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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of

K259CF, South Fresno CA) INTERFERENCE RESPONSE
File No. BLFT-20180306AAR)
Facility ID No. 144742)

On behalf of Gary M. Cocola, licensee of K259CF, this responds to a letter, 1800B3-KV released on August 6, 2018 (“Letter”), directing that K259CF respond to an interference complaint within 30 days. The complaint, filed on July 18, 2018, originated from Station KCIV (FM), Mount Bullion, California, based on allegations of interference to distant listening, far beyond the latter's 60 dBμ protected contour.

Policy Issues Implicated by This Complaint

The present complaint perfectly illustrates the need for new rules, to make more uniform and fair the disposition of conflicts arising between secondary FM translators and other services. The Commission has underway a proceeding to reform this entire area, *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, NPRM, FCC 18-119 released on May 10, 2018 (MB Docket 18-60) (“Notice”).

Here a licensee in Mount Bullion, an unincorporated hamlet in Mariposa County

(2018 County population 18,129, California State Department of Finance) seeks to prevent valuable new service on an FM translator on the adjacent channel serving Clovis (2018 pop. 113,883) and Fresno (2018 pop. 538,330), based on allegations that some distant listeners in those places are experiencing objectionable interference from the latter service. Every one of the documented complaints alleges reception beyond, not within, the KCIV (FM) 60 dB μ interference protected contour. In turn, KCIV has no obligation under the rules to ascertain the needs and interests of places outside of the community of license or Mariposa County or to program in response to those needs.

The FM bands were evidencing significant congestion, especially in larger urban areas, even before the Commission's AM enhancement initiative, permitting FM translators to rebroadcast qualified AM stations. To allow incumbent FM stations to protect any reach to any listener over an unlimited area undermines this opportunity for new service, and in many cases would preclude new service altogether. That is why the pending NPRM is timely and needed.

General Objections to the Interference Plebiscite

As the Letter recognizes (fn. 5), the Call Transcripts generally do not supply sufficient information for analysis, except in seven instances where they were followed by a written statement. Each form "Interference Complaint" begins with a prejudicial and conclusory pre-printed preamble, stating that K259CF "is causing interference to the public's reception of the signal if KCIV (FM). . ." The preamble does not state that the

translator is first adjacent at 99.7. The form directs the complainant to the pre-digested conclusion of interference even though, in the areas of concern, the signal of KCIV has traveled over long distances, even past the 54 dB μ contour, and could be expected often to be patchy or to fail, regardless of any incoming interference.¹ As the complainants know, Longley-Rice propagation models have never been adopted in aural services to establish patterns of actual service, and the engineering claims of unclouded reception appear to be grossly exaggerated.

Specific Interference Claims.

Attachment A herewith is a statement by K259CF's engineer, who traveled around the supposedly impacted areas of Clovis and Fresno, using a digital in-dash AM-FM radio, and detected no interference. Of the interference claims with executed declarations, noted in the Letter, fn. 2, an oddity is that all but seven allege interference both to home reception and to vehicle reception. Yet the locations and circumstances between the two reception points are vastly different. Within the 30 day response time, it has not been possible to fully analyze and address each of these claims.²

On or about August 5, the Licensee set up a call-in line at 559-298-2800. Any complainant may call in and have delivered a free up-to-date digital replacement radio, whether in the home or in a vehicle. The complainant was informed of this step, but as

1 “[i]t’s so frustrating when all of a sudden the clear signal is lost to what *seems like* the nearby FM station 99.7” Complaint of Linda M Jensen, emphasis added.

2 Barbara Meinert “As of this morning I began hearing bad interference” – not establishing regular listenership. Victoria Medina: “It also seems to over power the 98.9 FM station” – i.e. the fourth adjacency; Dave Combs “I would definitely appreciate hearing my favorite channel CLEARLY again” – possibly indicating nothing more than KCIV’s weak local signal strength; Kenneth Donea “In my car driving all round Fresno” – Vague and in any case, exaggerated.

yet there have been no recorded calls. Unfortunately, the complaining station appears more interested in terminating Licensee's service than in correcting what is easily correctible in the isolated cases of real interference. We will continue to monitor and offer a complete solution to anyone wishing to cooperate in its implementation.

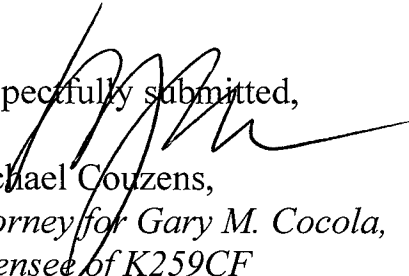
Request for Waiver

As mentioned, the Commission's pending rule making proposes to amend Section 74.1203 of the Rules to disregard interference claims beyond the 54 dB μ contour of the supposedly affected station. In a separate filing today, we ask the Commission to waive Sec. 74.1203 consistent with the proposal, to continue broadcast operations unless and until a reliable complaint surfaces that cannot be successfully addressed, inside the 54 dB μ contour.

Conclusion.

The Licensee of K259CF will continue to resolve all interference complaints on an individual basis. For the reasons stated, and absent any new evidence, it is requested that the station be permitted to continue operation.

Respectfully submitted,


Michael Couzens,
Attorney for Gary M. Cocola,
Licensee of K259CF

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September 5, 2018.

Attachment A

DECLARATION OF JAMES K. ZAHN

1 I, James J. Zahn, make the following declaration under penalty of perjury.

2 I am the chief engineer of K259CF. I have received a copy of the complaint filed at
3 the FCC by Bott Communications, Inc. and KCIV (FM). When I received it, I carefully
4 reviewed each one of the "Interference Complaint" forms attached.
5

6 To test these claims, I drove throughout the area in my 2004 Lincoln Town Car,
7 listening on an AM-FM digital tuner, for any interference. I observed no interference at
8 the following locations, streets or intersections:

9 Sierra & Polk - Fresno

10 10th and Pollasky - Clovis

11 Shaw and Blackstone, Shaw and Palm, Palm and Herndon,

12 Herndon and West - Fresno

13 Nees and Chestnut - Fresno

14 Shaw and Cedar - Fresno

15 Olive and Peach - Fresno

16 Central Fresno (Downtown)

17 Brawley and Shields - Fresno

18 Barstow and Fresno - Fresno

19 The only Interference that I observed from K259CF into KCIV is within two or
20 three blocks from the K259CF transmitter location. This is in the form of slight distortion
21 in the background of KCIV signal, but no loss of KCIV programming or reception. In this
22 two to three block area, KCIV overrides the programmed audio on K259CF, but I observed
23 no interference from K259CF to KCIV.
24
25
26

27 In all cases, whether home listening or car listening, I believe that any digital tuner
28 currently on the market and tuned to KCIV would experience no problem of interference

1 from K259CF, whatsoever. Given the distance from the KCIV transmitter, however, the
2 signal of KCIV is not necessarily going to be reliably received, or even received at all in
3 locations throughout the Fresno-Clovis metropolitan area.

4 The foregoing is sworn to under the penalties for perjury provided in the laws of the
5 United States.

6 Dated: September 4, 32018

7 By: /s/ JAMES K ZAHN
8 James K. Zahn

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MICHAEL COUZENS
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CERTIFICATE OF SERVICE

I, Michael Couzens, certify that copies of the foregoing

INTERFERENCE RESPONSE

REQUEST FOR WAIVER (SEC. 74.1203(c))

were mailed by First Class Mail, with postage fully prepaid, on September 5, 2018, to the following:

James D. Bradshaw, Senior Deputy Chief
Media Bureau, Audio Division
Federal Communications Commission's
445 Twelfth Street S.W.
Washington, D.C. 20554

Kathleen Victory
Fletcher, Heald & Hildreth
1300 North 17th Street, 11th floor
Arlington, VA 22209

By: _____

Michael Couzens

