

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, S.W.
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO SERVICES DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/media/radio/

PROCESSING ENGINEER: Robert Gates
TELEPHONE: (202) 418-0986
FACSIMILE: (202) 418-1410
INTERNET ADDRESS: Robert.Gates@fcc.gov

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Sally A. Buckman, Esq.
Lerman Senter PLLC
2001 L Street, NW
Suite 400
Washington, DC 20036

Richard J. Hayes, Jr., Esq.
27 Water's Edge Drive
Lincolnton, ME 04849

In Re: K276FB, Schuyler, NE
Facility ID # 153341
BPFT-20160729AIT
Flood Communications, LLC.

Petition for Reconsideration

Dear Counsel:

We have before us the November 16, 2016, Petition for Reconsideration (Petition) filed by Hawkeye Communications, Inc. (Hawkeye), seeking reconsideration of the October 14, 2016 grant of the captioned modification application (Application), filed by Flood Communications, LLC (Flood), as amended on October 11, 2016. For the reasons set forth herein, we grant the Petition, rescind the grant of the Application and dismiss the Application.

Hawkeye, licensee of KCSI(FM), Villisca, Iowa, did not file an informal objection against the Application. Under Section 1.106(b)(1), if a petition for reconsideration is filed by a person who is not a party to the proceeding, the petitioner must show good cause why it was not possible to participate in the earlier stages of the proceeding.¹ Under Section 1.106(c), a petition for reconsideration which relies on facts or arguments not previously presented to the Commission may be granted only if it satisfies the circumstances provided in Section 1.106(b)(2)² or if the

¹ See 47 CFR § 1.106(b)(1).

² See 47 CFR §§ 1.106(c) and 1.106(b)(2). See also *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686, para. 2 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 387 U.S. 967 (1966).

Commission finds that consideration of such facts or arguments is in the public interest.³ Because the Application was granted just three days after the amendment was filed, we find that Hawkeye has satisfied both Section 1.106(b)(1) and (c)(2) requirements.⁴ We will thus consider the Petition to the extent it raises arguments regarding the amended Application.

Hawkeye states that this proposed facility would cause interference to KCSI(FM) in violation of Section 74.1204(f). KCSI(FM) operates on channel 237 and the Application, as amended, proposes a change to channel 237. In order to establish that a proposed translator “will result in interference to the reception” of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dB μ contour of the proposed translator station;⁵ (3) some evidence, such as a declaration from each of the claimed listeners, that the person listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will result in interference to the reception of the “desired” station at that location. The “undesired-to-desired” (U/D) signal strength ratio methodology may be used to demonstrate the potential for interference under Section 74.1204(f).⁶ Section 74.1204(f) requires the objector to show that a specific U/D signal strength ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result.

Hawkeye submitted documentation from seven individuals that certified they listen to KCSI(FM) at home, work, and/or in the car within the 60 dBu contour of the proposed translator. Hawkeye also provides evidence that these listeners are likely to receive interference from the proposed translator. Since Hawkeye has demonstrated that there are listeners within the 60 dBu contour of proposed facility, and that those listeners will likely receive interference, we will grant the Petition, rescind the grant of the Application and dismiss the Application.

³ See 47 CFR § 1.106(c)(2).

⁴ See, e.g., *Aspen FM, Inc.*, Memorandum Opinion and Order, 12 FCC Rcd 17852, 17854, para. 9 (1997) (standing awarded to file petition for reconsideration without pre-grant objection when application granted five days after Public Notice of its acceptance); *Ted and Jana Tucker*, Memorandum Opinion and Order, 4 FCC Rcd 2816 (1989) (standing to file petition for reconsideration without pre-grant objection when application granted four days after Public Notice of its acceptance).

⁵ The best method is to plot the specific addresses on a map depicting the translator station’s 60 dB μ contour.

⁶ See *The Association for Community Education, Inc.*, 19 FCC Rcd 12682, 12686-87, para. 13 (2004).

Accordingly, the Petition for Reconsideration filed on November 16, 2016 by Hawkeye Communications, Inc. IS HEREBY GRANTED, the grant of BPFT-20160729AIT IS HEREBY RESCINDED and the application IS HEREBY DISMISSED. These actions is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Flood Communications, LLC