

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

To: Office of the Secretary
Attn: The Commission

COMMENTS OF MOUNTAIN COMMUNITY TRANSLATORS, LLC

Mountain Community Translators, LLC ("MCT"), in response to the May 10th, 2018 Notice of Proposed Rulemaking in MB Docket No. 18-119 (the "NPRM"), hereby submits its comments ("Comments") in favor of many of the Commission's proposed revisions of its FM translator rules in regards to the handling of interference complaints filed against FM translator stations. In support thereof, the following is submitted:

I. INTRODUCTION

MCT is the licensee of seventeen (17) FM translator stations. Thirteen (13) are licensed as "fill-in" translators for AM stations as part of the Commission's AM revitalization efforts. The translators have become important services to their host AM stations which are being rebroadcast. MCT has also been tasked with dealing with several interference complaints associated with several of these translators. While MCT totally respects the continued need for protection primary service FM's, it also has been involved in cases where one listener complaint from outside of an FM's primary service area has forced an FM translator operation to be

suspended. MCT believes that a more “balanced” or “practical” approach to dealing with interference complaints caused by FM translators to primary services as the Commission is proposing is desperately needed.

II. DISCUSSION

MCT generally supports most of the proposed changes as outlined in the NPRM. Specifically, MCT is in favor of (1) allowing FM translators resolve interference issues by changing channels to any available frequency using a minor modification application, with one modification; (2) requiring a minimum number of listener complaints to be submitted with any FM translator interference claim, MCT is in support of a minimum of six (6); (3) standardizing the information that must be included within such a listener complaint, as the Commission is proposing; (4) streamlining and expediting interference complaint resolution procedures, as the Commission is proposing; (5) establishing an outer contour limit for the affected station beyond which listener complaints would not be considered actionable, MCT supports the 54 dB μ contour for all FM services; and (6) modifying the scope of interference complaints permitted to be filed by affected stations at the application stage as the Commission is proposing.

In order as listed above, here are MCT’s comments on each:

- 1) MCT is in support of allowing any FM translator to be able to change channels to any available channel when the Commission has determined that interference is being caused to an FM primary service. MCT however, states that it is opposed to the provision under paragraph 14 of the NPRM that any change be limited to the “same band” (i.e., the reserved or non-reserved FM bands). Since relief is being offered to FM translators suffering from interference complaints, MCT feels there is need to limit available channel options to just one band or the other. While the Commission

tightened its rules on “band hopping” with licensed FM translators, it did not eliminate it. Under an update under “Rural Radio” rules, the Commission put a 2 year waiting period on FM translators wishing to “band hop”. There are many instances where a reserved band translator may not be able to move to another reserved band channel due to lack of channel availability. Same is true for FM translators operating in the non-reserved band, but are rebroadcasting non-commercial primary services. As a practical matter, there should be very few instances whereby an interference displaced licensed translator will be forced to move to a new channel, especially that would even have the option or desire to “band hop”. But in these rare cases, where an FM translator licensee has spent a good deal of time and resources to construct a facility, MCT feels it should be allowed as many options as possible to remain on the air. The ability to “band hop” may allow some translator operators to remain on the air.

- 2) MCT supports the number of listener complaints to be a minimum of six (6) as proposed.
- 3) MCT supports the Commission’s proposal to require listener complaints to be signed by the listener and contain the following: (1) full name and contact information; (2) a clear, concise, and accurate description of the location where the interference is alleged to occur; (3) to demonstrate that the complainant is a regular listener, a statement that the complainant listens to the desired station at least twice a month; and (4) to demonstrate that the complainant is disinterested, a statement that the complainant has no legal, financial, or familial affiliation with the desired station.

- 4) MCT supports the streamlining of translator interference proceedings. MCT supports the Commission's proposal to clarify that listener complaints solicited by the station and/or presented in a standardized format, such as a list or form letter, will not be taken as evidence that a listener is impermissibly affiliated with the complaining station. Similarly, MCT supports the proposal to clarify that social media connections, such as friending or following a station or its personnel on Facebook, Twitter, or other social media platforms, between listeners and the complaining station or its personnel will not be taken as evidence that a listener is impermissibly affiliated with the complaining station, because such a connection does not amount to a legal, economic, or familial interest in the station.
- 5) MCT supports the use of the 54 dB μ (F50,50) contour as the most outside protected service contour of any FM service. Any listener complaints coming from outside of the 54 dB μ service area of an FM station should not be considered. In too many cases there have been listener complaints that live way beyond a protected service FM area be successful in shuttering an FM translator operation. MCT feels the current FM translator rules regarding interference are way too non-technically descriptive. FM translators have to use specific interference contour protections when filing for a new FM translator station, but yet can get thrown "out the window" from a single interference complaint from some distant location. Some technical criteria needs to be added to the FM translator rules in regards to interference to afford FM translator licensees some form of technical protections.
- 6) MCT also supports that new FM translator applicant be afforded protection from complaints of interference prior to commencement of operations.

Lastly, MCT would like to offer one more rule change that would afford FM translator owners some potential relief from interference complaints. MCT would support a new rule that would protect an existing licensed FM translator from being displaced or shut down from a NEW or NEWLY MODIFIED primary FM station or secondary FM station operation whereby the existing FM translator would not have any predicted (F50,10) prohibited outgoing interference contour that would overlap with the new FM service protected (F50,50) contour. It should be physically impossible for a new primary service FM or new secondary service FM to generate listener interference complaints to the pre-existing FM translator operation. MCT feels that the “senior” user of spectrum in a particular area should be afforded greater protection from a “New” user of spectrum in a particular area as long as the current FM translator overlap rules are maintained. This would not apply to new FM primary services where current prohibited overlap contours with translators would exist. However, MCT also suggests that if the existing FM translator did have contour overlap with the new FM primary service, it be afforded the opportunity to make technical changes to eliminate any predicted overlap, if possible, regardless of any potential listener interference complaints.

III. CONCLUSION

MCT supports most all of the Commissions new translator rules under the Proposed NPRM with the exception that it would oppose the prohibition of “band hopping” under paragraph 14 of the NPRM. MCT also would support a new rule to protect existing FM translators from displacement or suspension of operations by NEW FM services where normal contour protections would still be met.

Respectfully submitted,

MOUNTAIN COMMUNITY TRANSLATORS,
LLC

A handwritten signature in black ink, appearing to read 'Victor A. Michael, Jr.', is written over a horizontal line.

Victor A Michael, Jr. Sole Member

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