To: Federal Communications Commission

Office of the Secretary

Attention: Victoria McCauley, Esq.

45 L Street, NE

Washington, DC 20554

Via email and USPS First Class Mail

From: Jeffrey DePolo

Broadcast Sciences LLC 1240 Horseshoe Trail Malvern, PA 19355 jd1@broadsci.com

Date: 26 May 2022

Re: FM Translator station W221DG

Reference 1800B3-CH

Ms. McCauley:

Please accept this document in response to the above-referenced matter regarding the operational status of FM translator station W221DG, Exton, Pennsylvania.

W221DG is currently in operation, and was in operation during portions of the period of interest between the dates of August 24, 2020 and August 25, 2021. <u>During all periods of operation</u> from the time of its construction through the present, W221DG has operated from its licensed location, with its authorized directional antenna pattern, at the authorized antenna height. All licensed parameters were maintained with the sole exception of effective radiated power which was purposefully reduced to eliminate interference to co-channel station WVLT, Vineland, NJ. Interference claimed by Clear Communications, the licensee of WVLT, and the correspondence exchanged is a matter of record with the Commission and is not duplicated herein. Despite W221DG complying with all applicable rule sections regarding interference in its application for construction permit and license, in part as a result of rule changes¹ that took effect during the period in question W221DG has been forced to operate at reduced power to avoid causing interference.

Footnote 3 of the letter received from the Commission requests a number of pieces of documentation and photographs which are included herein, however we believe that several requests for information are not applicable to the instant matter, including:

- 1. EAS log. FM translator stations are not required to maintain EAS equipment, nor EAS logs².
- 2. Payroll records. The licensee, Broadcast Sciences LLC, has not paid any employee to perform any services related to the operation of W221DG during the period in question. Any work performed was done solely by me, Jeffrey DePolo. I am the Managing Member and Sole Member of Broadcast Sciences LLC. I am not an employee, I do not draw a salary, nor have I taken any owner's draws from the company for any work associated with the station at any time during the period, nor at any time whatsoever.

¹ MB Docket No. 18-119, FCC-20-141, 86 FR 13660, March 10, 2021 amending 47 CFR §74.1203(a)

² 47 CFR §11.11(b) – "...FM translator stations as defined in § 74.1201(a) of this chapter which entirely rebroadcast the programming of other local FM broadcast stations are not required to comply with the requirements of this part."

3. Financial records. The only expenditures made related to the operation of the station during the period were lease payments to American Tower Corporation, the owner of the antenna structure, copies of which are included herein.

Periods of operation and silence:

8/24/2020 - 8/26/2020	Station silent
8/26/2020	Application for STA to remain silent filed
8/27/2020 - 1/13/2021	Station remains silent
1/14/2021 - 1/16/2021	Operation at reduced power during drive testing/interference evaluation
1/17/2021 - 3/14/2021	Station silent
3/15/2021	Installation of lower-power transmitter (Bext LEX-100), station on air at reduced power, drive testing western Delaware County. Station taken off the air due to instability (spurious emission) noted when operating transmitter at reduced power level.
3/16/2021 - 7/9/2021	Station silent
7/10/2021	Installation of external attenuator, station on air for additional field testing
7/10/2021 - present	Station operating at reduced power, no reports of interference

If any additional information is required, please contact me directly, preferably via email at jdl@broadsci.com. Also, please note that our legal counsel of record, Peter Tannenwald of Fletcher, Heald & Hildredth, PLC has retired and is no longer representing us. All communication regarding this matter should be sent to me directly. We believe that perhaps there was a breakdown in communication between Broadcast Sciences as the licensee, Mr. Tannewald's former law firm, and those in his firm appointed to handle his duties after his departure. If that is the case and prior attempts at communication by the Commission went unanswered, or if any notifications as to the status of the station and/or resumption of operations were not timely received by the Commission, we respectfully apologize.

Sincerely,

Jeffrey J. DePolo, Managing Member

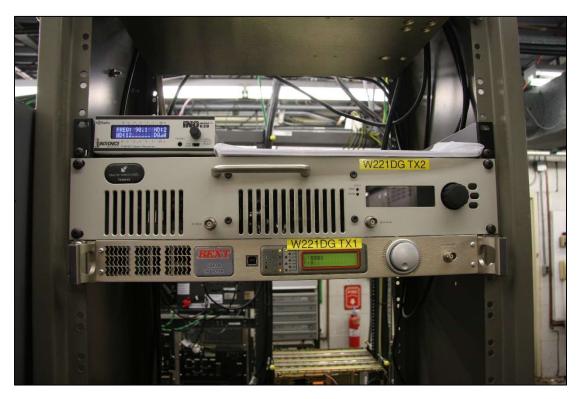
Broadcast Sciences LLC



Transmitter building exterior with ASRN 1030858 posted (matches BLFT-20170106ACP)



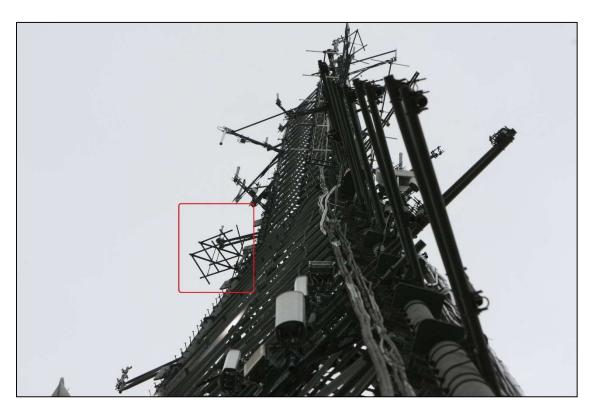
Structure owner's signage (ASRN matches BLFT-20170106ACP)



W221DG receiver and transmitters (TX1 in service)



GPS coordinates in front of W221DG transmission equipment; coordinates are within a fraction of a second of ASR and license data.



W221DG transmit antenna at licensed height (90m AGL, overall structure height 137.2m)



W221DG receive antenna (primary station WRTI, Philadelphia, PA)



GPS coordinates at front of transmitter building and tower, receive antenna visible on left above rooftop. Coordinates differ from ASR and license data by a fraction of a second due to photo location in relation to tower.

Jeff DePolo

From:

Sent:

To:

Cc:

Kim Varner < Kim. Varner@fcc.gov>

Wednesday, August 26, 2020 10:29 AM Peter Tannenwald; Keith Coburn; Melodie Virtue; brad.deutsch@foster.com

Jeffrey DePolo; Anne Crump; James Bradshaw; Christopher Clark

FILE

Subject: RE: W221DG Interference Complaint - CORRECTION

Thank you.

From: Peter Tannenwald <tannenwald@fhhlaw.com>

Sent: Wednesday, August 26, 2020 10:27 AM

To: Kim Varner <Kim.Varner@fcc.gov>; Keith Coburn <Keith.Coburn@fcc.gov>; Melodie Virtue

<melodie.virtue@foster.com>; brad.deutsch@foster.com

Cc: Jeffrey DePolo <jd1@broadsci.com>; Anne Crump <crump@fhhlaw.com>; James Bradshaw

<James.Bradshaw@fcc.gov>; Christopher Clark <Christopher.Clark@fcc.gov>

Subject: RE: W221DG Interference Complaint - CORRECTION

Here is the letter that you requested.

Peter

Peter Tannenwald

Fletcher, Heald & Hildreth

A Professional Limited Liability Company

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209-3801

Tel: 703.812.0404 | Fax: 703.812.0486

tannenwald@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

From: Kim Varner [mailto:Kim.Varner@fcc.gov]

Sent: Tuesday, August 25, 2020 2:54 PM

To: Peter Tannenwald <tannenwald@fhhlaw.com>; Keith Coburn <Keith.Coburn@fcc.gov>; Melodie Virtue

<melodie.virtue@foster.com>; brad.deutsch@foster.com

Cc: Jeffrey DePolo <jd1@broadsci.com>; Anne Crump <crump@fhhlaw.com>; James Bradshaw

<James.Bradshaw@fcc.gov>; Christopher Clark < Christopher.Clark@fcc.gov>

Subject: RE: W221DG Interference Complaint - CORRECTION

Peter,

Thank you for the update.

Please include this information in W221DG's responsive letter.

Kim

From: Peter Tannenwald < tannenwald@fhhlaw.com >

Sent: Tuesday, August 25, 2020 2:52 PM

To: Kim Varner < Kim. Varner@fcc.gov>; Keith Coburn < Keith.Coburn@fcc.gov>; Melodie Virtue

<melodie.virtue@foster.com>; brad.deutsch@foster.com

Cc: Jeffrey DePolo < id1@broadsci.com >; Anne Crump < crump@fhhlaw.com >; James Bradshaw

<<u>James.Bradshaw@fcc.gov</u>>; Christopher Clark <<u>Christopher.Clark@fcc.gov</u>>

Subject: RE: W221DG Interference Complaint - CORRECTION

I received this email from Jeff DePolo today:

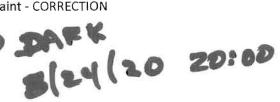
From: Jeff DePolo < id1@broadsci.com >
Sent: Tuesday, August 25, 2020 11:32 AM

To: Peter Tannenwald Cc: Anne Crump

Subject: Re: FW: W221DG Interference Complaint - CORRECTION

I turned it off at about 8:00 last night.

Jeff DePolo, Senior Engineer Broadcast Sciences LLC



Sent from mobile device, please excuse brevity and misspellings.

I will try to get some kind of written statement signed by Jeff, but I'm not sure I can do it. The problem has been resolved for now, so there is no immediate emergency. I realize that we still need a permanent solution.

Peter

Peter Tannenwald

Fletcher, Heald & Hildreth

A Professional Limited Liability Company

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209-3801

Tel: 703.812.0404 | Fax: 703.812.0486

tannenwald@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

From: Keith Coburn [mailto:Keith.Coburn@fcc.gov]

Sent: Friday, July 24, 2020 11:41 AM **To:** Melodie Virtue; Peter Tannenwald

Cc: Kim Varner

Subject: W221DG Interference Complaint

Dear Counsel,

Attached, please find the FCC letter concerning the May 12, 2020 interference complaint made against station W221DG.

Sincerely,

Keith Coburn

Broadcast Program Assistant

FCC Media Bureau/Audio Division

Jeff DePolo

From:

Peter Tannenwald <tannenwald@fhhlaw.com>

Sent:

Monday, August 24, 2020 4:47 PM

To:

Keith Coburn; Melodie Virtue

Cc:

Kim Varner; Matt McCormick; Jeffrey DePolo

Subject:

RE: W221DG Interference Complaint

Attachments:

W221DG Letter.pdf

I am writing on behalf of Broadcast Sciences, LLC, in response to your attached letter of July 24, 2020, regarding FM translator station W221DG.

Broadcast Sciences, LLC, is owned by Mr. Jeffrey DePolo. He advised me this morning that he will be out of communication for an indefinite period of time and is not currently able to address the interference complaint.

He further advised me that he will attempt to take the translator off the air today and leave it off the air until he is able to return to work on the interference issue. I will work with him to request authority for the translator to remain silent. As long as the station is silent, it will not be able to cause interference to the signal of WVLT.

After August 31, please direct further correspondence with regard to this matter to Matthew H. McCormick, Esq. of Fletcher, Heald & Hildreth, mccormick@fhhlaw.com, 703-812-0438. He will be assuming responsibility for Broadcast Sciences, LLC, after that date.

Peter Tannenwald

Fletcher, Heald & Hildreth

A Professional Limited Liability Company

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209-3801

Tel: 703.812.0404 | Fax: 703.812.0486

tannenwald@fhhlaw.com| www.fhhlaw.com | www.commlawblog.com

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Cc: Kim Varner

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Sincerely, Keith Coburn

Broadcast Program Assistant

FCC Media Bureau/Audio Division



american tower" and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BILL TO:

BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355

PD 2440

	BILLING NUMBER: 3371891		
		CUSTOMER NUMBER: 58509)
ISSUE DATE:	29-JUL-20	DUE DATE: 01-AUG-20	REPORT TYPE:

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
-AUG-20	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
FOR C	CUSTOMER SER	RVICE INQUI	RIES, PLEASE CALL (80	00) 731-32	26 SUB	TOTAL	\$731.16	TAX	\$0.00 TOT	AL \$731.1	6
Separate	ely stated transaction	tax may be inclu	ded in accordance with applica	ble state an	d local tax laws				PAGE :		of 1

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R NUMBER: 58509	1
: 01-SEP-20	REPORT TYPE:

CUSTOMER PO	PURPOS		OTAL MOUNT	A
	BROADCAST	RE	\$731.16	
TAX	\$0.00	TOTAL	\$731	
	P	AGE :	1	of



american Tower*
and ATC Tower Services, LLC
A Subsidiary of American Tower Corporation
10 Presidential Way
Woburn, MA 01801

BILL TO: BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL

MALVERN PA 19355



CONSOLIDATED INVOICE

BILLING NUMBER: 3419891

CUSTOMER NUMBER: 58509

26-SEP-20 DUE DATE: 01-OCT-20 ISSUE DATE:

REPORT TYPE:

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-OCT-20	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
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Separate	ely stated transaction	tax may be inclu	ided in accordance with applica	ible state ai	nd local tax laws				PAGE	: 1	of 1



and ATC Tower Services, LLC
A Subsidiary of American Tower Corporation
10 Presidential Way
Woburn, MA 01801

BILL TO:

BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355

10248U

	BILLING NUMBER: 3443891									
	CUSTOMER NUMBER: 58509									
ISSUE DATE:	28-OCT-20	DUE DATE: 01-NOV-20	REPORT TYPE:							

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-NOV-20	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
FOR C	USTOMER SER	VICE INQUI	RIES, PLEASE CALL (80	00) 731-32	26 SUB	TOTAL	\$731.16	TAX	\$0.00 TO	TAL \$731.	.16
Separately stated transaction tax may be included in accordance with applicable state and local tax laws PAGE: 1 of 1											



PD 2494

AMERICAN TOWER"

and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BILL TO: BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL

MALVERN PA 19355

CONSOLIDATED INVOICE BILLING NUMBER: 3467891 CUSTOMER NUMBER: 58509

DUE DATE: 01-DEC-20

REPORT TYPE:

Please remit all payments to: AMERICAN TOWER CORPORATION 29637 Network Place Chicago, IL 60673-1296

ISSUE DATE:

24-NOV-20

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-DEC-20	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
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AMERICAN TOWER

and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BILL TO: BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355

PD 2515

CONSOLIDATED INVOICE

BILLING NUMBER: 3491891

CUSTOMER NUMBER: 58509

ISSUE DATE:

29-DEC-20 DUE DATE: 01-JAN-21

REPORT TYPE:

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-JAN-21	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
			RIES, PLEASE CALL (80			TOTAL	\$731.16	TAX		TAL \$731.	
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and ATC Tower Services, LLC
A Subsidiary of American Tower Corporation
10 Presidential Way
Woburn, MA 01801

BILL TO: BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355



	BILLING NUMBER: 3516891									
	CUSTOMER NUMBER: 58509									
ISSUE DATE:	27-JAN-21	DUE DATE: 01-FEB-21	REPORT TYPE:							

	DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER#	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
	01-FEB-21	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
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american tower and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355 BILL TO:

PD2528+

CONSOLIDATED INVOICE BILLING NUMBER: 3541891 **CUSTOMER NUMBER: 58509**

REPORT TYPE:

DUE DATE: 01-MAR-21

Please remit all payments to: AMERICAN TOWER CORPORATION 29637 Network Place Chicago, IL 60673-1296

24-FEB-21

ISSUE DATE:

	DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-1	MAR-21	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
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american Tower" and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BILL TO:

BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355

P02528+

C	BILLING NUMBER: 3566891		
		CUSTOMER NUMBER: 585	09
ISSUE DATE:	27-MAR-21	REPORT TYPE:	

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AMERICAN TOWER*

and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BILL TO: BROADCAST SCIENCES LLC

1240 HORSESHOE TRAIL MALVERN PA 19355 CONSOLIDATED INVOICE

BILLING NUMBER: 3591891

CUSTOMER NUMBER: 58509

ISSUE DATE: 28-APR-21 DUE DATE: 01-MAY-21 REPORT TYPE:

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-MAY-21	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
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and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BILL TO: BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355 701539+

CONSOLIDATED INVOICE

BILLING NUMBER: 3616891

CUSTOMER NUMBER: 58509

ISSUE DATE:

26-MAY-21 DUE DATE: 01-JUN-21

REPORT TYPE:

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-JUN-21	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
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Separate	ly stated transaction	tax may be inclu	ided in accordance with applica	ible state ar		DIGINE	ψ/22.20		PAGE :		of 1



american Tower*
and ATC Tower Services, LLC
A Subsidiary of American Tower Corporation
10 Presidential Way
Woburn, MA 01801

BILL TO:

BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355

CONSOLIDATED INVOICE

BILLING NUMBER: 3641891

CUSTOMER NUMBER: 58509

ISSUE DATE:

27-JUN-21 DUE DATE: 01-JUL-21 REPORT TYPE:

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01-JUL-21	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
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AMERICAN TOWER*

and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BILL TO:

BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355

PD2572

	CONSOLIDATI	ED INVOICE	BILLING NUMBER: 3667891
		CUSTOMER NUMBER: 58509	
ISSUE DATE:	28-JUL-21	DUE DATE: 01-AUG-21	REPORT TYPE:

DATE	ATC LEASE#	ATC TOWER#	ATC TOWER NAME	TWR ST	CUSTOMER LEASE #	CUSTOMER TOWER #	CUSTOMER TOWER NAME	CUSTOMER PO	PURPOSE	TOTAL AMOUNT	TAX AMOUNT
01-AUG-21	241937	00006690	PHILADELPHIA -	PA	N/A	N/A	N/A		BROADCAST RE	\$731.16	\$0.00
FOR C	HICTOMED CEL	NAICE INCLU	DIEC DI EACE CALL (9)	00) 721 2	226 8111	 BTOTAL	\$731.16	TAX	\$0.00 TO	TAL \$731.	16
Separate	ly stated transaction	tax may be inclu	RIES, PLEASE CALL (80 ided in accordance with applications)	ible state a	nd local tax laws	TOTAL	φ/31.10	IAA	PAGE		of 1



AMERICAN TOWER*

and ATC Tower Services, LLC A Subsidiary of American Tower Corporation 10 Presidential Way Woburn, MA 01801

BROADCAST SCIENCES LLC 1240 HORSESHOE TRAIL MALVERN PA 19355 BILL TO:

	CONSOLIDATE	ED INVOICE	BILLING NUMBER: 3693020
		CUSTOMER NUMBER: 58509	
ISSUE DATE:	27-AUG-21	DUE DATE: 01-SEP-21	REPORT TYPE:

DATE	ATC	ATC	ATC TOWER NAME	TWR	CUSTOMER	CUSTOMER	CUSTOMER	CUSTOMER	PURPOSE	TOTAL	TAX
	LEASE#	TOWER#		\ ST	LEASE #			PO			
01-SEP-21	LEASE# 241937	TOWER# 00006690	PHILADELPHIA -	PA	LEASE #	TOWER # N/A	TOWER NAME N/A	PO	BROADCAST RI	AMOUNT	AMOUNT
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