



Federal Communications Commission  
Washington, D.C. 20554

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*In Reply Refer to:*

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In re: WAUK(AM), Waukesha, WI  
Good Karma Broadcasting, LLC  
Facility ID 70771  
File No. BR-20040802ASX  
Application for Renewal of License

**Informal Objection**

Dear Counsel:

This letter concerns the captioned application (the "Application") filed by Good Karma Broadcasting, LLC ("GKB" or the "Licensee") to renew the license of Station WAUK(AM), Waukesha, Wisconsin. Also on file is an informal objection (the "Objection") filed by Harmony Pet Care ("HPC") on September 1, 2004, alleging that it was experiencing interference problems due to its proximity to WAUK(AM)'s transmitter.<sup>1</sup> 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").<sup>2</sup>

**Background.** In its Objection, HPC states that it has recently been experiencing problems with transmitting and viewing its ultrasound images and electrocardiograms ("ECGs"), and that it has experienced interference through its phone lines, fax lines and electrical outlets. HPC states that GKB has been cooperative in investigating and suggesting remedies to resolve the problem but HPC "continues to experience interference as a result of the location of the radio towers." HPC submits that its ability to view and transmit clear, undistorted ultrasound images and ECGs, and the ability to use phone and facsimile lines without radio interference is critical to its successful operation.

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<sup>1</sup> GKB filed an Opposition on February 14, 2005.

<sup>2</sup> 47 C.F.R. § 73.88.

In its Opposition, GKB states that the Commission's Rules (the "Rules") specifically exclude non-RF devices, such as hard-wired telephone and facsimile lines and electrical outlets, from the Commission's blanketing interference provisions, therefore, GKB maintains that it was under no obligation to resolve the interference complaints concerning these devices. GKB also states that while interference directly caused to RF devices, such as ultrasound and ECGs, is included within the scope of the blanketing provisions, in July 2004, HPC informed Mr. Warren Jorgensen ("Jorgensen"), WAUK(AM)'s Chief Engineer, that the blanketing interference was being caused "not to the actual electronic monitoring equipment," but to the "hard-wired telephone modem" that transmits HPC's electronic monitoring equipment images to a remote reading location."<sup>3</sup> GKB states that because the telephone modem is a non-RF device, HPC has no basis to argue that GKB has failed to comply with its obligations under Section 73.318.<sup>4</sup>

GKB also asserts that its sole obligation under the blanketing interference rule would have been to provide HPC with technical information or assistance on remedies for such interference, which it did. GKB states that it promptly responded to HPC's initial interference complaint, and advised HPC that it should install filters on the problematic phone lines, fax lines and electrical outlets, provided HPC with information on where HPC could obtain such filters and suggested that HPC have its telephone system ground connection inspected for damage. Jorgensen submits that he contacted HPC a second time to provide additional suggestions for alleviating the interference problem, including the use of shielded and twisted pair cable, grounding all unused pairs of wires, and the installation of special wallpaper that can reduce interference.<sup>5</sup>

**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,<sup>6</sup> which governs our evaluation of an application for license renewal. Specifically, Section 309(k)(1) provides that we are to grant the renewal application 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 Commission's Rules (the "Rules"); and (3) there have been no other violations which, taken together, constitute a pattern of abuse.<sup>7</sup> 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

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<sup>3</sup> Jorgensen Declaration.

<sup>4</sup> GKB also submits in its February 14, 2005, Opposition that it acquired control of WAUK(AM) on April 30, 2004, but the station has been operating from its present transmitter site for many years. GKB states that there have been neither modifications to the WAUK(AM) facilities nor has the station collocated its facilities with any other station "within the past year."

<sup>5</sup> Jorgensen Declaration.

<sup>6</sup> See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 note 10 (1990), *aff'd 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).

<sup>7</sup> 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).

terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”<sup>8</sup> For the reasons set forth below, we find that KNEL(AM) has met this standard and, accordingly, we grant renewal of its license.

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.<sup>9</sup> Irrespective of whether the interference situation described by HPC constitutes 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.)<sup>10</sup> 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.<sup>11</sup> Accordingly, any hard-wired or cordless telephone complaints referenced in this case are not covered by the blanketing interference rules.

Based on the information in the record here, it appears that GKB fulfilled its responsibilities under Section 73.88 of the Rules. GKB submits that the station has been operating from its present transmitter site with its present facilities for many years.<sup>12</sup> Moreover, GKB provided timely technical information and assistance to HPC on remedies for blanketing interference to its hard-wired telephone modem that transmits HPC's electronic monitoring equipment images to a remote reading location. Under the attendant circumstances, that is all GKB was required to do under the Rules. Therefore, we find that HPC has not established a substantial or material question of fact and the informal objection will be denied.

However, although it may have no legal obligation to do so, we encourage the Licensee to continue to work with HPC in attempting to resolve the disruption to HPC's business that appears to be, in part, attributable to WAUK(AM) operation. As an Appendix to this letter, for the benefit of HPC and

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<sup>8</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

<sup>5</sup> *See* 47 CFR §§ 73.88 and 73.318.

<sup>10</sup> 47 C.F.R. § 15.3(j).

<sup>11</sup> 47 C.F.R. § 15.5(b).

<sup>12</sup> This statement was true when it was made. However, on June 19, 2006, the staff granted GKB's application to modify the WAUK(AM) facilities by modifying its directional antenna array pattern and increasing daytime power from 10 kW to 20 kW. *See* Application No. BP-20060209ABA. The application was not contested. GKB recently completed construction of WAUK(AM)'s modified facilities and filed a covering license application. *See* Application No. BL-20070413AHA, which remains pending. The staff granted GKB's request for program test authority to commence operation with those facilities on May 4, 2007. *See* File No. 20070413AHD. We caution GKB to take seriously its obligations under Section 73.88 of the rules to address any interference complaints that arise within one year of its commencement of operation with the modified WAUK(AM) facilities.

the Licensee, we 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,<sup>13</sup> and we find that Station WAUK(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,<sup>15</sup> the informal objection filed by Harmony Pet Care IS DENIED. IT IS FURTHER ORDERED, that the application (File No. BR-20040802ASX) of Good Karma Broadcasting, LLC for renewal of license for Station WAUK(AM), Waukesha, Wisconsin, IS GRANTED.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Good Karma Broadcasting, LLC,

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<sup>10</sup> 47 U.S.C § 309(k).

<sup>15</sup> 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.