



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

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In Reply Refer to: 1800B3-KV

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In re: K271CR, Casa Grande, AZ
File No. BLFT-20180418AIA
Facility ID No. 146671

Informal Objection/Interference Complaint

Gentlemen:

This letter refers to the April 26, 2018, Informal Objection and Interference Complaint (Objection-Complaint) filed by Phoenix Radio Broadcasting, LLC (Phoenix),¹ licensee of Station KAHM(FM), channel 271, Prescott, Arizona, alleging interference from the referenced application for a license to cover (License Application) FM Translator Station K271CR, Casa Grande, Arizona (K271CR

¹ On March 16, 2018, 1TV.com, (1TV) licensee of Station KIKO(FM), Channel 243, Claypool, Arizona also filed an "Interference Complaint under Section 74.1203" which Mountain Community Translators, LLC responded with an "Objection to Interference Complaint." On March 26, 2018, 1TV withdrew its complaint, stating that the translator station's proposed move to "channel 271, if granted will solve the interference . . . to KIKO(FM). If . . . it is not granted 1TV.com will refile a Interference Complaint . . ." 1TV Withdrawal Request at 1-2. Because 1TV withdrew its interference complaint we will not further consider it.

or Station)², filed by Mountain Community Translators, LLC (Mountain or Licensee).³ For the reasons set forth below, we dismiss the Objection-Complaint and grant the License Application.⁴

Background. The Station is a translator station for primary station KLVA(FM), Maricopa, Arizona, licensed to Educational Media Foundation (EMF). On April 18, 2018, the Station filed the License Application covering a modified construction permit to, *inter alia*, move from Channel 243 to 271 at Casa Grande, Arizona.⁵

On April 26, 2018, Phoenix filed the Objection-Complaint arguing that the Station is interfering with KAHM(FM) reception. Specifically, Phoenix reports that the Station rebroadcasts the primary's station's K-Love programming and that on April 19, 2018, KAHM(FM) listeners began "complaining that 'K-Love' programming had begun interfering with their [KAHM(FM)] reception . . . [A]s of today, Phoenix has received at least half dozen calls or e-mails from listeners complaining of new interference" Phoenix declares that it is "gathering complaint declarations from listeners . . . but in the interim, the Commission should (1) either deny or defer action on K234BP's license application and (2) require Mountain immediately to end the actual interference either through a reduction in power or complete suspension of operations."⁶

On May 2, 2018, Mountain filed a request for a Special Temporary Authority (STA) to remain silent (STA).⁸ Mountain reported that after receiving the Objection-Complaint and interference complaints from unspecified individual KAHM(FM) listeners the Station went silent on April 30, 2018, to investigate the allegations.⁹ On June 1, 2018, the Media Bureau granted the STA.¹⁰

On May 14, 2018, Mountain filed a minor modification application (Modification Application) seeking to move the Station to Channel 258; lower the antenna radiation center from 21 to 14 meters above ground level at the same transmitter site; and modify the directional antenna pattern.¹¹ The Modification Application is currently pending.

To date, Phoenix has not filed with the Commission any listener declarations.

² On April 30, 2018, the Station's callsign changed from K243BP to K271CR. Although the Objection-Complaint identifies the Station as K234BP, we will refer to the Station by its current callsign K271CR.

³ The Station is licensed, pursuant to File No. BLFT-20160418AAL, granted on April 12, 2016, to operate on Channel 243 at Casa Grande, Arizona. This letter decision addresses the Station's pending License Application to move to Channel 271.

⁴ On April 30, 2018, the License Application was inadvertently granted, but this grant was rescinded on May 1, 2018.

⁵ The License Application seeks to implement construction permit, File No. BMPFT-20170718AGR, granted on August 10, 2017, as modified by File No. BMPFT-20180302ABA.

⁶ Objection-Complaint at 1 (*footnote omitted*).

⁷ *Id.* at 2.

⁸ See File No. BLSTA-20180502AAX (STA).

⁹ STA, Exh. 1.

¹⁰ See Letter from Lisa Scanlan, Deputy Chief, Audio Division, Media Bureau to Victor A. Michael, Jr., reference 1800B3-MAT (MB Jun. 1, 2018).

¹¹ See File No. BPFT-20180514AAE, Exh. 12, Technical Statement. Mountain seeks a waiver of 47 CFR § 74.1233(a)(1) for this non-adjacent channel change, claiming that all available channels would require a drastic reduction in the Station's facilities. *Id.* at 1-2. Mountain also seeks a waiver of 47 CFR § 74.1204(d), arguing that although there is predictive interference towards Station KESZ(FM) there is no population in the interference area. *Id.* at 2-3.

Discussion. 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)¹² 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.¹³

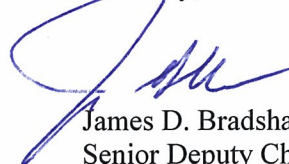
Actual interference is based on a complaint from one or more listeners indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. In particular, “the staff has routinely required a listener complainant to include the listener’s name, address, location(s) at which FM translator interference occurs, and a statement that the complainant is, in fact, a listener of the affected station.”¹⁴

Here, although Phoenix states in the Objection-Complaint that it was “gathering” listener complaints it has failed to file any listener complaints.¹⁵ In order to investigate Phoenix’s allegations of actual interference, listener complaints are required. We therefore find that Phoenix has not submitted any evidence supporting its claim that the Station is causing actual interference to station KAHM(FM) and we will dismiss the Objection-Complaint.¹⁶ Nevertheless, we remind Mountain that, when the Station resumes operation, either with licensed or modified facilities, it is required by Section 74.1203 of the Rules to eliminate any actual interference it causes.

Conclusion. Based on the above, IT IS ORDERED, that the Informal Objection and Interference Complaint filed by Phoenix Radio Broadcasting, LLC on April 26, 2018, IS DISMISSED.

IT IS FURTHER ORDERED that the application for a license to cover FM Translator Station K271CR, Casa Grande, Arizona, (File No. BLFT-20180418AIA), filed by Mountain Community Translators, LLC on April 18, 2018, IS GRANTED.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: A. Wray Fitch III, Esq.

¹² 47 CFR § 74.1203(a)(3).

¹³ 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.

¹⁴ *Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, Notice of Proposed Rulemaking, FCC 18-60, at para. 7 (2018) (citing Creation of an LPFM Service, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd 15402, 15431-31 para. 83 (2012)).

¹⁵ Based on Mountain’s statement in the STA, Phoenix may have submitted the listener complaints directly to the Station. *See supra* note 8.

¹⁶ *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).