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September 14, 2020

Clear Communications, Inc.
P.O. Box 689
Vineland, NJ 08362

In re: NEW(FM), Vineland, NJ
Facility ID No. 202064
BNPFT-20180502ABQ
Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a new translator in Vineland, New Jersey; (2) the Petition to Deny (Petition) filed by Press Communications, LLC (Press) on May 23, 2018; (3) the September 9, 2019, staff letter to Press requesting additional information to supplement its Petition in light of the Commission's revised FM translator interference standards¹; and (4) all related pleadings. For the reasons set forth herein, we grant the Petition to Deny and dismiss the application.

In the Petition to Deny and Supplement, Press purports that the proposed translator will cause interference to listeners of WTHJ(FM), Bass River Township, New Jersey on channel 293 (BLH-20060711ACL) and violate 47 C.F.R. Section 74.1204(f) of the Commission's Rules.

The Petition to Deny was pending on August 13, 2019, when the revised Section 74.1204(f) governing predicted interference rules came into effect. When it revised its translator interference rules, the Commission provided that "complaints that have not been acted upon as of the effective date of the rules adopted in this *Report and Order* will be decided based on the new rules. If necessary, parties will be given an opportunity to submit supplemental materials to address the revised rules adopted herein." Accordingly, on September 9, 2019, the Bureau notified Press that it had 30 days to bring the Petition to Deny into compliance with the updated translator interference complaint requirements. On October 9, 2019, Press filed its Supplement, including 16 listener complaints.

In promulgating the revised Section 74.1204(f) of the Rules, the Commission states that "an application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth

¹ See *Letter to John F. Garziglia*, Ref. 1800B3-LH-A (MB rel. Sept. 9, 2019) (*Staff Letter*); see also *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*).

in paragraph (a) of this section, if grant of the authorization will result in interference to the reception of a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including previously authorized secondary service stations within the 45 dBμ field strength contour of the desired station.” Interference is demonstrated by: (1) the required minimum number of valid listener complaints as determined using Table 1 of Section 74.1203(a)(3) and defined in Section 74.1201(k) of the part; (2) a map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBμ contour; (3) a statement that the complaining station is operating within its licensed parameters; (4) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and (5) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in Section 73.313 of the Rules.²

Press has followed the required protocol by submitting documentation from 16 listeners certifying that they are regular listeners of WTHJ(FM) at least twice a month at home, at work, or in their cars. By plotting the complainants' specific addresses on a map showing the specific location of the alleged interference in relation to the complaining station's 45 dBμ contour, Press has demonstrated that all complainants listen to WTHJ(FM) and that their addresses are located where the undesired to desired signal strength exceeds -20 dB for co-channel situations, calculated using the Commission's standard contour prediction methodology set out in Section 73.313 of the Rules. Press has also indicated that WTHJ(FM) has been operating within licensed parameters, and it includes a statement that it has used commercially reasonable efforts to inform Clear Communications, Inc., of the claimed interference and attempted a private solution. We find that Press has adequately substantiated its Section 74.1204(f) claims by demonstrating that there are WTHJ(FM) listeners located inside WTHJ(FM)'s 45 dBμ protected contour that are predicted to receive interference from the facilities proposed in the application. Accordingly, we will grant the Petition and dismiss the application.

Accordingly, the May 23, 2018, Petition to Deny filed by Press Communications, LLC, IS HEREBY GRANTED and the application BNPFT-20180502ABQ IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

/s/

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: John F. Garziglia
Melodie A. Virtue, Esq.

² See 47 CFR § 74.1204(f) (2019).