

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

In the Matter of	)	
	)	
Amendment of Part 74 of the Commission's	)	MB Docket No. 18-119
Rules Regarding FM Translator Interference	)	

To: The Commission

**COMMENTS  
OF  
KIDS FIRST, INCORPORATED**

**Kids First, Incorporated ("Kids First")**, by Counsel, and pursuant to the *Notice of Proposed Rulemaking ("NPRM")*, FCC 18-60 (released May 10, 2018) submits these Comments in opposition to certain elements of the proposal to streamline the FCC's rules and procedures relating to interference caused by FM translators. Kids First is the licensee of noncommercial Radio Station WITT-FM in Zionsville, Indiana. WITT provides service far beyond its 54 dBu contour, and has numerous listeners and sponsors from its distant service area. Should the FCC adopt some of the proposals outlined in this proceeding, Kids First will lose a significant number of listeners and sponsors.

Kids First understands the motivation behind this rulemaking in light of the AM Revitalization efforts but the FCC's efforts to revitalize the AM radio service should not concomitantly degrade the FM radio service. If all the rules and policies proposed in this proceeding are adopted, the demise of the FM radio service will occur.

Under the current rules, FM translators are required to protect both full service and first in line licensed secondary facilities to not just their respective protected class contour but also

to the extent of these stations' "listenable signal." The listenable signal of WITT extends well beyond the station's 54 dBu contour to towns such as Greenwood, Columbus, and Tipton. Attached please find a letter-statement from Jim Walsh, President and Manager of Kids First regarding the listenership derived from the outlying locations of the WITT service area.

While there may be situations where an FM translator is limited by its interference with a full power FM station beyond the 54 dBu contour of the full power FM station, a change to the rules would expose each full power FM station to further erosion of its audience. Terrestrial radio is already beleaguered by online music services, youtube and podcasts that have caused many people to migrate away from the FM radio band. Along with these new trends we have seen considerable sponsorship dollars move away from terrestrial broadcasting to online broadcasting.

For example, listeners to National Public Radio stations are aging faster than the overall radio audience and listening less to the network's most popular radio programs according to data shared by the NPR Network. Though NPR is seeing some listening gains on digital platforms, particularly with podcasts, its broadcast audience has dropped. Average-quarter-hour listening during morning drive time dropped 11 percent from 2011 to 2015, and afternoon drive audience declined 6 percent. The only age bracket that increased during that time was the 65-plus audience. See, *Current*, "Drop in younger listeners makes dent in NPR news audience," October 16, 2015. About 50% of Americans now listen to online radio. See, *Radio & Internet News*, *www.rainnews.com*, March 11, 2016.

Kids First believes that, to provide a level of administrative certainty to these types of proceedings, there should be a full-power station field strength value beyond which no complaint of actual or predicted interference will be considered actionable but the 54 dBu value

is not appropriate for this cutoff point. Since Kids First has numerous regular listeners well beyond the 54 dBu contour of WITT, we believe that a lower value field strength would be more appropriate than the 54 dBu as a cutoff for interference complaints.

New technologies and changing listener habits are challenging enough to traditional terrestrial broadcasting. We do not need to be taking any action that further contributes to the degradation of the FM radio service. A careful balance needs to be achieved.

FM translator stations have always been licensed on a secondary basis, and they should continue to be licensed that way. FM translator stations should not be provided equal or near-equal status to full power FM radio stations as the regulatory obligations for an FM translator station license will remain much less burdensome than a full power FM radio station license. There must be reasonable limits. We cannot rob Paul to pay Peter, but that is exactly what is proposed here as the efforts here to help the FM translator service will degrade the full power FM radio service.

In the NPRM the Commission states “we believe that it is necessary to consider how best to balance our enduring interest in maintaining the technical integrity of our FM services with our desire to promote greater certainty and stability for translator licensees.” See, *NPRM at para. 27*. Kids First believes that such balancing should not include any geographical limit on where a full power FM station has listeners that live, work or drive, or where the full power FM station derives advertising revenue. Therefore, the protected zone for full power FM radio stations must go beyond the 54 dBu contour.

This proceeding should focus on the heart of the complaint process. If the Commission were to adopt the more stringent and standardized content requirements for a listener complaint and a minimum number of listener complaints that must support an interference

complaint then an adequate balance will have been achieved without the need for an unreasonable outer contour limit.

Since one of the goals in this proceeding is to provide more certainty and efficiency to FM translator interference proceedings then a significant step in that direction would be for the FCC to create what it believes is a model interference complaint questionnaire to be used FM translator interference proceedings. Presently the FCC relies upon broadcasters to elicit such information and often those questionnaires vary widely from case to case. A standardized form would not only elicit exactly the type of information the FCC requires but it would also reduce the gamesmanship that accompanies these proceedings. The standardized form would need to be sworn to under the penalty of perjury, and possibly executed in the presence of a Notary to ensure the legitimacy of each complainant.

The use of a standardized form released by the FCC would also serve to show each listener complainant that their responses would definitely be scrutinized by a federal agency, and that their continued cooperation would be necessary. This would separate the genuine complainant who seriously wants these matters resolved from the casual complainant who may not really care but nonetheless loaned their name to the effort with no desire to follow up, if necessary.

Heading off a drawn-out and often expensive interference complaint proceeding is to the benefit of all involved parties, especially with regard to the scarce resources of the FCC. Costs to prosecute translator interference claims can result in thousands of dollars of legal and engineering fees. The use of a standardized complaint form would streamline the process and reduce the overall expenses of all involved parties.

Finally, Kids First agrees with the aspect of the proposal that in response to an

interference complaint an FM translator station should be allowed to modify anywhere on the FM dial and still be considered a minor change application. The routine acceptance of these types of displacement modification applications would certainly facilitate the resolution of many FM translator interference complaints.

Respectfully submitted,

**KIDS FIRST, INCORPORATED**

By:   
Cary S. Tepper

Its Counsel

Tepper Law Firm, LLC  
4900 Auburn Avenue  
Suite 100  
Bethesda, MD 20814-2632

(301) 718-1818

July 26, 2018



**91.9 WITT** Central Indiana's Voice for Many Voices

www.919witt.org • PO BOX 20563 Indianapolis, IN 46220 • jwalsh@919witt.org • 317-251-3851

ZIONSVILLE - INDY

**July 19, 2018**

**To Whom it May Concern,**

**WITT fm at 91.9 licensed to ZIONSVILLE Indiana, serves a wide area of central Indiana.**

**Its 6000 watt ERP is heard in many homes not only in Boone County, but the counties of Marion, Hamilton, Hendrix, and Johnson. In vehicles listener are able to enjoy the station on their radios in many other counties. The reach is quite impressive from Martinsville to the south, to Kokomo to the north. To the west we have had listeners and financial supporters even as far as Crawfordsville.**

**Some of the major population areas served by community radio WITT, a non-commercial station licensed to Kids First, Inc., include Indianapolis, Carmel, Brownsburg, Fishers, Noblesville, Tipton, Westfield, Greenwood, Avon, Lebanon, and Columbus.**

**As a non-commercial community radio station WITT serves these communities with a mix of various world and cultural entertainment as well as public service updates, weather and emergency weather updates, town council broadcasts and other programs aimed to address the issues and concerns of our city of license.**

**Thus, WITT asks the FCC to consider all these facts and do whatever is necessary to protect our unique coverage area.**

**Yours,  
Jim Walsh  
Manager  
WITT fm 91.9  
P.O. Box 20563  
Indianapolis IN 46220**