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SEP 10 2018

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

In the matter of

K259CF, South Fresno CA)	REQUEST FOR WAIVER
File No. BLFT-20180306AAR)	SEC. 74.1203(c)
Facility ID No. 144742)	

On behalf of Gary M. Cocola, licensee of K259CF, this requests a temporary and limited waiver of Section 74.1203(c) of the Rules to permit the station's continued operation for 180 days, unless it can be shown to cause destructive interference to any licensed facility beyond any potentially affected station's 54 dBμ contour.

The Commission has before it an interference complaint, from Station KCIV (FM), Mount Bullion, California, based on allegations of alleged interference to listening, not only far beyond the latter's protected contour at 60 dBμ, but beyond the extremely conservative 54 dBμ contour and into the remote communities of Clovis and Fresno. In a letter, 1800B3-KV released on August 6, 2018, staff directed that K259CF respond to the complaint within 30 days, which we are doing in a separate filing.

The Commission has pending a notice of proposed rulemaking, directed precisely at the problems it has been having in resolving interference complaints such as this one.¹

¹ *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").

The Notice was prompted in part by a petition from Aztec Capital Partners, Inc., noting that “Sections 74.2303(a)(3) AND 74.1204(f) of the Rules encourage full service station licensees to 'troll for complaining individuals' so that they can extend their signal out to the 'last gasp of his or her radio signal coming through the FM hash.’” *Notice*, para. 23. Such precisely is the case here.

There has evolved a consensus that the current system of policing is patchy, inconsistent, and overly demanding of scarce staff time. The Commission now proposes to disregard interference complaints from locations beyond the 54 dB μ contour, *Notice at para. 29*. This reform is favorable to the full service FM stations, giving them a substantially larger area of protection than would a 60 dB μ standard, as Aztec had sought, *Id*. The proposed 54 dB μ signal strength limitation would not deprive any *local* radio listener of *local* radio service. But the proposal would remove all of the distant complaints of interference in the instant case, because the corporate limits of Fresno and Clovis lie beyond the KCIV (FM) 54 dB μ contour.

On several occasions the Commission has granted waivers for good cause shown that anticipate proposed rules prior to their final adoption, *Neighborhood TV Co. Inc. v. FCC*, 742 F. 2d 629 (D.C. Cir., 1984) [upholding widespread use of rule waivers by applicants adding “low power features” while low power television proposal was still pending]. While a few commenting parties in the MB Docket 18-60 rule making did not endorse the 54 dB μ standard, none has persuasively offered an alternative that would

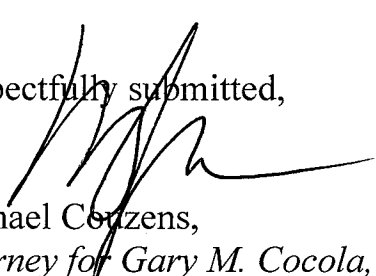
conserve staff review time or balance the equities nearly as well.

We seek limited waiver of Section 74.1203(c) to continue broadcasting without interruption for 180 days, without regard to any complaints originating from locations beyond a full service FM's 54 dB μ contour. The public interest will not be served by suspending service, based on a policy in decline, only to restart later under modernized rules.

As stated in our separate response to the staff letter, we have taken steps and will continue to take steps to resolve all interference complaints that have been drummed up by KCIV, on an individual basis.

For the reason stated, it requested that the licensee be permitted to continue its broadcasts for 180 days, without regard to any interference complaint emanating from locations beyond the complaining station's 54 dB μ contour.

Respectfully submitted,



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September 5, 2018.