



Federal Communications Commission
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In Reply Refer to:

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Ms. Tammy Pitt
675 N. 10th Street
Lander, Wyoming 82520

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In re: KOVE(AM), Lander, WY
Fremont Broadcasting, Inc.
Facility ID 22624
File No. BR-20050512AEN
Application for Renewal of License

Informal Objection

Dear Ms. Pitt and Mr. Neely:

This letter concerns the captioned application (the "Application") filed by Fremont Broadcasting, Inc. ("Fremont" or the "Licensee") to renew the license of Station KOVE(AM), Lander, Wyoming. Also on file is an informal objection (the "Objection") filed by Ms. Tammy Pitt ("Pitt") on April 7, 2005, alleging that the operation of KOVE(AM) causes interference with her home telephone line.¹ For the reasons set forth below, we deny the Objection and grant the Application. In an Appendix to this letter, we also outline the station's responsibilities under the blanketing interference provisions for AM stations contained in Section 73.88 of the Commission's Rules (the "Rules").²

Discussion. Informal objections must, pursuant to Section 309(e) of the Communications Act of 1934, as amended (the "Act"), provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with Section 309(k) of the Act,³ which governs our evaluation of an application for license renewal. Specifically, Section 309(k)(1) provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken

¹ The Licensee did not file an Opposition to the Objection.

² 47 C.F.R. § 73.88.

³ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *affirmed sub nom. Garden State Broadcasting L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested).

together, constitute a pattern of abuse, we are to grant the renewal application.⁴ If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”⁵

In her objection, Ms. Pitt states that “for several years” she has had problems with KOVE(AM) broadcasts “coming over telephone lines.” Pitt states that it occurs on “every phone in the house” and is “especially bad” with long distance calls. The type of interference described by the complainant may be attributable to “blanketing” interference, which can occur to electronic devices that are in close proximity to an AM transmitter.⁶ Irrespective of whether the interference situation described by Ms. Pitt is “blanketing” interference, however, the Objection does not raise a *prima facie* case calling for further Commission inquiry.

Section 73.88 of the Rules refers to Section 73.318, the blanketing interference rules for FM stations, for more detailed instructions. Section 73.318 states that licensees “must satisfy all complaints of blanketing interference which are received by the station during a one year period. The period begins with the commencement of program tests . . . These requirements specifically do not include interference complaints resulting from malfunctioning or mistuned receivers, improperly installed antenna systems, or the use of high gain antennas or antenna booster amplifiers. Mobile receivers and non-RF devices such as tape recorders or hi-fi amplifiers (phonographs) are also excluded.” Hard-wired telephones are considered non-RF devices under Section 73.318 and, as such, are not covered by this rule. Cordless telephones are covered by Part 15 of the Rules. (See Section 15.3(j) of the Rules for a definition of a cordless telephone system.)⁷ Section 15.5(b) of the Rules states, in pertinent part, that cordless telephones may not cause harmful interference and that interference to cordless telephones caused by the operation of an authorized radio station must be accepted.⁸ Accordingly, any hard-wired or cordless telephone complaints referenced in this case are not covered by the blanketing interference rules.

In this case, the Station has not changed its operating parameters since at least 2002.⁹ Accordingly, the blanketing interference rules, which apply to complaints received within the first year of new or modified technical operations do not apply here. Moreover, complaints regarding hard-wired or cordless telephones – Ms. Pitt indicates that the alleged interference is received on “every phone in the house” but does not specify whether there are corded or cordless telephones, or both, in her house – are not covered by the rule and are essentially unprotected from interference by radio stations operating with authorized facilities.¹⁰ Accordingly, we will deny Ms. Pitt’s objection and grant the KOVE(AM) license renewal.

However, although it has no legal obligation to do so, we encourage the Licensee to work with Ms. Pitt in attempting to resolve the disruption to her telephone service that may be, in part, attributable to KOVE(AM) operation. As an Appendix to this letter, for the benefit of Ms. Pitt and the Licensee, we

⁴ 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). See *Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, Order, 11 FCC Rcd 6363 (1996).

⁵ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁶ See 47 CFR §§ 73.88 and 73.318.

⁷ 47 C.F.R. § 15.3(j).

⁸ 47 C.F.R. § 15.5(b).

⁹ See Application No. BZ-20020328AAW (application for direct measurement of power), granted on June 20, 2003.

¹⁰ There is no allegation or evidence that KOVE(AM) is operating with facilities other than those authorized.

have formulated a list of the five most common blanketing interference situations and outlined a broadcast station's responsibilities in each case. The present case is similar to those described in Situation 4 and Situation 5 in the Appendix.

Conclusion/Actions. We have evaluated the Application pursuant to Section 309(k) of the Act,¹¹ and we find that Station KOVE(AM) has served the public interest, convenience, and necessity during the subject license term; there have been no serious violations of the Act or the Rules; and there have been no other violations which, taken together, constitute a pattern of abuse.

Accordingly, pursuant to Section 309(k) of the Communications Act of 1934, as amended, and Sections 0.61 and 0.283 of the Commission's rules,¹² the informal objection filed by Ms. Tammy Pitt IS DENIED, and the application (File No. BR-20050512AEN) of Fremont Broadcasting, Inc. for renewal of license for Station KOVE(AM), Lander, Wyoming, IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Fremont Broadcasting, Inc.

¹⁰ 47 U.S.C § 309(k).

¹² 47 C.F.R. §§ 0.61, 0.283.

APPENDIX

We have formulated here a list of the five most common blanketing interference situations. The situations vary depending on the following:

- Whether or not the complaint was filed within the first year of operation.
- Whether the complainant is located inside or outside the blanketing contour.
- Whether the device experiencing interference is covered under the blanketing interference rule.

Situation # 1

The station is financially responsible for resolving complaints of interference to electrical devices covered under Section 73.318 if the complaint is filed within the first year of program test authority and the complainant is located **inside** the station's blanketing contour. See *FM Broadcast Station Blanketing Interference* ("Blanketing Interference"), FCC 84-514, 57 RR 2d 126 (1984) at paragraph 15.

Situation # 2

The station is not financially responsible for resolving complaints of interference to electrical devices covered under Section 73.318 if the complaint is filed within the first year of program test authority and the complainant is located **outside** of the station's blanketing contour. However, the station is expected to cooperate with the complainant by providing effective technical assistance in determining the cause of the problem and advice on corrective measures. See *Blanketing Interference supra* at paragraph 17.

Situation # 3

The station is not financially responsible for resolving complaints of interference to electrical devices covered under Section 73.318 if the complaint is filed **after** the first year of program test authority and the complainant is located **inside** the station's blanketing contour. The station is required to provide effective technical assistance to the complainant. This entails the providing of information on the cause of the interference and also providing information on proper corrective measures. See *Blanketing Interference, supra*, at paragraph 20.

Situation # 4

The station is not financially responsible for resolving complaints of interference to electrical devices covered under Section 73.318 if the complaint is filed **after** the first year of program test authority and the complainant is located **outside** of the station's blanketing contour. However, in similar past cases, to promote goodwill within the station's community, licensees have taken steps to assist in alleviating interference complaints.

Situation # 5

The station is not financially responsible for resolving complaints of interference to electrical devices not covered under Section 73.318. However, in similar past cases, to promote goodwill within the station's community, licensees have taken steps to assist in alleviating interference complaints.

Effective Technical Assistance

47 CFR Section 73.318(d) states, "[f]ollowing the one year period of full financial obligation to satisfy blanketing complaints, licensees shall provide technical information or assistance to complainants on remedies for blanketing interference." The rule requires that the station provide information and assistance

sufficiently specific to enable the complainant to eliminate all blanketing interference and not simply that the station attempt to correct the problems. Effective technical assistance entails providing specific details about proper corrective measures to resolve the blanketing interference. For example, providing complainants with diagrams and descriptions which explain how and where to use radiofrequency chokes, ferrite cores, filters, and/or shielded cable. In addition, effective technical assistance also includes the recommendation on replacement equipment that would work better in the high radiofrequency fields. Also, effective technical assistance does not mean referring the complainant to the equipment manufacturer.

Complaint Report

The Commission intends that broadcast stations take very seriously their responsibility to resolve blanketing interference. Accordingly, the station must respond to **all** the complaints that have been filed and must submit a detailed report of the steps taken to resolve the complaints within 60 days from the date of the staff letter advising the station of its obligations under Section 318 of the Rules. The report must contain the following information for each complaint:

1. Date of the complaint
2. The affected devices (i.e., the manufacturer, model number and serial number);
3. Whether or not the complainant is within the blanketing contour;
4. The dates and description of the assistance provided; and
5. Whether or not the interference has been resolved.

The report must include a map showing the following:

1. The station's transmitter site;
2. The 1V/m blanketing contour; and
3. The locations of the complainants.

The station must determine which of the five situations described above apply and take the appropriate aggressive actions required by Section 73.318 to fulfill its obligations. The complainants will be expected to cooperate fully with the station's efforts to resolve the interference problems; their failure to do so could lead to a finding that the station has fulfilled its obligations pursuant to Section 73.318. Excessive postponements of appointments by either party will be viewed as an obstructive tactic in delaying the resolution of the blanketing interference. These requirements are in place to insure that all parties cooperate fully and immediately. Any further complaints received by the FCC will be forwarded to the station for investigation. We will respond separately to the station's report, which explains how each individual complaint was resolved.