

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

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

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To the Commission:

**Comments of Calvary Chapel of Costa Mesa, Inc.**

Calvary Chapel of Costa Mesa, Inc. (hereinafter “CCCM”), through undersigned counsel, hereby files comments in response to the Commission’s *Notice of Proposed Rulemaking* dated May 10, 2018<sup>1</sup> (the “NPRM”).

**I. Introduction.**

CCCM is the licensee of three (3) full power FM stations and two (2) FM translator stations.<sup>2</sup> As such a licensee, CCCM is familiar with the FM translator interference issues from “both sides.” With regard to the rule changes proposed in the NPRM, CCCM is completely supportive of those making all channel changes for displaced translators minor changes,<sup>3</sup> requiring six (6) listener complaints to support a complaint of translator interference,<sup>4</sup> and the changes to the listener complaint requirements and remediation procedures.<sup>5</sup> That being said,

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<sup>1</sup> *Notice of Proposed Rulemaking*, FCC 18-60, rel. May 10, 2018. These comments are timely as they are filed on or before the August 6, 2018 deadline as set forth in the Commission’s order dated June 27, 2018 (DA 18-669).

<sup>2</sup> KWVE-FM, San Clemente, CA; KSDW, Temecula, CA; KWTH, Barstow, CA; K245AI, San Pasqual, CA, and K251BS, North Las Vegas, NV.

<sup>3</sup> NPRM ¶ 11.

<sup>4</sup> NPRM, ¶ 15.

<sup>5</sup> NPRM, Section III C.

CCCM strongly objects to the proposal to reject interference complaints from those *bona fide* listeners outside a full power station's 54 dBμ contour.<sup>6</sup>

**II. Rejecting interference complaints from listeners outside a full power station's 54 dBμ contour is arbitrary and promotes FM translators from a secondary service at the expense of full power FM stations and, more importantly, the *bona fide* listeners outside of a full power FM stations' 54 dBμ contour.**

The NPRM proposes setting an outer contour limit for protection of full power stations from translator interference. The expressed purpose of this is to conform with

the common language of Sections 74.1203(a)(3) and 74.1204(f), which prohibit interference to a “regularly used” broadcast signal, and Section 74.1203(a)(3), which prohibits interference with another station's “reception by the public.”<sup>7</sup>

Before proposing using a station's 54 dBμ contour as that outer limit for protection, the NPRM rejects using a station's 60 dBμ contour acknowledging that the 60 dBμ contour is used as an “allocation tool” and is not “an outer limit of listenability.”<sup>8</sup>

Of course, a station's 54 dBμ contour is also not the “outer limit of listenability.”

CCCM's station KWVE-FM, San Clemente, CA has declarations from approximately 140 *bona fide* listeners (unaffiliated, regular listeners) outside KWVE-FM's 54 dBμ contour.<sup>9</sup> Attached hereto is a map showing the listening locations (outside KWVE-FM's 54 dBμ contour) from those listener declarations.<sup>10</sup>

Rather than arbitrarily setting a protectable contour, in this case a full power station's 54 dBμ contour, the Commission's Rules should continue to focus on protecting the *bona fide*

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<sup>6</sup> NPRM ¶ 28.

<sup>7</sup> NPRM ¶ 27.

<sup>8</sup> *Id.*

<sup>9</sup> Since July 29, 2016, three (3) different translator applications have been filed for co-channel translators within KWVE-FM's listening area, but outside its protected contour: File Nos. BPFT-20160729ANI, BPFT-20170405AAB and BNPFT-20180420AAX. After each such application was filed, CCCM broadcast an announcement seeking listeners in Los Angeles County to go to the station's website and complete a declaration stating where they listen to KWVE-FM.

<sup>10</sup> All listeners north of the green line are outside KWVE-FM's 54 dBμ contour.

listeners of the full power station. The fact that such *bona fide* listeners happen to be outside the station's 54 dBμ contour, should not prevent their continued ability to listen to said station without interference from what is supposed to be a secondary service.

CCCM sees no reason why *bona fide* listeners outside a full power station's 54 dBμ contour should be treated differently than those within the 54 dBμ contour. However, as an alternative to completely removing their interference protection, CCCM suggests requiring a greater number of listener complaints, say ten (10), for an actionable interference complaint outside a station's 54 dBμ contour.

### **III. Conclusion.**

Calvary Chapel of Costa Mesa, Inc. requests that the Commission adopt the proposals in the *Notice of Proposed Rulemaking* except the proposal eliminating interference protection from translators for listeners outside a full power station's 54 dBμ contour.

Respectfully submitted,

Calvary Chapel of Costa Mesa, Inc.



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Dated: August 6, 2018

