

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

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

To: The Commission

REPLY COMMENTS OF JAEMIN CHANG AND HYUNJOO CHANG

Jaemin Chang and Hyunjoo Chang (the "Changs"), licensee of FM Translator Station K292HC, Woodlake, California, respectfully submits its Reply Comments in the above-referenced docket which seeks to bring more objectivity and expediency to the resolution of interference complaints filed against FM translator stations by licensees of primary FM stations in concert with certain of its listeners.

1. The Changs renew their support for most of the proposals set forth by the Commission in the Notice of Proposed Rulemaking ("NPRM")¹ in this docket as stated in their initial Comments. They offer these Reply Comments to clarify their position on some of the issues raised in the NPRM.

A. Allowing FM Translators to Propose a Minor Change Application to Any Available Channel to Cure an Interference Complaint.

2. The Changs agree with most commenters that the Commission's rules should be amended to allow the licensee of an FM translator station to move to any available channel by way of a minor change application in order to resolve an interference complaint.² The Changs specifically agree with Cumulus' suggestion that translator stations in the non-reserved band

¹ *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, released May 10, 2018.

² See, e.g., Comments of Cumulus Media, Inc. ("Cumulus") at p.2; Comments of Aztec Capital Radio Partners, Inc. ("Aztec") at p.5; Comments of National Association of Broadcaster ("NAB") at p.3.

should be able to move to the reserved band as a minor change if no other channels are available in the non-reserved band and provided the translator station continues to serve a portion of its previously authorized service area. That application should not be subject to any competing application.³

B. The FCC Should Establish an “Outer Limit” Boundary for Interference Complaints.

3. Comments on this issue broke into two camps. The first group believes that a primary FM station should be completely protected from interference from secondary service FM translators for as far as the primary FM signals might reach, regardless of signal strength.⁴ On the other side, some commenters suggest that the 54 dBu contour is a fair boundary for the protection of the signal of an FM primary station licensed to serve a particular community.⁵ The Changes concur with Aztec that presently “full-service FM stations are fostering the filing of complaints far outside their communities of license and service areas against FM translators” and that these out of market distant signals “are driving FM translators carrying local radio stations off the air.”⁶ Cumulus also notes that areas beyond the 54 dBu “are in the outer-most fringes of their coverage areas, far removed from their service areas, which for all practical purposes they do not serve and have no intention of serving.”⁷ For AM station licensees who, as part of the FCC AM Revitalization Plan,⁸ jumped through hoops and invested substantial time and capital to acquire and construct cross-service FM translators, this issue is of particular concern.

³ Comments of Cumulus at pp. 2-3.

⁴ See, e.g., Comments of Beasley Media Group, LLC, Cox Media Group, LLC, Gradick Communications, LLC, iHeart Communications, Inc., Neuhooff Corp., Radio One Licenses, LLC/Urban One, Inc., and Withers Broadcasting Companies (collectively the “Joint Commenters”) and Comments of Calvary Chapel of Costa Mesa (“CCCM”).

⁵ See, eg, Comments of Aztec Capital Partners, Inc. (“Aztec”), Comments of Cumulus Media, Inc (“Cumulus”).

⁶ Comments of Aztec at p.3.

⁷ Comments of Cumulus at p.5.

⁸ *Revitalization of the AM Radio Service, First R&O, Further NPRM and Notice of Inquiry*, 30 FCC Rcd 12145 (2015).

4. The Changs believe a hard and fast demarcation will allow for the most reliable and efficient way to manage interference complaints from FM primary stations against FM translators. However, as recognized by CTI, “the extent of a truly listenable contour will vary based on natural terrain and other obstruction conditions and interference,”⁹ and interference and listenability is also affected by “antenna height, natural and man-made terrain, seasons, foliage and atmospheric ducting.”¹⁰

5. Should the Commission conclude that a hard fast line of demarcation is not, by itself, the best solution, the Changs would support the use of a “real world Longley-Rice signal strength determination in conjunction with a ‘predicted contour boundary limit’” as proposed by CTI.¹¹

C. The Minimum Number of Reported Interference Claims Required to Establish an Actionable Complaint Should be a Sliding Scale Based on Population and Separated by Distance.

5. The Changs believe that in many situations, the six complaint minimum proposed by the Commission would not be sufficient. They support the proposal submitted by CTI which suggests utilizing a modified version of the criteria adopted to handle interference in DTV cases.¹² Under that proposal, complaints from 0.05% of the population would have to be filed so, for example, if the station’s contour served 100,000 people, complaints would have to be filed by 50 people. Those complaints would have to meet the other criteria for complaints set forth in the NPRM.¹³

⁹ Comments of Communications Technologies, Inc. (“CTI”) at p.4.

¹⁰ Comments of Aztec at p.5.

¹¹ Comments of CTI at p.4.

¹² *Id* at p.3.

¹³ See, *e.g.*, Comments of National Association of Broadcasters (“NAB”) at p.7.

D. Complainants Should Not Be Dismissed From The Process After Filing a Complaint.

6. The Changs agree with Cumulus that complainants are needed in the interference resolution process “to allow remediation of interference problems through equipment purchases” like receivers or antennas that could improve reception by providing better frequency differentiation.¹⁴ The failure to hold complainants responsible for the content of their complaints will likely lead to the filing of more complaints of dubious reliability.¹⁵ Also, under the current system, the interference complaints of just a handful of listeners can result in an FM translator station serving thousands of local listeners being forced off the air in favor of a more distant signal. For that reason, as Aztec suggests “no broadcast radio facility, FM translators included, should be summarily ordered off the air, with the possible consequent loss of its license, without a hearing in which the truthfulness and veracity of factual witnesses against it are tested under oath and cross examination.”¹⁶ The Changs agree with Cumulus and Aztec that interference complaints should be filed within one year of the date an FM translator commences operation.¹⁷

E. An Improved Protection Status Should be Available to FM Translator Stations That Are Attached/Assigned to an AM Station License.

7. As part of the AM Revitalization Plan, some of the FM translator stations acquired or awarded to AM station licensees were required to commit to rebroadcast that AM station for at least four years. Other FM translator licenses were made a permanent part of an AM station’s license. The Changs proposed in their Comments that FM translator stations that were awarded to AM station licensees as part of the AM Revitalization Plan should be accorded a “better than secondary” status to protect the investments made by those AM station licensees and to advance the policy goals espoused by the FCC in the AM Revitalization Plan. Aztec

¹⁴ Comments of Cumulus at pp. 8-9.

¹⁵ Comments of Cumulus at p.10.

¹⁶ Comments of Aztec at p.10.

¹⁷ Comments of Cumulus at p.2; Comments of Aztec at p.12.

supports this concept in principle, stating “the secondary status of FM translators, at least for those carrying AM or diverse HD sub-channels as primary stations, should be modified. But that argument is beyond the scope of the NPRM.”¹⁸ The Changs respectfully request that the FCC consider this proposal in the context of this proceeding or issue a Further Notice of Proposed Rule Making within this proceeding to receive comments on this matter.

Respectfully submitted,

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¹⁸ Comments of Aztec at p.5.