



Federal Communications Commission  
Washington, D.C. 20554

September 17, 2020

*In Reply Refer to:*  
1800B3-KV

Mountain Community Translators, LLC  
c/o Victor A. Michael, Jr.  
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Cheyenne, WY 82001

1TV.com, Inc.  
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In re: K243BN, Laveen, AZ  
Mountain Community Translators, LLC  
Facility ID No. 92373  
File No. BLFT-20171211AAV

**Interference Complaint -- Response Required**

Dear Counsel:

This letter refers to 1TV.com, Inc.'s (1TV)<sup>1</sup> "Interference Complaint and Request to Order Immediate Suspension of Operations" (Complaint) filed on July 2, 2020. The Complaint alleges interference from FM Translator K243BN, Laveen, Arizona (K243BN or Translator) to the direct reception by the public of the off-the-air signal of KIKO-FM.<sup>2</sup>

In the *Translator Interference Order*,<sup>3</sup> the Commission adopted certain changes to the translator interference complaint resolution process. Among other things, the Commission revised the relevant

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<sup>1</sup> 1TV is the licensee of Station KIKO-FM, Claypool, Arizona (KIKO-FM or Complaining Station).

<sup>2</sup> K243BN is licensed to Mountain Community Translators, LLC (MCT or Licensee).

<sup>3</sup> *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, MB Docket No. 18-119, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*). The *Translator Interference Order* became effective on August 13, 2019. *Effective Date of Amended Rules for FM Translator Interference*, MB Docket No. 18-119, Public Notice, 34 FCC Rcd 7004 (2019).

rules to require that stations complaining of interference must submit a complete interference claim package consisting of specified technical showings along with a required minimum number of rule-compliant listener complaints.<sup>4</sup>

Pursuant to Table 1 of 47 CFR § 74.1203(a)(3) of the Commission's rules (Rules),<sup>5</sup> 1TV is required to submit a minimum of ten rule-compliant listener complaints.<sup>6</sup> 1TV has submitted 19 listener complaints which it claims comply with the Rules.<sup>7</sup>

Based on our review of the Complaint, we conclude that 1TV has submitted a valid interference claim package. In particular, we find that 1TV has exceeded its required showing of ten rule-compliant listener complaints with the following 11 rule-compliant Complainants, along with the required engineering showings:<sup>8</sup> Burgess (driving); Cammarata (driving); T.E. Davis (driving); T. Davis (driving); E. Hooten (driving); Hudgens (driving); Moore (driving); Pyle (driving); Robinson (driving); Sanchez (driving); and O'Neal (driving).<sup>9</sup> With respect to the complaints of J. Hooten, R. Hooten, and T. Hooten, because they reported only interference locations that are duplicative of E. Hooten's reported interference locations,<sup>10</sup> their complaints were not counted towards 1TV's required minimum of ten rule-compliant listener complaints.<sup>11</sup> Regarding the remaining Complainants, we find their complaints to be unacceptable. Specifically, Holley and McDonald reported interference locations that are located outside of KIKO-FM's 45 dBu protected signal strength contour.<sup>12</sup> In addition, the complaints of Listeners 1, 2, and 17 are illegible and, therefore, are unacceptable.<sup>13</sup>

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<sup>4</sup> 47 CFR §§ 74.1203(a)(3), 74.1204(f); *Translator Interference Order*, 34 FCC Rcd at 3463-3466, 3469-3470, paras. 12-15; 23-24.

<sup>5</sup> 47 CFR § 74.1203.

<sup>6</sup> Although 1TV states that the population within KIKO-FM's 60 dBu protected contour is 957,966 persons, *see* Complaint at 3, our independent engineering review found 837,850 persons that are located within KIKO-FM's 60 dBu protected contour. For populations of 500,000 – 999,999, a minimum of ten rule-compliant listener complaints are required; thus, the discrepancy is of no material significance. *See* Table 1 of 47 CFR § 74.1203(a)(3).

<sup>7</sup> Specifically, 1TV has submitted complaints from the following listeners: Illegible Listener Name (Listener 1); Illegible Listener Name (Listener 2); Jayne Burgess (Burgess); Thomas Cammarata (Cammarata); Thomas E. Davis (T.E. Davis); Thomas Davis (T. Davis); Susan Holley (Holley); Edward Hooten (E. Hooten); Jamie Hooten (J. Hooten); Ryan Hooten (R. Hooten); Terri Hooten (T. Hooten); Rachel Hudgens (Hudgens); Jeffrey J. McDonald (McDonald); Linda S. Moore (Moore); Terry L. Pyle (Pyle); Danielle O'Neal (O'Neal); Illegible Listener Name (Listener 17); Laura L. Robinson (Robinson); and Jeydi Sanchez (Sanchez). Complaint, Attach. 1, Listener Complaints. Collectively, these listener complainants will be referred to as the Complainants.

<sup>8</sup> Several of the Complainants reported multiple interference locations such as home, work and driving. In listing the rule-complaint complaints, we have listed in a parenthetical the acceptable interference location(s).

<sup>9</sup> Complaint, Attach. 1, Listener Complaints.

<sup>10</sup> In particular, these complainants each stated, "When listening to 96.5 in the Phoenix AZ area, interference is from the US 60 & I-10 interchange to the west to HWY 51 and 101 in the north to the 202 in the south. The interference gets so bad in the north valley I cannot pick up KIKO. The station bleeding in is from Fountain Hills AZ and is identified by the call sign K-Love." *Id.*

<sup>11</sup> *Translator Interference Order*, 34 FCC Rcd at 3466, para. 15. ("[T]ranslator interference claims must be based on 'separate receivers at separate locations' . . .").

<sup>12</sup> Complaint, Attach. 1, Listener Complaints.

<sup>13</sup> In the complaints for Listeners 1 and 17, the listener's name, address, telephone number, and date are illegible, and in the complaint for Listener 2, the listener's name and address are illegible. *Id.*

Accordingly, MCT is required to remediate the interference as set forth in the timeline below:<sup>14</sup>

**1. Within thirty days of this letter, MCT must file:**

- a plan to resolve the interference;<sup>15</sup> or
- evidence that 1TV's Complaint is not a valid and complete interference claim package.<sup>16</sup>

**2. Within sixty days of submitting a remediation plan, if one has been submitted, MCT must file either (i) the jointly agreed upon interference testing results; (ii) the testing results of the parties mutually agreed upon independent engineer; or (iii) the results from MCT's remediation with the 11 referenced listeners<sup>17</sup> if said listeners elect to participate in the remediation process. No unilateral testing results will be considered.<sup>18</sup> Upon receipt, we will review said information to determine if the interference has been resolved.**

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<sup>14</sup> *Translator Interference Order*, 34 FCC Rcd at 3468-3469, para 21. (“[T]he staff will direct the complainant station to serve the translator operator with a non-redacted copy of the relevant listener complaints so that the translator operator can verify the basic elements of the complaint, such as the existence of the complainant, current residence at the given address, etc.”). Normally we would impose a requirement that 1TV serve the listener complaints on MCT; however, 1TV has already served MCT with the Complaint, thus rendering it unnecessary to impose that condition.

<sup>15</sup> In the *Translator Interference Order*, the Commission declared that acceptable plans include the following: 1) relocating to an available same-band FM channel; 2) working with willing listener complainants; or 3) working with the complaining station. Regarding direct listener remediation, if the listener agrees to allow the translator station to adjust or replace its receiver equipment to address interference, the translator station “must document and certify that the desired station can now be heard on the listener’s receiver.” *Translator Interference Order*, 34 FCC Rcd at 3472, para. 30. If, however, the listener’s equipment is not the cause, or the listener declines to participate in the remediation process, then “the translator operator and the complaining station must work together to resolve the interference complaint using suitable techniques.” *Id.* at 3473, para. 32. The “lack of interference can be demonstrated by on-off tests and/or field strength measurements at the relevant site, provided they take place in a manner *acceptable to both parties*.” *Id.* at 3474, para. 33 (emphasis added). If, however, “the parties fail to agree upon appropriate methods and technical parameters to be used for interference testing at a particular site or sites, the parties should engage a mutually acceptable third party engineer to observe or carry out the testing.” *Id.*

<sup>16</sup> MCT has “the burden of rebutting the presumption of validity of each complaint.” *Id.* at 3468-3469, para. 21. We note that the Commission has stated that the following activities are not evidence of an invalid listener complaint: “(1) social media connections [with the station] . . . ; (2) membership in listener clubs or participation in station-run promotions, contests, and events; (3) charitable donations to the station . . . and (4) time contributed volunteering at a station or at a station-run event, so long as the volunteer does not hold a regular position at the station comparable to a station employee.” *Id.* at 3467, para. 19 (footnotes omitted). However, “advertisers are deemed to have a financial interest in the station, as are underwriters.” *Id.*

<sup>17</sup> Specifically, as noted above, the 11 referenced listeners are Burgess (driving); Cammarata (driving); T.E. Davis (driving); T. Davis (driving); E. Hooten (driving); Hudgens (driving); Moore (driving); Pyle (driving); Robinson (driving); Sanchez (driving); and O’Neal (driving). See *supra* page 2.

<sup>18</sup> The Commission opined that “[a]t any point in the process the parties may also agree that interference has been resolved using any mutually acceptable means; however, any contested data may not be unilaterally presented . . . as a remediation showing (or to dispute a remediation showing).” *Translator Interference Order*, 34 FCC Rcd at 3474, para. 33.

We will withhold further action on the parties' filings during the interference remediation timeline set forth above. Failure to comply with the remediation timeline may result in K243BN being ordered to cease operations.

Sincerely,

/s/

James D. Bradshaw  
Senior Deputy Chief  
Audio Division  
Media Bureau