

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

In re Application of)
)
OMNI BROADCASTING, LLC) File No. BLFT-20111228AG
) File No. BPFT-20130227AIO
) Fac. ID No. 87118
)
FM Translator W246BN)
Atmore, Alabama)
)

To: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Audio Division

OPPOSITION TO PETITION TO REVOKE LICENSE

AND CONSTRUCTION PERMIT

Comes now, Omni Broadcasting, LLC ("Omni"), by its counsel, respectfully opposes the Petition to Revoke License and Construction Permit ("Petition") filed in this matter by Miracle Radio Inc., ("Miracle"). As shall be demonstrated below, this Petition should be dismissed.

1. Miracle presents two arguments as to why Omni's License and Permit for W246BN should be revoked. First, Miracle states that Omni had "not obtained permission in any form to rebroadcast WPNN" and because Omni lacked this permission, it misrepresented itself to the FCC. This first argument is supported by a Declaration from Scott Schroeder. Therein, Mr. Schroeder declares "MCI has never given its consent to the rebroadcast of Station WPNN over W246BN either orally or in writing". The second argument is that the broadcast of WKTE-FM is illegal as it violated Section

74.1232(d) of the rules pertaining to extending coverage contour of WTKE-FM beyond rule limits. Each of these arguments is incorrect.

2. To begin, Omni was granted authority by Gerald D. ("Don") Schroeder to rebroadcast WPNN. Attached hereto as Exhibit 1, please find an e-mail dated February 6, 2013 from Mr. Schroeder to Omni's Manager, Ron Hale. Mr. Schroeder signed the e-mail as President of Miracle Radio, Inc.¹ The evidence is quite clear that Omni had authority to rebroadcast WPNN. This nullifies the Declaration of Scott Schroeder. Omni could argue that Mr. Schroeder's Declaration is nothing but a misrepresentation of the facts to the FCC and an attempt to discredit a competitor in its market. However, Omni prefers to believe that this is simply a miscommunication between Don Schroeder and his son, Scott Schroeder, and that Scott Schroeder did not know that Omni had properly obtained permission from his father. Had this been known, Omni believes their pleading would not have been submitted.

3. The argument by Miracle of the violation of Section 74.1234 (d) is likewise misplaced and must be rejected. Omni's W246BN is not rebroadcasting WTKE-FM, rather it is rebroadcasting WDWR (AM), Pensacola, Florida, AM HD Channel 2. That channel is providing sports programming for WDWR (AM) and is then rebroadcast by W246BN. Attached hereto as Exhibit 2 is a permission letter from Divine Word Catholic Radio granting authority to rebroadcast its HD programming.

¹ Mr. Schroeder is listed in the WPNN 2013 Biennial Ownership Report (BOA-20131122AUG) as an Officer, Director and 100% Shareholder of Miracle. Nowhere in that Report does it list Scott Schroeder as President.

4. For the reasons set forth above, the Commission must DISMISS the Petition

Respectfully submitted,

Omni Broadcasting, LLC

By: 

John C. Trent, Esquire
Counsel

October 6, 2014
Putbrese Hunsaker & Trent, P.C.
200 S. Church Street
Woodstock VA 22664

CERTIFICATE OF SERVICE

I, Sharon L. Hinderer, a legal assistant in the law offices of Putbrese Hunsaker & Trent, P.C., do hereby certify that copies of the "Opposition to Petition to Revoke License and Construction Permit " have been sent via first class, U.S. mail, postage prepaid, this 6th day of October, 2014, to the following:

Peter H. Doyle, Chief
Audio Division
Media Bureau
Federal Communications Commission
445-12th St., S.W.
Room 2A-320
Washington, DC 20554

David Tillotson, Esquire
4606 Charleston Terrace, N.W.
Washington, D.C. 20007

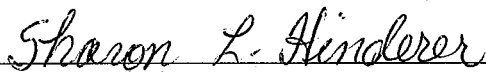
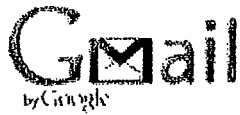

Sharon L. Hinderer

EXHIBIT 1



Ron Hale Sr. <ronhalesr@gmail.com>

Retransmission Consent

1 message

Papa Don <papadon@talk790.com>
To: ronhalesr@gmail.com

Wed, Feb 6, 2013 at 11:26 AM

Date: 2/6/2013
Subject: Retransmission Consent
To: Ron Hale

Miracle Radio, Inc., licensee of Pensacola, Florida AM station WPNN (Facility ID 43135), hereby grants Omni Broadcasting, LLC consent to retransmit WPNN programming on FM translator W246BN (Facility ID 146143).

Miracle Radio, Inc.

A handwritten signature in black ink, appearing to read 'Don Schroeder'.

Don Schroeder, President

EXHIBIT 2



Divine Word Catholic Radio

Palabra Divina Radio Católica

P O Box 866 Pensacola, FL 32591 * 519 North Palafox St Pensacola FL 32501
(850) 438-7667 * (850) 386-1330 * (877) 770-7955

Divine Word Communications, an Alabama 501(c)(3) non-profit
doing business in Florida as Divine Word Radio, Inc.

June 3, 2013

To Whom It May Concern:

I hereby give Omni Broadcasting, LLC permission to use our AM HD Channel 2 for broadcast purposes and to rebroadcast the signal on any FM translators as allowed by FCC regulations.

Sincerely,

Gene Church
President

GC:cec