

# FEDERAL COMMUNICATIONS COMMISSION

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Broadcast Sciences, LLC  
1240 Horseshoe Trail  
Malvern, PA 19355

AUG - 9 2019

In re: W221DG, Exton, PA  
Facility ID No. 142298  
BPFT-20170718AEV  
**Informal Objection**

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for W221DG, Exton, Pennsylvania; (2) the Informal Objection (Objection) filed by Clear Communications, Inc., (CCI) on July 26, 2017; and (3) all related pleadings. For the reasons set forth herein, we grant the Informal Objection and dismiss the application.

CCI purports that the proposed translator will cause interference to listeners of WVLT(FM), Vineland, New Jersey on channel 221 (BLH-20021028AAY) and violate 47 C.F.R. Section 74.1204(f) of the Commission's 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 dB $\mu$  contour of the proposed translator station;<sup>1</sup> (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).<sup>2</sup> 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.

In its Objection, CCI initially claims that by using the Longley-Rice methodology, the proposed translator will cause real world interference to listeners of WVLT and states

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<sup>1</sup> The best method is to plot the specific addresses on a map depicting the translator station's 60 dB $\mu$  contour.

<sup>2</sup> See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).

that it will supplement the Longley-Rice coverage analysis with listener declarations forthcoming.

In its Supplement to Informal Objection (Supplement) filed November 8, 2017, CCI submits 42 listener declarations of persons claiming to be regular listeners of WVLT, who work, reside or regularly travel through the proposed 60 dB $\mu$  contour of the proposed translator. CCI also includes 21 additional declarations of persons claiming to be regular listeners of WVLT, who work, reside or regularly travel through the proposed 60 dB $\mu$  contour of the proposed translator. In addition, CCI's engineering statement includes a detailed map of the listener locations within and in the vicinity of the 60 dB $\mu$  contour of the proposed translator. Furthermore, CCI references the March 29, 2017 Interference Complaint letter which alleges that W221DG (BLFT-20170601ACP) is interfering with the reception of WVLT, Vineland, New Jersey. CCI claims that Broadcast Sciences has not yet addressed or eliminated the interference caused to WVLT. Lastly, CCI states that the proposed facility can be expected to cause even greater interference since the proposed interfering contour (40 dB $\mu$ ) will move closer to the protected contour (60 dB $\mu$ ) of WVLT when compared to the W221DG licensed facility.

In its Opposition to Informal Objection filed August 9, 2017, Broadcast Sciences, LLC (Broadcast Sciences) states that the proposed facility complies with the contour overlap protections of Section 74.1204(a) and Section 73.313 and demonstrates in its application that there is no predicted overlap between the proposed interfering contour and the protected contour of WVLT when using the standard FCC F(50, 50) curves. Broadcast Sciences further questions the validity of the Longley-Rice analysis and the Section 74.1204(f) claims made against the translator.

In its Opposition to Supplement filed November 29, 2017, Broadcast Sciences claims that the listener declarations are without merit since they do not fully satisfy all the requirement of Section 74.1204(f). Specifically, Broadcast Sciences states that submitting statements where listeners live without addressing the desired-to-undesired signal ratios at each location nullifies the listener complaints.

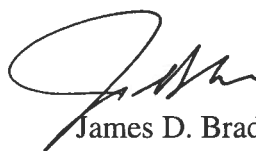
In its Reply to Opposition filed August 29, 2017 CCI submits an engineering statement referencing audio recordings of the WVLT signal within and in the vicinity of the 60 dB $\mu$  contour of translator station W221DS (BMPFT-20160728AAW) which was dismissed May 1, 2017. CCI claims that these audio recordings submitted during the W221DS proceedings demonstrates that WVLT does indeed have a clear and listenable signal across the most populous portion of the 60 dB $\mu$  contour of the proposed translator. CCI notes that the W221DS facility duplicates portions of the proposed W221DG facility and the audio recordings are also applicable to the proposed facility.

Under the current translator rules, the Commission distinguishes between predicted interference, which is determined at the time a translator construction permit application is filed, and actual interference, which is determined after a translator station begins operation. Predicted interference is an application processing standard. However, under Section 74.1204(f), even an application that complies with the contour overlap requirements of Section 74.1204(a) will not be granted if an objector provides convincing

evidence that the predicted 60 dB $\mu$  contour of the translator would overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station. We find that the Longley-Rice coverage analysis provided by CCI carries less probative weight than the referenced listener declarations and reject the use of the Longley-Rice area analysis to demonstrate predicted interference. The Commission has only allowed the use of alternate prediction methods in limited circumstances. As such, the staff is precluded from considering CCI's Longley-Rice submission. That said, we note that CCI has adequately substantiated its Section 74.1204(f) claim against the proposed translator by submitting documentation from listeners certifying that they are regular listeners of WVLT, at home and in their cars, and plotting the complainants' specific addresses on a map depicting the proposed translator's 60 dB $\mu$  contour. It also provides evidence that the proposed translator will result in interference to the complainants at the listed locations. Therefore, we will grant the Informal Objection and dismiss the application.

Accordingly, the July 26, 2017, Informal Objection filed by Clear Communications, Inc., IS HEREBY GRANTED and the application BPFT-20170718AEV IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw  
Senior Deputy Chief  
Audio Division  
Media Bureau

cc: Erwin G. Krasnow  
Peter Tannenwald