 2018. ITV filed a Supplement to its Interference Complaint that MCT received on June 4th, 2018 identifying three additional listener complaints.

II. Listener Complaints Non-Cooperative

A certified letter was sent to all three listeners, a sample of which is attached as Exhibit 2. The letter was sent to Joe Santo at the address provided, or 3650 S. 257th Avenue, Buckeye, AZ 85326. The USPS certified return receipt has been returned (see Exhibit 3 for receipts), however Mr. Santo has not contacted MCT as requested. On July 2, 2018, MCT attempted to contact the three new listeners listed in the complaint. At 1:36pm Arizona time on July 2, 2018,

a phone call was placed to Joe Santo. The phone was answered by a voicemail message. A message was left to return the call in regards to the KIKO-FM interference complaint. But as of this time, no return phone call has been received.

A certified letter was also sent to Charles R. Cusack, Jr. at 319 E. Lemmon Lane, San Tan Valley, AZ 85140, and no response to this letter has yet to be received. A USPS signed return receipt has not yet been received. MCT attempted to contact Charles Cusack at the phone number listed on the complaint form at 2:21pm, July 2nd, 2018. The phone was answered by a voicemail message. A message was left to return the call at his convenience regarding his interference complaint filed against K243BN. To date, Mr. Cusack has not returned the call.

Lastly, a certified letter was sent to Dean Jorgenson at 9622 E. Navajo Pl., Sun Lakes, AZ 85248. The USPS returned this letter noted with "Return to Sender, Insufficient Address, Unable to Forward" (see exhibit 4). MCT attempted to contact Mr. Jorgenson but the phone number listed on the complaint is illegible, and the number attempted to be tried doesn't seem to be a working number. Despite attempting to contact the three listeners by phone and mail, which filled out the forms submitted by 1TV, MCT has been unable to make contact with any of the three listeners. Thus, it is not possible for MCT to attempt to resolve or confirm any of these three listener complaints.

III. KIKO-FM Is Operating With Unauthorized Facilities

MCT has previously documented that 1TV did not properly build out the new facilities that 1TV filed a license to cover Construction Permit (BPH-20160927ADT), file number BLH-20170620ABG to specify its new operation on channel 243C2 (96.5 Mhz), with program tests beginning on August 11th, 2017. Kona Coast Radio, LLC, which is under common ownership with MCT and K243BN, has filed a Petition for Reconsideration against the license application

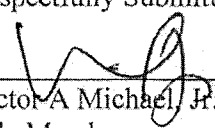
of KIKO-FM, BPH-20170620ABH on May 21st, 2018 which documents some of the technical issues with the transmission of KIKO-FM in further detail and included here by reference.

IV. Conclusion

MCT has individually addressed the three new interference complaints submitted by 1TV. Despite its reasonable efforts to contact the individuals, none of the three will respond or cooperate with MCT to help it either resolve or verify interference complaints filed against the operation of K243BN. Therefore, MCT should not be required address these three complaints further. MCT has also previously documented that KIKO-FM is not operating in compliance with its currently authorized facilities on channel 243C2. Therefore, any past or future interference complaints filed against K243BN should not be considered valid at least until such time that KIKO-FM can document that it is operating in compliance with its licensed facilities under BPH-20170620ABH. MCT and Kona Coast Radio, LLC, which is under common ownership with MCT, has documented that KIKO-FM has been operating with less than authorized facilities.

Respectfully Submitted,

By:



Victor A Michael, Jr.
Sole Member
Mountain Community Translators, LLC
87 Jasper Lake Road
Loveland, CO 80537
(970)669-9200
vicmichael@aol.com

July 2nd, 2018



EXHIBIT 1 - COPY OF COMMISSION LETTER

Federal Communications Commission
Washington, D.C. 20554

May 14, 2018

In Reply Refer to:
1800B3-KV

Mountain Community Translators, LLC
87 Jasper Lake Road
Loveland, CO 80537

In re: K243BN, Laveen, AZ
File No. BLFT-20171211AAV
Facility ID No. 92373

Interference Complaint – Response Required

Dear Licensee:

This refers to the “Interference Complaint Under Section 74.1203” (Interference Complaint)¹ filed on March 19, 2018, by 1TV.com, Inc. (1TV), licensee of Station KIKO-FM, Claypool, Arizona.² In the Interference Complaint, 1TV alleges that FM Translator Station K243BN, Laveen, Arizona (K243BN or Station), licensed to Mountain Community Translators, LLC (Mountain or Licensee), is interfering with the reception of Station KIKO-FM.³

On March 29, 2018, Mountain responded to the Interference Complaint by filing an “Objection to Interference Complaint” (Objection). In the Objection, Mountain argues that: (1) 1TV has not demonstrated that the listeners can receive KIKO-FM on its current channel 243C2;⁴ and (2) it does not need to address the listener complaints because they are “deficient.”⁵

Pursuant to 47 CFR § 74.1203 of the Rules, K243BN is required to eliminate any actual interference it causes. Therefore, it is necessary for Mountain to submit a detailed report (Interference Response) on each listener complaint even if an individual listener has previously filed a complaint in a different interference proceeding that Licensee has addressed. For each listener complaint, the Interference Response must include: (1) the name and address of the complainant; (2) specific devices

¹ All pleadings referenced herein are available at the Media Bureau’s Consolidated Database (CDBS) under the Station’s License Application, File No. BLFT-20171211AAV.

² The station is licensed to operate at Claypool, Arizona on Channel 243C2, pursuant to BLH-20170620ABG.

³ In support of the interference allegations, 1TV includes listener complaints. Interference Complaint, Exh. 2. Additionally, on April 12, 2018, 1TV filed a “Supplement Interference Complaint Under Section 74.1203” containing a map of locations where listeners experienced interference.

⁴ Mountain claims that the “complaints appear to be from listeners who could regularly receive the station from KIKO-FM’s former channel (97.3 Mhz), but not its current channel (96.5 Mhz). 1TV has not demonstrated that the complainants can regularly receive KIKO-FM’s signal from its current channel.” Objection at 2.

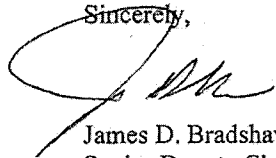
⁵ Mountain contends “[e]ach of the complaints contains boilerplate language” and were actively solicited by 1TV.

receiving the interference (*i.e.* type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by the Station for each device allegedly receiving the interference and whether such interference persists. Each of the listener complaints must be addressed individually.

The Rules regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3)⁶ of the Rules states that an FM translator station will not be permitted to continue to operate if it causes any actual radio signal interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station.⁷ Actual interference is based on listener complaints indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. Section 74.1203(b)⁸ of the Rules states that if the interference cannot be properly eliminated by the application of suitable techniques, the operation of the offending FM translator station shall be suspended and shall not be resumed until the interference has been eliminated.

Within thirty days of this letter, Mountain must take appropriate actions required by the provisions of 47 CFR § 74.1203 to resolve all complaints of interference to fulfill its obligations and submit its Interference Response.⁹ Further action on the Interference Complaint will be withheld for a period of thirty days from the date of this letter to provide Mountain an opportunity to respond. Failure to correct all complaints within this time may require Station K243BN to suspend operation pursuant to 47 CFR § 74.1203 of the Rules.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: John Low (by email)
A. Wray Fitch III, Esq. (by email)

⁶ 47 CFR § 74.1203(a)(3).

⁷ An FM translator station creating actual radio signal interference to any authorized broadcast station is obligated to eliminate the interference, regardless of the location where the impaired signal reception occurs.

⁸ 47 CFR § 74.1203(b).

⁹ Mountain should send a courtesy email to Kim Varner at kim.varner@fcc.gov and James Bradshaw at james.bradshaw@fcc.gov. Additionally, the obligation to resolve interference complaints is ongoing. Specifically, should any complaints be filed in the future, Licensee must resolve or address those complaints within 30 days of receipt.

EXHIBIT 2 - SAMPLE LETTER AND QUESTIONNAIRE SENT

June 21st, 2018

Joe Santo
3650 S. 257th Avenue
Buckeye, AZ 85326

RE: Interference complaint filed against K243BN Laveen, Arizona.

Dear Joe,

This letter is in regards to a letter we received recently from the Federal Communications Commission ("FCC") (see attached copy) regarding an interference complaint that you filed against our FM translator station K243BN Laveen, Arizona. I have also attached a copy of your interference complaint.

The FCC is requiring that I contact you to try to address your interference complaint. So if you could call me on my cell number, 970-744-9191 or office line, 970-669-9200, I would appreciate it. If I don't answer for some reason, please leave me a voicemail message, return call number and good time to call. I would like to discuss this complaint, and set up a time that we could monitor the interference and attempt some remedial procedures.

I have attached a questionnaire to gather some more information about your interference issues and your reception problems with KIKO-FM Claypool, Arizona now that it is transmitting on 96.5 Mhz.

Could you please fill out the questionnaire and return it to the address below? I have enclosed postage to cover the cost of mailing it. Or you could return it to me via email if that is easier for you.

The FCC takes these matters very seriously, as do we.

Please feel free to contact me anytime at any of the contact information listed below.

Sincerely,

Victor Michael
Sole Member/Manager
Mountain Community Translators, LLC
87 Jasper Lake Road
Loveland, CO 80537
970-744-9191 cell
vicmichael@aol.com

Questionnaire regarding interference complaint against K243BN Laveen, Arizona on 96.5 mhz and reception of KIKO-FM 96.5 mhz Claypool, Arizona.

- 1) Are you still receiving interference from K243BN on 96.5 mhz? Yes:___ No:___
- 2) Can you clearly identify K243BN being the cause to the reception of KIKO-FM on 96.5? Yes:___ No:___
- 3) Are you associated with, or have any connection to any owner or employee of KIKO-FM? Yes:___ No:___
- 4) Was this interference always present with your reception of KIKO-FM? Yes:___ No:___
- 5) Would you allow a representative of K243BN to come visit with you at your convenience to monitor the interference? Yes:___ No:___
- 6) Would you be available to allow K243BN to try some "on-off" testing to help identify the source of the interference? Yes:___ No:___
- 7) Can you please list your reception device by make, model and serial number as requested by the FCC's letter:

- 8) Can you please list the exact location(s) of where K243BN is interfering with your reception of KIKO-FM on 96.5 mhz

- 9) Can you please give us the best ways and time to contact you regarding this issue?

Phone:_____ day _____ evening

Email:_____

Best Address:_____

Any other comments deemed
useful:_____

Signed:_____ Date:_____

Please return to Vic Michael, Mountain Community Translators, LLC, 87 Jasper Lake Road,
Loveland, CO 80537. Or email to: vicmichael@aol.com

EXHIBIT 3

Copies of USPS Certified letter receipts

Copy of one return receipt received to date

7017 0190 0000 0443 0200

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

CHANDLER, AZ 85248

OFFICIAL USE

Certified Mail Fee	\$3.45	0413
Extra Services & Fees (check box, add fee)	\$2.75	
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.71	
Total Postage and Fees	\$6.91	

Postmark: **LOVELAND, COLORADO JUN 21 2018**

Sent To: **DEAN JORGENSEN**
 Street and Apt. No., or PO Box No.: **9622 E. NAVAJO PL.**
 City, State, ZIP+4®: **SUNLAKE, AZ 85248**

PS Form 3800, April 2015 PSN 7530-02-000-9057 See Reverse for Instructions

7017 0190 0000 0443 0200

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

BUCKEYE, AZ 85326

OFFICIAL USE

Certified Mail Fee	\$3.45	0413
Extra Services & Fees (check box, add fee)	\$2.75	
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.71	
Total Postage and Fees	\$6.91	

Postmark: **LOVELAND, COLORADO JUN 21 2018**

Sent To: **JOE SANTO**
 Street and Apt. No., or PO Box No.: **3650 S. 25TH AVENUE**
 City, State, ZIP+4®: **BUCKEYE, AZ 85326**

PS Form 3800, April 2015 PSN 7530-02-000-9057 See Reverse for Instructions

7017 0190 0000 0443 0187

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

SAN TAN VALLEY, AZ 85140

OFFICIAL USE

Certified Mail Fee	\$3.45	0413
Extra Services & Fees (check box, add fee)	\$2.75	
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.71	
Total Postage and Fees	\$6.91	

Postmark: **LOVELAND, COLORADO JUN 21 2018**

Sent To: **CHARLES CUSACK, JR**
 Street and Apt. No., or PO Box No.: **319 E. LENNON LANE**
 City, State, ZIP+4®: **SAN TAN VALLEY, AZ 85140**

PS Form 3800, April 2015 PSN 7530-02-000-9057 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
- Complete items 1, 2, and 3. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  ☒ Agent ☐ Addressee B. Received by (Printed Name): Joe Santo C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below.
1. Article Addressed to: JOE SANTO 3650 S. 25TH AVENUE BUCKEYE, AZ 85326	3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Collect on Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Insured Mail ☐ Mail Restricted Delivery (3)
2. Article Number (Transfer from service label) 7017 0190 0000 0443 0200	

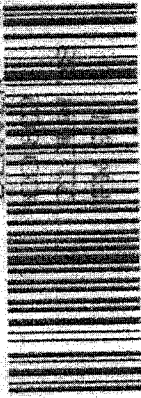
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT 4
Returned
Letter



87 Jasper Lake Road
Loveland, Colorado 80537

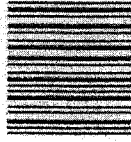
CERTIFIED MAIL



7017 0190 0000 0443 0194



1000



U.S. POSTAGE
PAID
LOVELAND, CO
80538
JUN 21 '88
AMOUNT

\$6.91

R2304M112000

Dean Jorgenson
9622 E. Navajo Pl
Sun Lakes, AZ 85248

RETURN RECEIPT
REQUESTED

FX

SIX 850 DE 1 8006723713

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

85248-711827A
333754494

SC 8537449407 *3020-96323-21-65

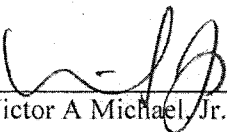
CERTIFICATE OF SERVICE

I, Victor A Michael, Jr., hereby certify that a true and correct copy of the foregoing
“Additional Response” was sent via first class mail (unless otherwise indicated) this 2nd day of
July, 2018 to the following:

James D. Bradshaw*
Federal Communications Commission
Media Bureau
445 12th Street, SW
Washington, DC 20554
James.bradshaw@fcc.gov

Kim Varner*
Federal Communications Commission
Media Bureau
445 12th Street, SW
Washington, DC 20554
Kim.varner@fcc.gov

John Low
ITV.com, Inc.
4501 Broadway
Miami, AZ 85539



Victor A Michael, Jr.

*Copy served by e-mail and regular first class mail.