

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

GREATER BOSTON File No. BLH-860218KB
RADIO, INC.

Licensee of Station WMJX(FM)
Boston, Massachusetts

MEMORANDUM OPINION AND ORDER

Adopted: June 4, 1993; Released: June 15, 1993

By the Commission:

1. The Commission has before it for consideration: (a) an "Application for Review" filed November 16, 1987, by Fairbanks Communications, Inc. ("Fairbanks"); and (b) an "Opposition to Application for Review" filed December 11, 1987, by Greater Boston Radio, Inc. ("Greater Boston"). By letter dated October 14, 1987, the Chief, Audio Services Division, Mass Media Bureau ("Bureau"), acting by delegated authority, denied Fairbanks' February 20, 1986, "Request for Revocation of Program Test Authority" and its March 19, 1987, "Petition for Relief." The letter also affirmed the grant of Greater Boston's license to cover construction of modified facilities for Station WJMX(FM), Boston. Fairbanks seeks Commission review of the Bureau's action. We deny the application for review for the reasons set forth below.

BACKGROUND

2. On February 7, 1986, Greater Boston notified the Commission of its plan to commence program tests for Station WMJX(FM) from its new location atop the Prudential Tower building in downtown Boston. On February 18, 1986, Greater Boston filed a license application to cover construction of its modified facilities (File No. BLH-860218KB). On February 20, 1986, Fairbanks filed a "Request for Revocation of Program Test Authority." Fairbanks alleged that Station WMJX(FM) was causing interference to reception of the signal of its station, WVBF(FM), in the immediate environs of the Prudential Tower. In response, Greater Boston stated that on February 19, 1986, it had installed filters which suppressed

intermodulation products to more than 80 dB below WMJX(FM)'s carrier in compliance with Section 73.317(d) of the Commission's Rules. Such action is designed to eliminate spurious emissions from the WMJX(FM) transmitter, assuming that there had been any such emissions. On March 14, 1986, the Mass Media Bureau, by delegated authority, granted Greater Boston's license application. On March 19, 1987, more than one year after the grant of Greater Boston's license application, Fairbanks filed a "Petition for Relief." Fairbanks reiterated that Station WMJX(FM) was causing interference to reception of Station WVBF(FM), and it claimed that the interference was due to blanketing.¹

3. In its letter dated October 14, 1987, the Bureau dealt with Fairbanks' claims. Initially, the Bureau determined that, because Fairbanks' allegations of interference, which were originally filed prior to the grant of the license application, had not yet been formally addressed, they would be treated as a timely filed petition for reconsideration of the grant of the Greater Boston license application. Although Fairbanks called the interference about which it complained "blanketing interference," it was in fact alleging a form of interference known as Receiver Induced Third Order Intermodulation Effect ("RITOIE"), which is different from blanketing interference.² Citing Section 73.209(a) of the Commission's Rules (Protection from interference) and *Blanketing*, the Bureau ruled that Fairbanks was not protected from the alleged RITOIE interference under the provisions of our blanketing rule. The Bureau found that Station WMJX(FM) was operating in accordance with the Commission's technical rules and that Fairbanks had not furnished listener complaints nor otherwise shown that any interference had occurred. The Bureau also noted that the Commission had not directly received listener complaints of interference. Accordingly, the Bureau denied Fairbanks' objections and affirmed the grant of Greater Boston's license application.

4. In its application for review, Fairbanks contends that the Bureau misinterpreted Section 73.318 of the Commission's Rules (FM blanketing interference). Fairbanks submits that it properly alleged that the signal of Station WMJX(FM) was causing blanketing interference to reception of Station WVBF(FM). Thus, according to Fairbanks, because the blanketing rule requires that licensees must satisfy all complaints of blanketing interference received within one year of the commencement of program tests, the Bureau should have ordered Greater Boston to move its transmitter absent resolution of Fairbanks' complaint. Alternatively, Fairbanks contends that a hearing should be commenced to determine the existence or extent of blanketing interference. Fairbanks concedes, however, that listeners had not complained about an inability to receive WVBF(FM).³

¹ "Blanketing interference occurs when 'an FM station's signal strength is of such magnitude that it causes receivers near the transmitting antenna to be partially or completely blocked from receiving other broadcast stations.'" *FM Broadcast Station Blanketing Interference*, 57 RR 2d 126 (1984) ("*Blanketing*"). See also, *Calvary Educational Broadcasting Network, Inc.*, 7 FCC Rcd 4037 n.3 (1992). Section 73.318 of the Commission's Rules provides, *inter alia*, that permittees or licensees must satisfy all complaints of blanketing interference received by the station during a one year period. The above definition of blanketing and the rule's references to licensee obligations and to receiving

equipment not subject to protection are meant to make clear that the rule is designed to protect *listeners* of FM radio and viewers of television, *not* other licensees or permittees.

² "RITOIE occurs when strong signals from two stations interact within a receiver to generate a signal on a third frequency. This receiver-generated signal will disrupt reception of any station operating on this third frequency." *WKLX, Inc.*, 6 FCC Rcd 225, 228 n.2 (1991).

³ Fairbanks also argues that the Bureau erred by: 1) basing its denial of Fairbanks' complaints on Greater Boston's compliance with the technical standards required by Section 73.317 of the

DISCUSSION

5. Initially, we agree with the Bureau that the interference alleged by Fairbanks was RITOIE, not blanketing.⁴ Indeed, in documents submitted by Fairbanks in conjunction with its March 19, 1987, "Petition for Relief," Fairbanks acknowledged that the alleged interference complained of was RITOIE. Thus, the Bureau properly determined that the blanketing rule did not afford Fairbanks any protection. In any event, because there were no listener complaints, there is no basis for overturning the grant of Greater Boston's license even if RITOIE-based service disruptions to WVBF(FM) had occurred. See *WKLX, Inc.*, 6 FCC Rcd at 226. In short, whatever theoretical concern Fairbanks had about interference to listeners to WVBF(FM) due to WMJX(FM)'s relocation, there is no indication that any listener actually complained about a reduced ability or an inability to receive *any* FM or television station following the WMJX(FM) move. Accordingly, there were no complaints within the meaning of the blanketing rule for Greater Boston to satisfy.

CONCLUSION

6. Accordingly, IT IS ORDERED that the Application for Review filed by Fairbanks on November 16, 1987, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy
Secretary

Commission's Rules; and 2) not resolving the apparent conflict between the admonition in Section 73.315 of the Commission's Rules that licensees locate their antennas so as to achieve appropriate city coverage, and Section 73.318's admonition to locate

their antennas so as to avoid blanketing interference. In light of our disposition of Fairbanks' application for review, it is unnecessary to reach these arguments.

⁴ If interference had been caused by blanketing, other licensees and individuals probably would have complained. Other than Fairbanks, no such complaints occurred.