

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re Application of	)	
	)	
	)	
Delmarva Educational Association	)	FCC Permit File No.
For Minor Modification of FM Translator CP	)	BMPFT-20150901ACL
	)	Facility ID 146901
	)	Call Sign W221DC
To: Audio Division		
Media Bureau		

**OPPOSITION TO PETITION TO DENY**

Delmarva Educational Association (“Delmarva”), by its counsel and pursuant to 47 C.F.R. §§ 73.3584 and 1.45, hereby files this Opposition to the Petition to Deny (“Petition”) filed September 29, 2015, by Northstar Broadcasting Corporation, licensee of WRSV(FM) (“Northstar”), which Petition was submitted in opposition to Delmarva’s application for a modification to FM translator station W221DC on 92.1 MHz at Cary, North Carolina<sup>1</sup> in FCC File Number BMPFT-20150901ACL (the “Application”).

As set forth herein and in the Engineering Exhibit attached hereto as Exhibit 1 (the “Engineering Exhibit”),<sup>2</sup> the Petition should be denied because: (1) Northstar has failed to provide sufficient evidence that grant of the Application would cause interference to disinterested, *bona fide* listeners of WRSV, and (2) there are legitimate questions as to whether the purported listeners

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<sup>1</sup> The Application specifies Dary, North Carolina, which is a typographical error for Cary, North Carolina.

<sup>2</sup> Timothy L. Warner, P.E., Engineering Exhibit In Support of Opposition to Petition to Deny by Northstar Broadcasting Corporation (Oct. 6, 2015) (attached as Exhibit 1).

in Raleigh presented by Northstar should in fact be able to receive WRSV from its licensed omnidirectional antenna.

**I. THE PETITION FAILS TO PRESENT CONVINCING EVIDENCE THAT GRANT OF THE APPLICATION WOULD RESULT IN INTERFERENCE TO THE RECEPTION OF WRSV BY REGULAR LISTENERS OF WRSV.**

The Commission requires a party objecting to a translator application on the grounds such application does not comply with Section 74.1204(f)<sup>3</sup> to provide “convincing evidence that the proposed translator station would be likely to interfere with the reception of a regularly received off-the-air existing service, even if there is no predicted overlap.”<sup>4</sup>

In order to demonstrate that grant of an FM translator construction permit application “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 potentially affected listener; (2) some demonstration that the address of each such listener falls within the 60 dB[mu] service contour of the proposed translator station; (3) a declaration from each such listener that he or she listens to the full-service station at the specified location; and (4) some evidence that grant of the authorization would result in interference to the reception of the “desired” full-service station at that location.<sup>5</sup>

As the test set forth above plainly states, in considering whether a *bona fide* listener of the objecting full-service station would in fact be adversely affected by harmful interference, the critical query is whether such listener, whose address falls within the 60 dBu service contour of the proposed translator station, would be adversely affected at his or her residence: “The purpose for the submission of such documentation in proceedings involving translator applications is to

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<sup>3</sup> 47 C.F.R. § 74.1204(f).

<sup>4</sup> See *Applications of Apple 107.1, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 15722, 15728, ¶ 21 (2013) (internal quotation omitted).

<sup>5</sup> See *Applications of Apple 107.1, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 15722, 15728, ¶ 21 (2013); see also *Red Wolf Broad. Corp.*, Letter, 27 FCC Rcd 4870, 4872 (2012).

demonstrate that the full-power station with which the proposed translator would interfere has *listeners who reside at locations that would be adversely impacted by such interference.*”<sup>6</sup> There is no indication that the test is met by a listener who provides a location that is not his or her residence; even if a non-residential location was acceptable, it would have to be a specific address, rather than some ambiguous area.

Further, the Commission requires that any such listeners, in order to meet the standards of the above-stated test, must be “unconnected” with the full-service station whose service allegedly will be disrupted.<sup>7</sup> The Commission has thus “regularly discounted allegations of interference by employees” of full-service broadcast stations.<sup>8</sup>

Here, the Petition fails to set forth the requisite level of convincing evidence necessary to deny grant of the Application. As an initial matter, the license to cover application for WRSV was filed August 21, 2015,<sup>9</sup> which implemented a significant relocation of WRSV in the direction of Raleigh, North Carolina, where WRSV now claims to have regular listeners. Given that the Petition was filed just over a month after WRSV commenced operations at its new location, it is curious as to how the listener declarations attached to the Petition were solicited, and it is difficult to understand how such listeners have become “regular” listeners in such a short period of time.

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<sup>6</sup> See, e.g., *Citadel Broad. Co.*, Memorandum Opinion and Order and Notice of Apparent Liability, 22 FCC Rcd 7083, 7091, ¶ 16 (2007) (emphasis added); see *id.* at 7088-89 n.23 (“The purpose of such a letter is to demonstrate that a station has listeners who reside at a location that would be adversely affected by the alleged interference from a proposed FM translator station.”).

<sup>7</sup> See *The Association for Community Education, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682, 12688 n.37, ¶ 16 (2004) (approving staff practice requiring that the complainant be “disinterested,” i.e., a person or entity without a legal stake in the outcome of the translator station licensing proceeding).

<sup>8</sup> See *The Association for Community Education, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682, 12688 n.37, ¶ 16 (2004).

<sup>9</sup> See FCC File No. BLH-20150821ABC.

Further, as set forth in the attached Engineering Exhibit, a careful review of Attachment 1 of the Petition reveals numerous deficiencies. In general, the “locations” submitted by WRSV’s purportedly *bona fide* listeners are ambiguous, unspecific, fail to give an exact address, and do not match the locations plotted in the maps provided by Northstar. Further, many of the “locations” are based on listenership while in the car, rather than a fixed location where the listener resides. Accordingly, it is not possible to determine with certainty whether the purported listeners even reside within W221DC’s proposed 60 dBu service contour; and therefore, the Petition fails both the first and second criteria of the Commission’s applicable standard.

For example:

**Attachment A – Bilal McGriff:** The only listenership reported is from a car, not a residence. No specific listening address is provided. The vague description given is simply between I-440 and Western Boulevard, and the map identifies two points at the nominal midpoint between Western Boulevard and the western arc of I-440. The home location on the map is not accurate; it is a plot of the center of the zip code provided, not the street address. Moreover, the representation of the home on the map is deceiving, as McGriff does not state that he listens to WRSV from his home.

**Attachment B – Danielle Cooper:** The listenership reported from a car does not provide a specific address, and the location plotted on the map corresponding to Cooper’s purported car radio listenership is not accurate. The declaration says “540, 440 between Downtown Raleigh”, but that is non-sensical (I-540 is an outer loop around Raleigh; I-440 is an inner loop around Raleigh). Moreover, the point plotted on the map for I-440 is the farthest western point, even though the declaration gives no indication of such location.



**Attachment C – Darrius Culbreth:** The only listenership reported is from a car, not a residence. No specific listening address is provided; insufficient information is provided to determine the travel route where the alleged interference occurs. The home address, although not listed as a listening location, is outside the translator’s proposed 60 dBu contour.

**Attachment D – Kyser Wilson:** The only listenership reported is from a car, not a residence. No specific listening address is provided. There is insufficient information to determine where the listening occurs. In addition, the map plots a road called Harrison Oaks Boulevard, not Harrison Boulevard; the latter is the road that the listener reported. The listener’s home is within the 60 dBu service contour of the CP translator station, and it is not listed as a listening location.

**Attachment E – Laurence Woodley:** The home and work addresses provided are not within the 60 dBu contour. The listenership reported from a car traveling on U.S. 64 East between U.S. 64 West and U.S. Highway 401, and does not appear to be properly plotted on the map. It is not clear what location the listener attempted to convey in his declaration, and there is insufficient information to determine where the listening occurs; that said, it does not appear that the listening location reported from a car falls within the 60 dBu contour. The listener’s home is not within the 60 dBu service contour of the proposed translator station.

**Attachment F – Mondell Dublin:** The home and work addresses provided are not within the 60 dBu contour of the proposed translator station. The listenership that is reported from a car – U.S. 70 and I-40 – is not accurately plotted on the map (the plotted location is U.S. 70 and U.S. 401).

**Attachment G – Quintin Linen:** The only listenership reported is from a car, not a residence. The listener’s home is not within the 60 dBu service contour of the proposed translator station, and it is not listed as a listening location.

**Attachment H – Sophia Higgins:** The only listenership reported is from a car, not a residence. No specific listening address is provided. The roads indicated in the declaration are not accurately plotted on the map. In addition, the listener reports that she listens “monthly”; such reporting is suspect given that WRSV had only been on the air at its current location for about a month at the time this declaration was signed. The listener’s home is not within the 60 dBu service contour of the proposed translator station, and it is not listed as a listening location.

**Attachment I – Stephon Fuentes:** The only listenership reported is from a car, not a residence. No specific listening address is provided. The listener’s home is not within the 60 dBu service contour of the proposed translator station, and it is not listed as a listening location.

The declarations thus overwhelmingly fail to show that grant of the Application would result in interference to the reception of the purported listeners at residences within the 60 dBu contour of the proposed translator station. Seven of the declarants’ homes do not fall within the 60 dBu contour of the proposed translator station, and six of the declarants report only transient listenership while in the car. In numerous instances, the locations presented are so vague as to render verification of listening impossible. The Petition simply fails to provide the convincing evidence required under Section 74.1204(f).

In addition, it appears that some of the listeners may not be “unconnected” to Northstar. The declarations submitted each contain the following representation from the declarant: “Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee or Station WRSV.”<sup>10</sup> Delmarva questions whether that is in fact the case with respect to all of the listeners.<sup>11</sup>

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<sup>10</sup> See Petition at Attachment 1, Attachments A-I.

<sup>11</sup> Note that the citations below to Facebook hyperlinks work only if the person attempting to access same is herself logged into a Facebook account.

First, several of the listeners appear to be disc jockeys, including Stephon Fuentes,<sup>12</sup> Quintin Linen,<sup>13</sup> Bilal McGriff,<sup>14</sup> Sophia Higgins,<sup>15</sup> Mondell Dublin.<sup>16</sup> Second, at least two of those listeners, Mr. Fuentes and Mr. Dublin, appear to have a business relationship with WRSV. According to social media posts, Mr. Dublin appears to be the general manager of a company called the Fleet DJs.<sup>17</sup> Mr. Dublin also appears to be a mixshow disc jockey regularly appearing on WRSV's air as DJ Dellmatic. In just the past several weeks, Mr. Dublin has made numerous references via social media to his appearances on WRSV, which has the Twitter "handle" "@ilovechoicefm" – Choice FM being the brand name of WRSV, as indicated in the station's URL [www.ilovechoicefm.com](http://www.ilovechoicefm.com) and Facebook page name "I Love Choice FM". Such references include:

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<sup>12</sup> See Stephon Djloademup Fuentes, Facebook, <https://www.facebook.com/djloademup85> (last visited Oct. 6, 2015) (indicating Mr. Fuentes' DJ name of "DJ Loademup") (screenshot attached as Exhibit 2).

<sup>13</sup> See Quintin Linen, Facebook, <https://www.facebook.com/quintin.linen> (last visited Oct. 6, 2015) (indicating Mr. Linen might have DJ name of "DJ Quintillion Dunbar") (screenshot attached as Exhibit 3).

<sup>14</sup> See Bilal McGriff, Facebook, <https://www.facebook.com/bilal.mcgriff> (last visited Oct. 6, 2015) (indicating Mr. McGriff's DJ name of "Vetti Go") (screenshot attached as Exhibit 4).

<sup>15</sup> See Sophia Higgins, Facebook, <https://www.facebook.com/SophiaSoFreeSanchez/posts/862615587155685> (June 8, 2015 post) (last visited Oct. 7, 2015) (stating Higgins' "radio show is on right now") (screenshot attached as Exhibit 5).

<sup>16</sup> See Mondell Dellmatic Dublin, Facebook, <https://www.facebook.com/djdellmatic> (last visited Oct. 6, 2015) (indicating Mr. Dublin's DJ name of "DJ Dellmatic") (screenshot attached as Exhibit 6).

<sup>17</sup> See Mondell Dellmatic Dublin, Facebook, <https://www.facebook.com/djdellmatic> (last visited Oct. 6, 2015).

- “@FLEETDJS own @DJDELLMATIC rocking that California right now on the midday mix on @ilovechoicefm”<sup>18</sup>
- “Today tune in to @ilovechoicefm at noon at let @djdellmatic help you get thru the rest of you [sic] day”<sup>19</sup>
- “Tonight I will be setting your airwaves on [fire] on @ilovechoicefm”<sup>20</sup>

Mr. Dublin has also posted several photographs to his Instagram account promoting his appearances on WRSV.<sup>21</sup> In addition, tweets appearing on WRSV’s Twitter feed reveal several references to other members of the Fleet DJs appearing on WRSV,<sup>22</sup> and declarant Sophia Higgins appears to be a DJ working with Fleet DJs.<sup>23</sup>

Mr. Fuentes’ social media activity also reveals a business connection to WRSV. A photo on his Instagram account promotes his appearance, as DJ Loademup, “in the mix tonight” on

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<sup>18</sup> @DJDELLMATIC, Twitter (Sept. 28, 2015 at 6:32 PM), <https://twitter.com/DJDELLMATIC/status/648671644505014274> (screenshot attached as Exhibit 7).

<sup>19</sup> @DJDELLMATIC, Twitter (Sept. 28, 2015 at 7:09 AM), <https://twitter.com/DJDELLMATIC/status/648499669115518976> (screenshot attached as Exhibit 8).

<sup>20</sup> @DJDELLMATIC, Twitter (Sept. 17, 2015, at 9:36 AM), <https://twitter.com/DJDELLMATIC/status/644550433571274752> (screenshot attached as Exhibit 9).

<sup>21</sup> djdellmatic, Instagram, <https://instagram.com/p/8LVXoNGZLb/> (linked to Sept. 28, 2015 tweet) (screenshot attached as Exhibit 10); djdellmatic, Instagram, <https://instagram.com/p/7vRdrpGZNW/> (linked to Sept. 17, 2015 tweet) (screenshot attached as Exhibit 11).

<sup>22</sup> See, e.g., @ilovechoicefm, Twitter, (Oct. 5, 2015), <https://twitter.com/ilovechoicefm> (retweet of D.J. Fatz tweet appearing on @ilovechoicefm feed stating “We Live @ilovechoicefm”) (screenshot attached as Exhibit 12) (last visited Oct. 8, 2015).

<sup>23</sup> See Sophia Higgins, Facebook, <https://www.facebook.com/SophiaSoFreeSanchez/posts/862615587155685> (June 8, 2015 post) (last visited Oct. 7, 2015) (directing readers to listen to her radio show by downloading the Fleet DJ app).



WRSV; he urges listeners to check him out “on 92.1 Choice FM, Raleigh’s newest station for Hip Hop and RnB.”<sup>24</sup>

Delmarva does not know whether Fuentes or Dublin, or other persons associated with Fleet DJs are employed in some manner by Northstar,<sup>25</sup> or whether they are compensated for their appearances on WRSV. Given the clear connection between at least two of the declarant listeners and WRSV, however, Delmarva would ask that, at a minimum, Bureau staff reach out to all of the purported listeners to verify the truth of their declarations, inquire as to how they found out about making such declarations, and confirm their relationships with WRSV.<sup>26</sup>

## **II. THE PURPORTED LISTENERS’ LOCATIONS RAISE QUESTIONS REGARDING WRSV’S ANTENNA INSTALLATION.**

As set forth in the attached Engineering Exhibit, based on Longley-Rice propagation studies using a true omnidirectional antenna for WRSV, it seems unlikely that WRSV should even have a listenable signal in the Raleigh areas alleged in the Petition. In particular, Figures 10 and 11 show that the most likely locations for many of purported listeners fail to have any interference free signal.

To the extent the purported listeners actually receive a listenable signal from WRSV, WRSV’s “omnidirectional” antenna installation may be suspect. The Commission recently addressed antenna installation methods that can result in omnidirectional antennas to radiate in a

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<sup>24</sup> djloademup, Instagram, <https://instagram.com/p/78cqlXuemh/> (screenshot attached as Exhibit 13).

<sup>25</sup> See *The Association for Community Education, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682, 12688 n.37, ¶ 16 (2004) (explaining that allegations of interference by employees of the full-service station will be discounted).

<sup>26</sup> *Red Wolf Broad. Corp.*, Letter, 27 FCC Rcd 4870, 4873-74 (2012) (explaining that staff contacted one of the declarants to verify his statement).

directional manner. In *LKCM Radio Licenses, L.P.*,<sup>27</sup> the Commission ruled that a station had violated the Commission's rules by operating its "omnidirectional" antenna in a manner that resulted in the signal substantially exceeding its effective radiated power in the direction of a desired service area,<sup>28</sup> and the Commission ordered that the purportedly omnidirectional FM antenna be reclassified as a directional antenna and reduce its transmitter power output.<sup>29</sup>

Similar to *LKCM Radio Licenses, L.P.*, it would appear that Northstar has a desire to serve an area well outside of its omnidirectional 60 dBu contour. In Northstar's case, that desired service area appears to be Raleigh, North Carolina, which is nearly 45 miles from WRSV's community of license of Elm City, North Carolina. Indeed, the attached trade article indicates that WRSV's target market is Raleigh, and that it has moved its offices to Raleigh.<sup>30</sup> Moreover, a post from August 18, 2015 on the WRSV's Facebook page suggests that WRSV is now again "pointing to the Raleigh area," and, further, when identifying the communities it now serves, the post does not even mention Elm City.<sup>31</sup>

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<sup>27</sup> *LKCM Radio Licenses, L.P., Involuntary Modification of License of Station KFWR(FM), Jacksboro, TX*, Order, DA 15-886 (rel. Aug. 5, 2015).

<sup>28</sup> *LKCM Radio Licenses, L.P.*, at ¶¶ 2, 8-9. The Commission initially set forth its findings regarding the violations in an Order to Show Cause issued in March 2015. *Involuntary Modification of License of Station KFWR(FM), Jacksboro, TX*, Order to Show Cause, 30 FCC Rcd 2625 (2015).

<sup>29</sup> *LKCM Radio Licenses, L.P.*, at ¶¶ 9, 12. (concluding that the station violated Sections 73.211 and 73.316(b)(1) where the power radiated in its main lobe was nearly three times that which was authorized, and where the station's antenna exceeded maximum-to-minimum ratio for a directional antenna).

<sup>30</sup> See Lance Venta, WRSV Giving Raleigh An Urban Choice, RadioInsight (Sept. 2, 2015) <https://radioinsight.com/blog/headlines/94375/wrsv-giving-raleigh-an-urban-choice/> (attached as Exhibit 14).

<sup>31</sup> I Love Choice FM, Facebook (Aug. 18, 2015 post), available at <http://webcache.googleusercontent.com/search?q=cache:MG1Cz0EIWw8J:https://www.facebook.com/pages/The-Peoples-Station-Choice-FM/272718229320%3Fv%3Dtimeline%26timecutoff%3D1403300987%26sectionLoadingID%3>

These circumstances suggest Northstar desires to maximize its signal towards Raleigh. If indeed WRSV's purported listeners are receiving a listenable signal in Raleigh, contrary to what the studies in the attached Engineering Exhibit suggest, the Commission should investigate whether WRSV's antenna is properly installed and in compliance with its new omnidirectional license. These circumstances also bring into question whether WRSV is in fact addressing the needs of its community of license, and whether WRSV even maintains a main studio in Elm City given that it apparently has moved its office to Raleigh.

### **CONCLUSION**

Northstar has failed to provide sufficient evidence that grant of the Application would cause interferences to disinterested, bona fide listeners of WRSV. Moreover, there are legitimate questions as to whether the purported listeners in Raleigh should in fact be able to receive WRSV from its licensed omnidirectional antenna. For the reasons set forth above and in the Engineering Exhibit, the Petition should be denied and dismissed, and the Bureau should grant the Application.

Dated: October 9, 2015

Respectfully submitted,

DELMARVA EDUCATIONAL ASSOCIATION

By: \_\_\_\_\_

  
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CERTIFICATE OF SERVICE

I, Michelle Brown Johnson, a legal secretary in the office of Fletcher, Heald, & Hildreth, PLC, hereby certify that on the 9th day of October 2015, a copy of the foregoing **Opposition to Petition to Deny** was served by first-class, postage prepaid U.S. mail and email on the following:

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*Attorney for Petitioner Northstar Broadcasting Corp.*

This the 9th day of October, 2015.

  
Michelle Brown Johnson



## **EXHIBIT 1**

**Engineering Exhibit**  
**In Support of Opposition to Petition to Deny by**  
**Northstar Broadcasting Corporation**

**W221DC**  
**Dary, North Carolina**  
**Application for Modified FM Translator**  
**On Channel 221 Class D**  
**by**  
**Delmarva Educational Association**

**October 2015**

**© 2015 Delmarva Educational Association**

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Declaration

I declare, under penalty of perjury, that I am a technical consultant to broadcasting and other communications systems, that I have over twenty-five years of experience in the engineering of broadcast and other communications systems, that I am familiar with the Federal Communications Commission's Rules found in the Code of Federal Regulations Title 47, that I am a Professional Engineer registered in North Carolina, that I have prepared or supervised the preparation of the attached Engineering Exhibit In Support of Opposition to Petition to Deny of Northstar Broadcasting Corporation, for Delmarva Educational Association, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief.



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7 October 2015

### Narrative

This Exhibit provides engineering details of a proposed new translator for Dary, North Carolina, W221DC. The grant of the modified construction permit for the facility is subject of a Petition to Deny filed by Northstar Broadcasting Corporation, ("Northstar"). This Exhibit addresses the technical issues raised in the petition and its Attachments.

### W221DC Background

A construction permit for a new translator at Chapel Hill, North Carolina, facility ID 146901, was granted to Delmarva Educational Association. Delmarva prepared an modification application, file number BMPFT-20150901ACL, and separately an assignment application, file number BAPFT-20150901ACK, to assign the facility. Both applications are accepted for filing, and remain pending.

On 29 September 2015 Northstar filed a Petition to Deny.

### WRSV Background

Northstar is licensee of WRSV, Elm City, North Carolina, which operates on 221A, co-channel to the W221DC authorization and application. WRSV was formerly licensed to Rocky Mount, North Carolina. Its application to change community of license and change transmitter sites, BPH-20130528AKE, as amended, was granted on 28 January 2014. Principal Community Coverage of Elm City, North Carolina, was shown by supplemental means, as the new site is too far from the community for the 70 dBu F(50,50) contour to reach it. An application for License to Cover, BLH-20150821ABC, was granted on 28 August 2015.

Delmarva filed an application for a translator on channel 221, file number BNPFT-20030314BTS, subsequently modified in application file number BNPFT-20130814ACE, which was granted on 26 November 2013. The application to modify the facilities to Dary, North Carolina, a typographical error for Cary, North Carolina, was filed on 1 September 2015 and is the subject of the Petition to Deny.

Figure 1 shows the 60 dBu F(50,50) Service Contours for the present and prior WRSV facilities, and the authorized and proposed W221DC facilities. The proposed 40 dBu F(50,10) interference contour for the proposed W221DC facilities is shown, and does not overlap the WRSV 60 dBu F(50,50) contour, as required. Elm City, North Carolina, and Raleigh, North Carolina, are shaded in light red. In the Northstar Petition, the listening locations described all pertain to Raleigh.

#### Technical Assessment of Northstar Petition Attachment 1

The locations described in Attachment 1, Attachments A through I, in the Northstar Petition do not match the maps in those attachments. Each will be addressed specifically. In general, the descriptions of the locations do not provide sufficient information so that someone familiar with the area could identify them unambiguously. As such, the descriptions fail to meet criteria 1 of the listing of opposition criteria in the recent Commission decisions<sup>1</sup>, that the "specific address" be provided. Since the specific address is not provided, it is not possible to say with certainty that the address meets criteria 2, that the "address of the purported listener falls within the 60 dBu service contour of the proposed translator station". Failing on the first two criteria, the remaining criteria become irrelevant.

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<sup>1</sup> See letter to Richard J. Bodroff, Esq., 27 FCC Rcd 4870, 4872 (MB 2012), in part citing *Association for Community Education, Inc.*, 19 FCC Rcd 12682, 12688 n.37 (2004).

In addition to the vagueness of the descriptions, the maps provided in Attachments A through I incorrectly plot the listening location descriptions.

Attachment A: No specific address is provided. The description is between 440 and Western Boulevard, with no indication of along what street. I-440 is a loop around Raleigh, and Western Boulevard is a major East-West street which runs from the center of town to the Western edge of Raleigh. The map identifies two points at the nominal midpoint of Western Boulevard and along the western arc of I-440, much farther into the translator than the signal is likely receivable, as a further section of this Exhibit will demonstrate. Most of I-440 is outside the proposed W221DC 60 dBu contour. Also, the home location is not accurate. It is a plot of the center of the zip code provided, not a street address.

Attachment B: Home and work addresses are provided. The home address is within the translator 60 dBu. The work address is not. The roads provided are not accurately marked. The statement really says 540, 440 to downtown, but that is not what is marked. I-540 is an outer loop around Raleigh, and I-440 is an inner loop. The point marked for I-440 is the farthest western point.

Attachment C: No specific address for listening is provided. The home address, from the Declaration, is not listed as a listening point. It is plotted, nonetheless, outside the proposed W221DC 60 dBu contour. The streets listed show one end of travel, but not the other. The marks are near the intersection of the two, but we have insufficient information to determine the travel route.

Attachment D: No specific address provided. The map shows Harrison Oaks Blvd, not Harrison Blvd. I-40 runs from Northwest of the translator coverage area to Southeast of the coverage area. There is insufficient information to guess where the listening occurs. The home address, well inside the W221DC CP, is a doubtful listening location, and although mapped, is not declared as a listening location.

Attachment E: Specific home and work addresses are not within the translator 60 dBu. The roads listed are not the points shown. It is difficult to determine a travel route on US-64 East between US-64 West and US-401. US-64 is a major East-West Route, and US-401 runs from Northeast to Southwest. US-64 has main and bypass sections. There is insufficient information in the declaration to tell where the listening occurs.

Attachment F: The home address is specifically provided and is outside the translator 60 dBu. The travel address confuses I-40 with 401. I-40 runs South from the I-440 loop. US-70 runs to the Southeast, through Clayton, which is identified on the map, near the home location. None of the travel area is inside the translator 60 dBu. Plotting is in error in the attachment.

Attachment G: Specific addresses are provided, and are inside the proposed W221DC 60 dBu contour. However, as this Exhibit will show later, the predicted signal strength in that area makes listening difficult, at best. The home address is outside the translator 60 dBu.



Attachment H: It is difficult to assign much weight to a monthly listener for a station that has only been on the air a month. The declaration was signed one month and two days after the filing of the license application. "Regularly received" on a monthly basis, as the declaration indicates, is perhaps all of two occasions. The declaration provides enough information to map a section of Glenwood Avenue, near Crabtree Mall, but that is not what is shown on the map. The actual roadway described is a short section from the point identified as I-440 and the next intersection Northwest along Glenwood Avenue. This area is low in elevation, and not generally a good area for radio reception. The home address is not listed as listening, and is outside the translator 60 dBu.

Attachment I: No specific address is provided. No travel road is provided. There is no justification for selecting a point on Glenwood Avenue, a road that runs from that point to the proposed W221DC 60 dBu contour at its Southeast end, near Anwood Place. The location plotted for the home address, not listed as a listening location, is the center of Knightdale, not a specific location.

In summary, the locations are vague in their descriptions, to the point that it is not possible to verify listening. Further, the mapping displays significant lack of local knowledge, leading to incorrect demonstration of purported listening.

#### Technical Assessment of Northstar Petition Attachment 2

Attachment 2 of the Northstar Petition assumes that the listening described in Attachment 1 takes place at the locations mapped in Attachment 1. Much of that mapping is

demonstrably incorrect. Some of that listening is also doubtful, as the next section of this Exhibit will show.

Attachment 2 asserts that the WRSV signal strength in the area of the proposed W221DC 60 dBu contour is between 36 and 47 dBu. These are signal levels well below those where normal receivers fail to provide usable signals, even in the absence of any interference or noise.

Because Attachment 2 is based on faulty data, its conclusions are not accurate.

#### Predicted Signal Strength and Existing Interference

It is certainly possible to listen to radio stations outside the 60 dBu contours, although going to 36 dBu is highly unusual. The following studies (Figures 1 through 11) look at the environment in the Raleigh area to provide additional details about possible listening. The authorized WRSV signal, based on a true omnidirectional antenna, was studied using the Longley-Rice propagation model. Studies were run at the same receive antenna elevation as used for the FCC curves, 9.1 meters (30 feet) above ground, and 3 meters (10 feet) which more closely matches typical listening. No allowance was made for differing land use or clutter near the receive sites. Terrain was extracted on a 0.5 kilometer grid.

Figure 2 is a map of predicted signal strength in the absence of any interference, plotted in 10 dB increments to 50 dBu, with a receive antenna at 9.1 meters. Figure 3 is a corresponding map with the receive antenna at 3 meters. In each case there is some spotty 60 dBu signal in the Raleigh area. However, even with the receive antenna at 9.1 meters, some of the locations described in Attachment 1 of the Northstar Petition have less than a 50 dBu predicted signal.

Figures 4 and 5 are similar studies where the impact of existing co-channel stations is added. Specifically, WHBT-FM, Channel 221 Class C3, Moyock, North Carolina, and WCDX, Channel 221 Class B1, Mechanicsville, Virginia, are added. There are areas where the addition of existing co-channel interference predicts that listening will no longer be possible. Both of these co-channel facilities predate the new WRSV facilities.

Figures 6 and 7 look at the WRSV signal with the existing lower first adjacent channels: WFSS, Channel 220 Class C1, Fayetteville, North Carolina; and WAAE, Channel 220, Class A, New Bern, North Carolina. For any receivers which operate in a manner similar to the interference standards used for FCC contour based allocations, the lower first adjacent channel interference all but eliminates reception in the Raleigh area. While there are certainly some radios with better selectivity than the FCC ratios imply, tests conducted to study HD Radio interference show that in fact many radios have been designed to take advantage of the existing allocation ratios. Very few radios significantly exceed the standard ratios. Note that in this pair of maps, the impact of lowering the receive antenna is to reduce the impact of WFSS on the coverage of WRSV.

Figures 8 and 9 are companion maps for the upper first adjacent channel existing stations: WKRR, Channel 222 Class C0, Asheboro, North Carolina; WXLK, Channel 222 Class C, Roanoke, Virginia; WQSL, Channel 222 Class C2, Jacksonville, North Carolina; and W222AO, Channel 222 Class D (Fill-In, 250 Watts at 98 Meters HAAT), Goldsboro, North Carolina. Here again, the impact is significant. In this case, there is less interference free coverage with the 3 meter receive antenna.

Figures 10 and 11 combine the co-channel and first adjacent channel interference to give an overall picture of the possible reception for WRSV. The most likely locations for

many of the purported listeners fail to have any interference free signal, when previously existing co-channel and first adjacent channel facilities are considered.

There are limitations in these studies. The antennas for WRSV and other omnidirectional stations are assumed to be true omnidirectional antennas. To the extent that the antenna for WRSV or any of the other stations have been optimized in specific directions, that information is not readily available and has not been included. Studies conducted by NPR Labs have shown that clutter in urban areas results in less available signal strength than standard Longley-Rice predictions. If the NPR Labs' adjustments were added to these studies, the result would be less coverage for WRSV, but also less incoming interference. Should the Commission desire, those additional studies, and the underlying receiver studies, will be provided.

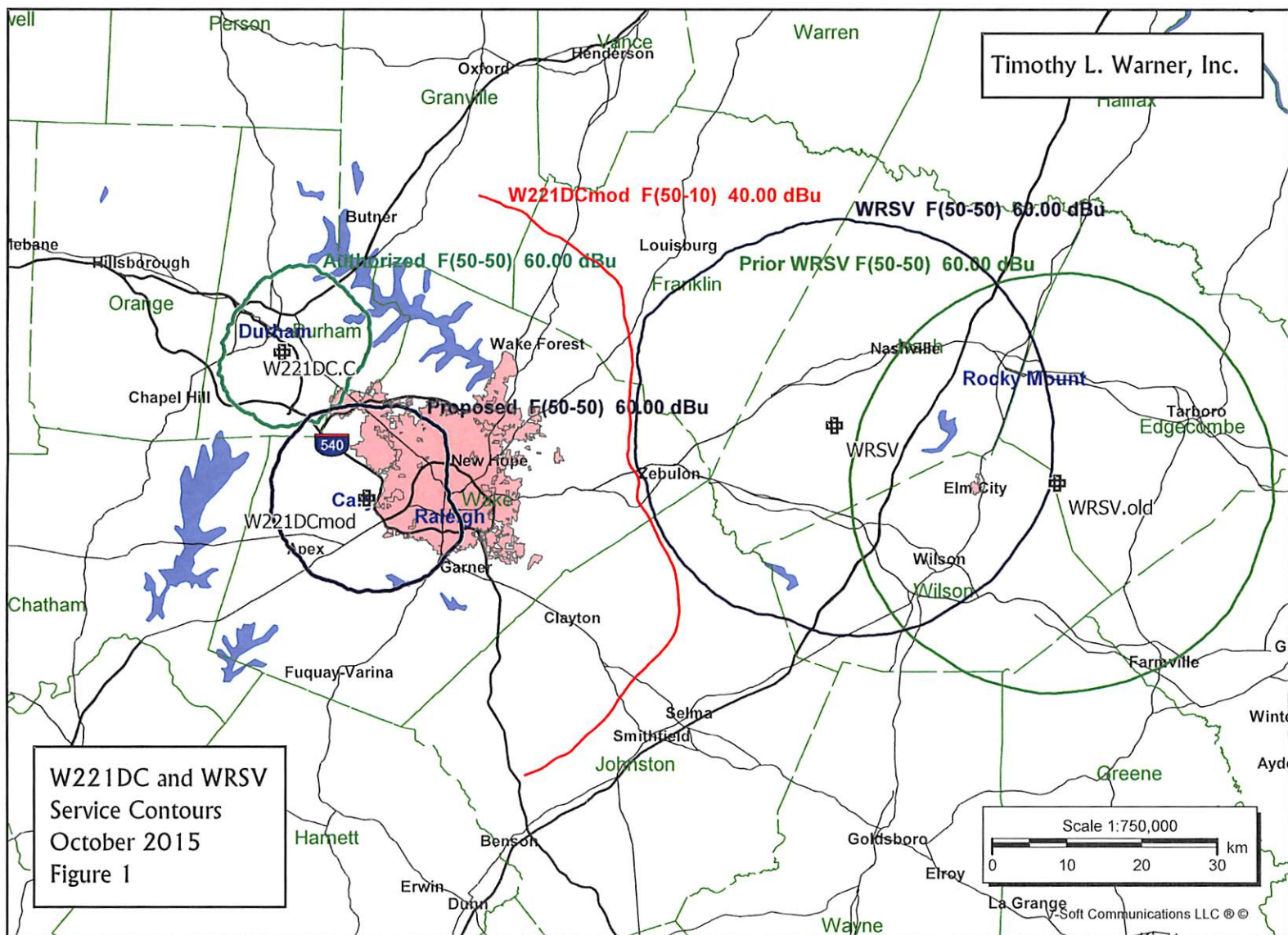
#### Source of Data

Transmitter location, effective radiated power, directional antenna pattern, and elevation data are extracted from the Commission's CDBS. All contours for existing and proposed facilities are calculated using height above average terrain calculated at one degree horizontal increments.

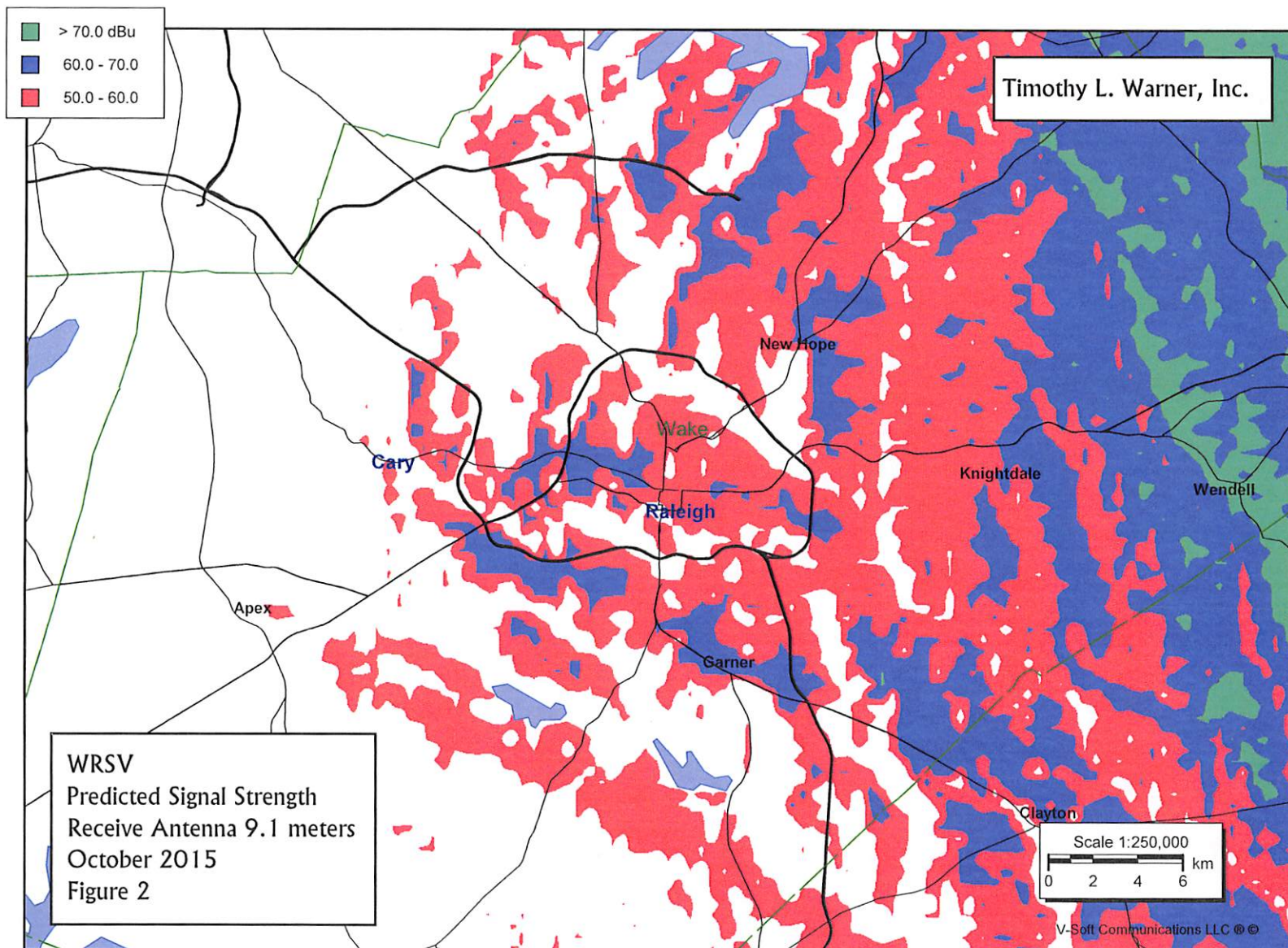
Contours were evaluated using terrain extracted from the V-Soft Communications NED 03 terrain database. The NED 03 database is derived from the USGS National Elevation Data 30 meter terrain database. The USGS National Elevation Dataset has been developed by merging the highest-resolution, best-quality elevation data available across the United States into a seamless raster format. NED is the result of the maturation of the USGS effort to

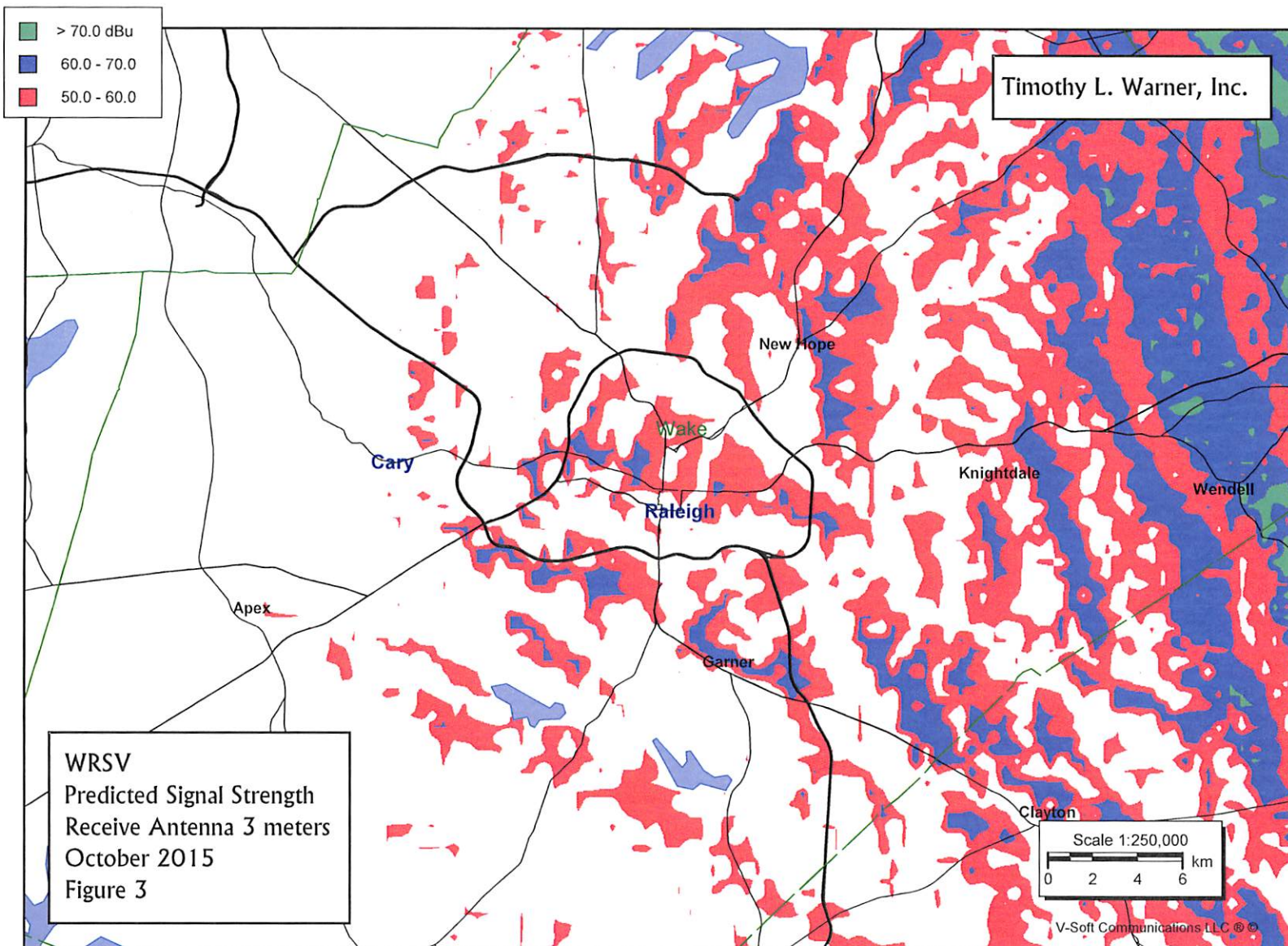
provide 1:24,000-scale Digital Elevation Model (DEM) data for the conterminous US and 1:63,360-scale DEM data for Alaska.

Longley-Rice studies were based on a grid of points space 0.5 kilometers in each direction. Both the desired and undesired signals were studies based on 50% of locations and 50% of the time, although the FCC contour methodology requires interference based on 10% of time. Should the Commission desire, the studies can be provided with interfering signals based on 10% of the time.

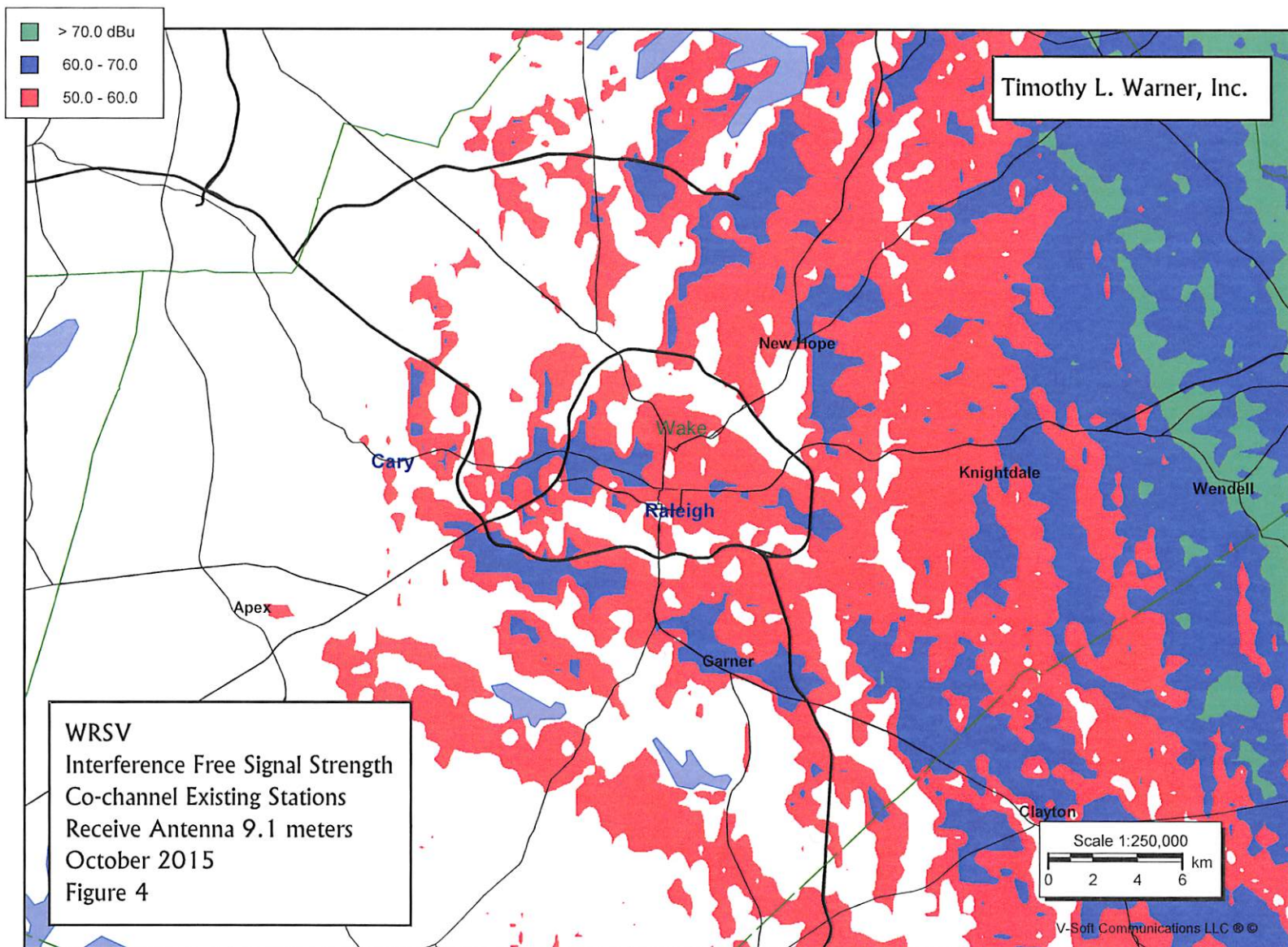


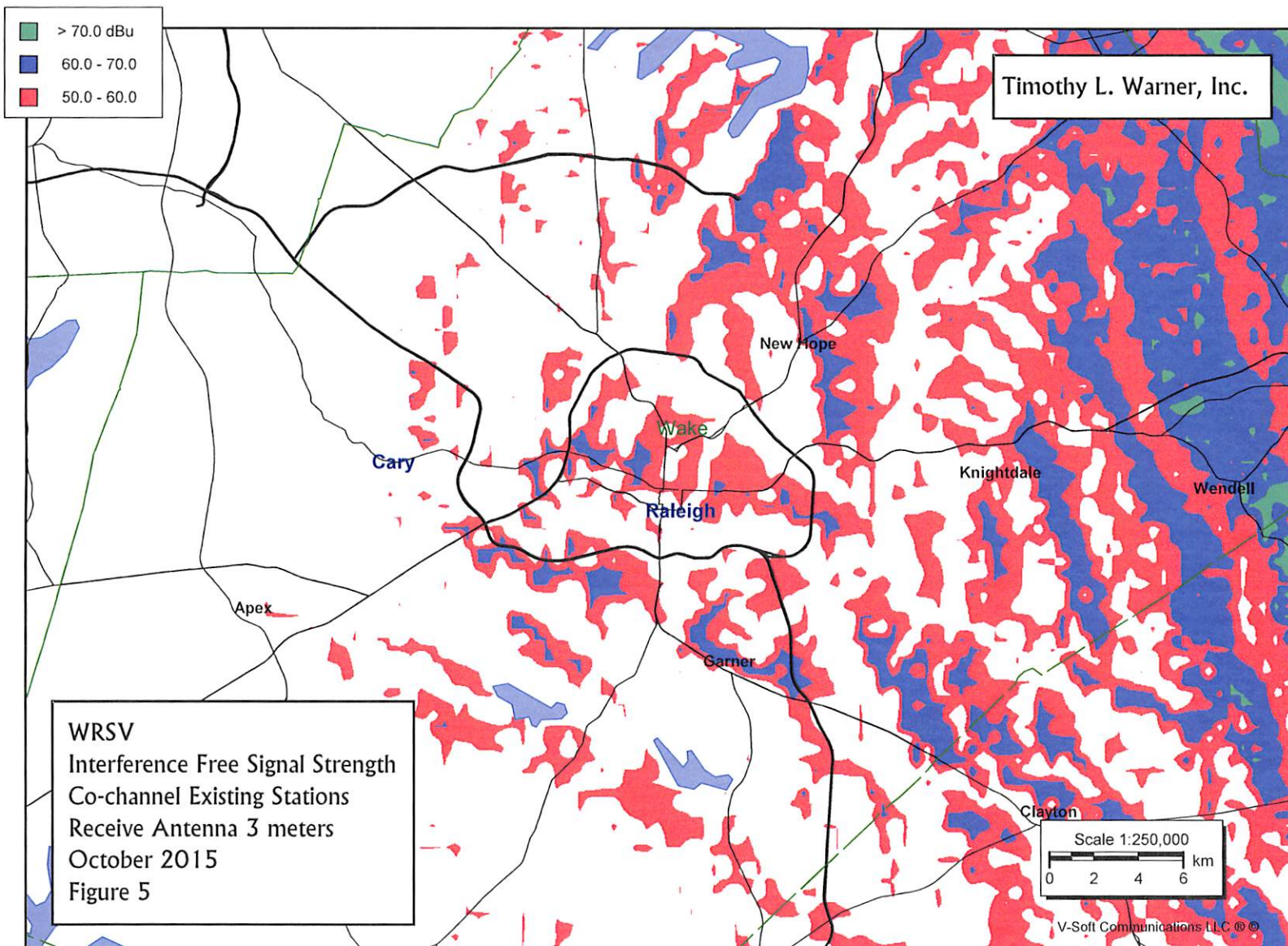




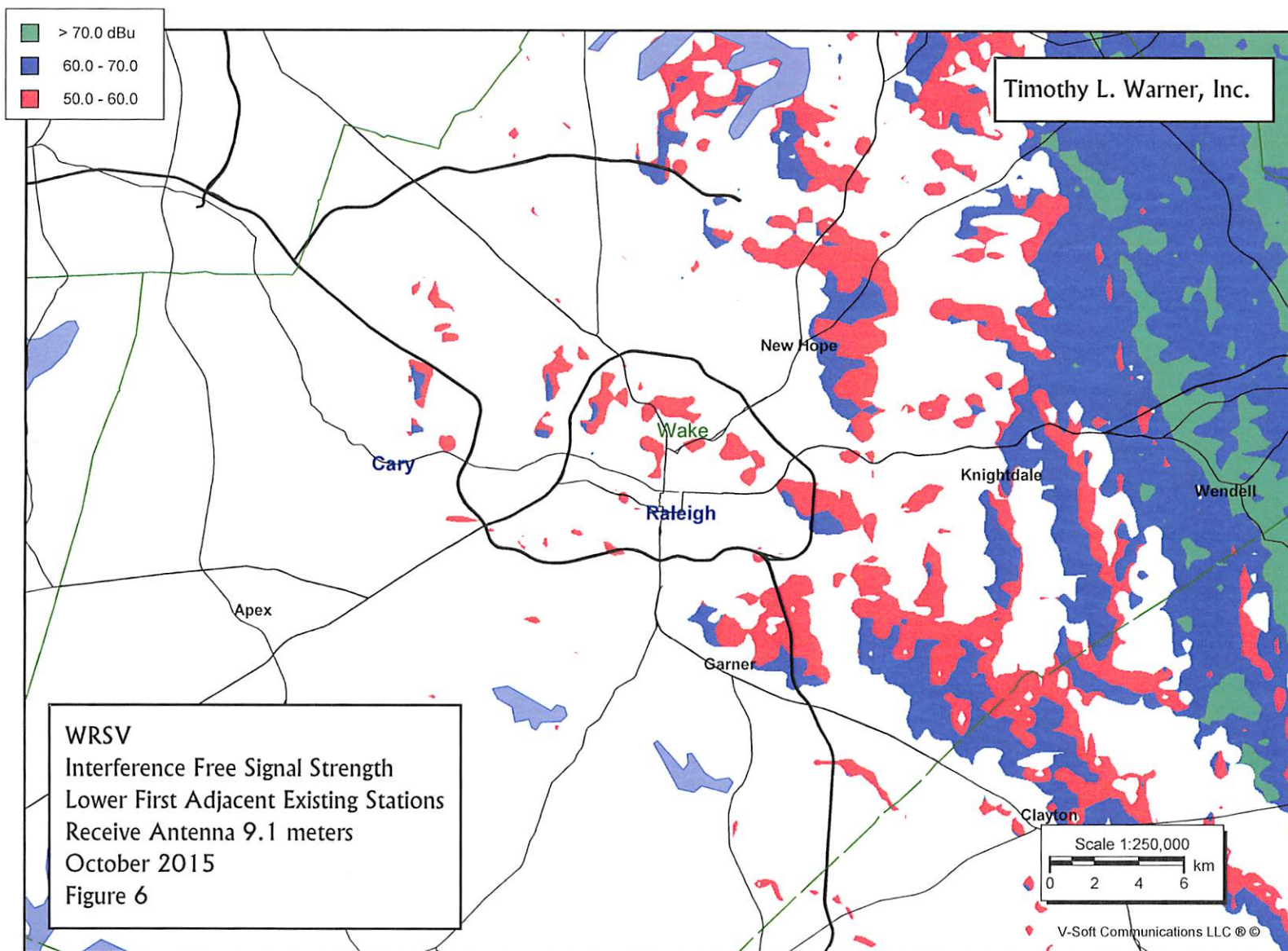


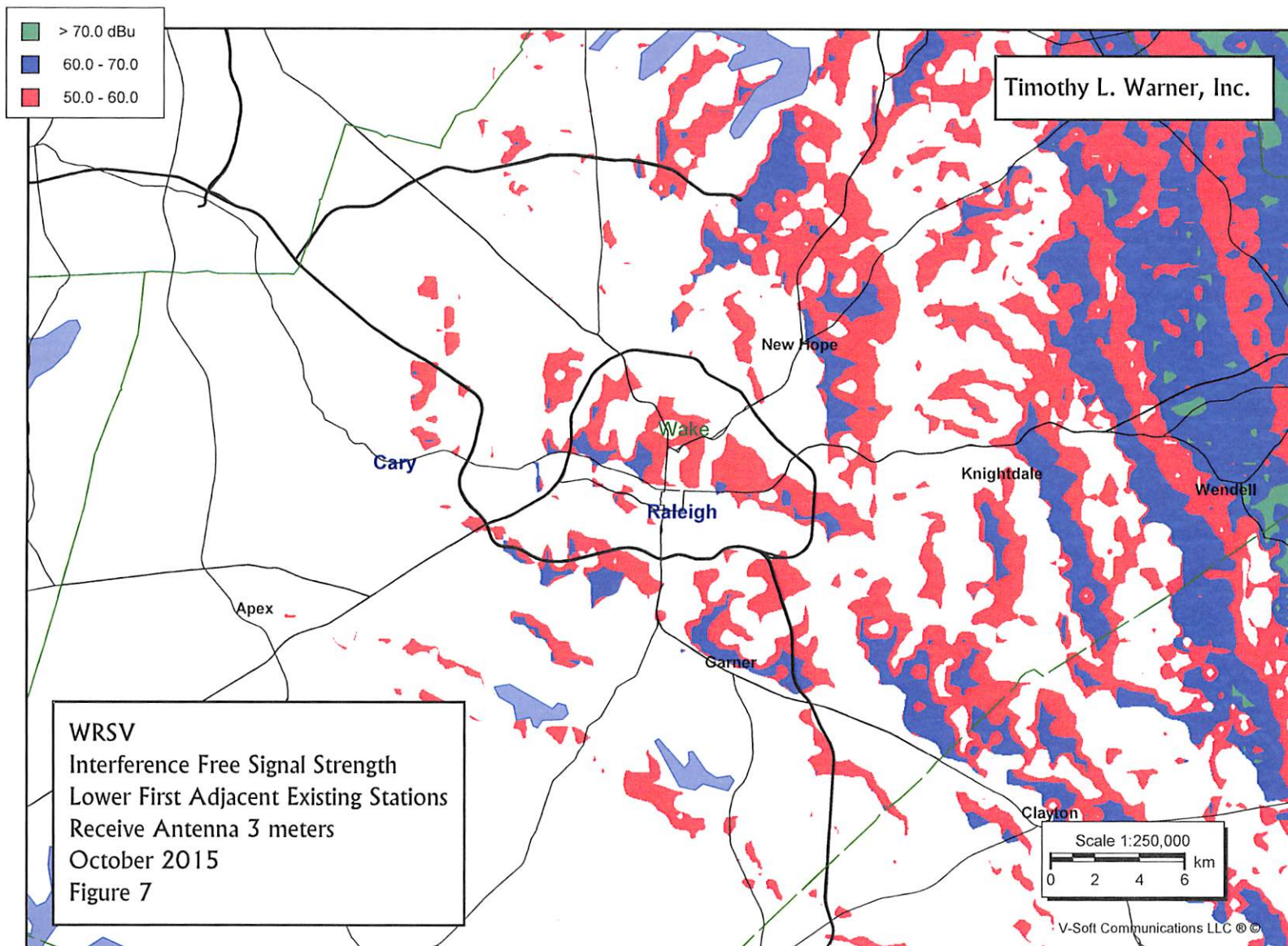




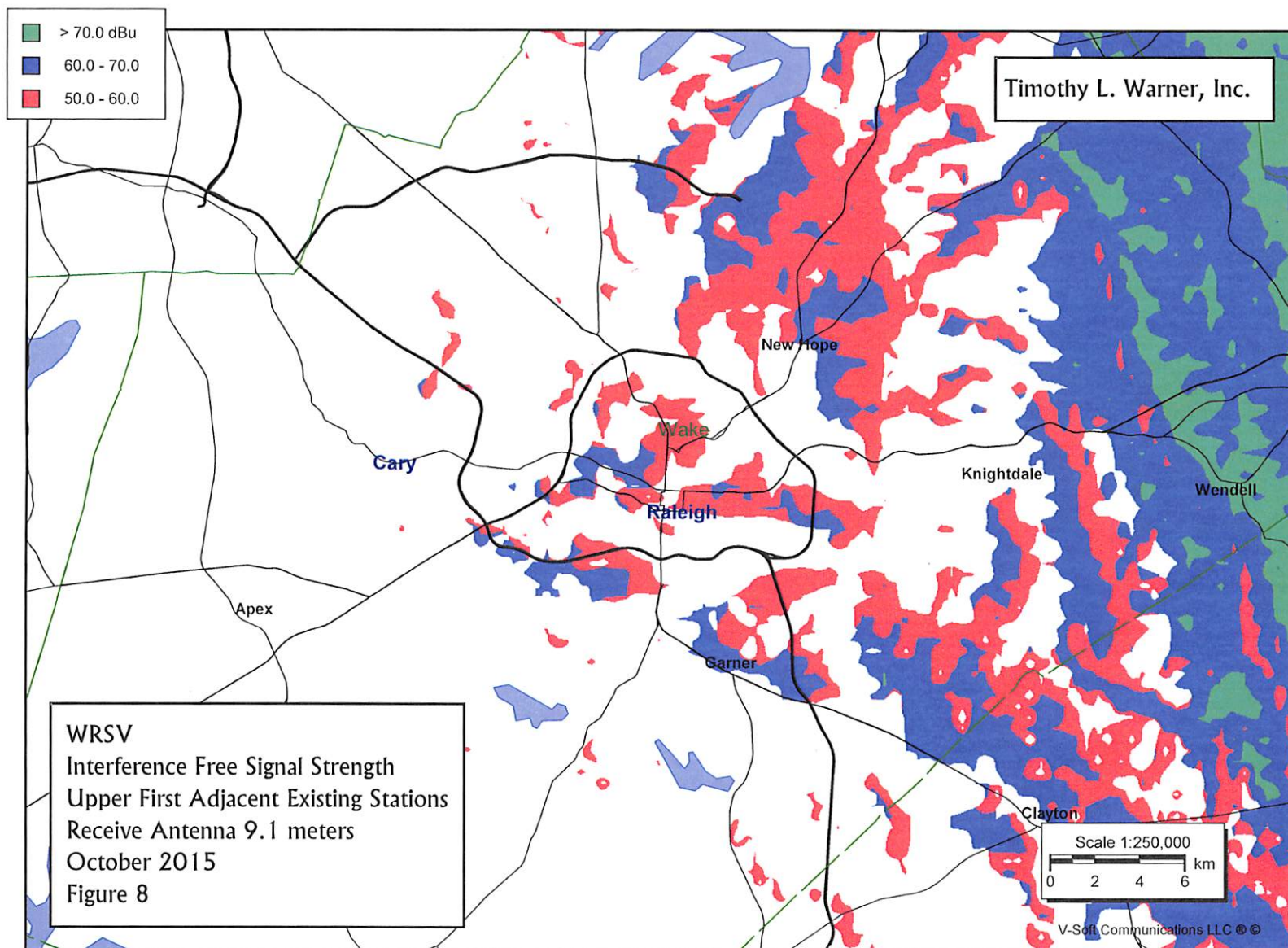


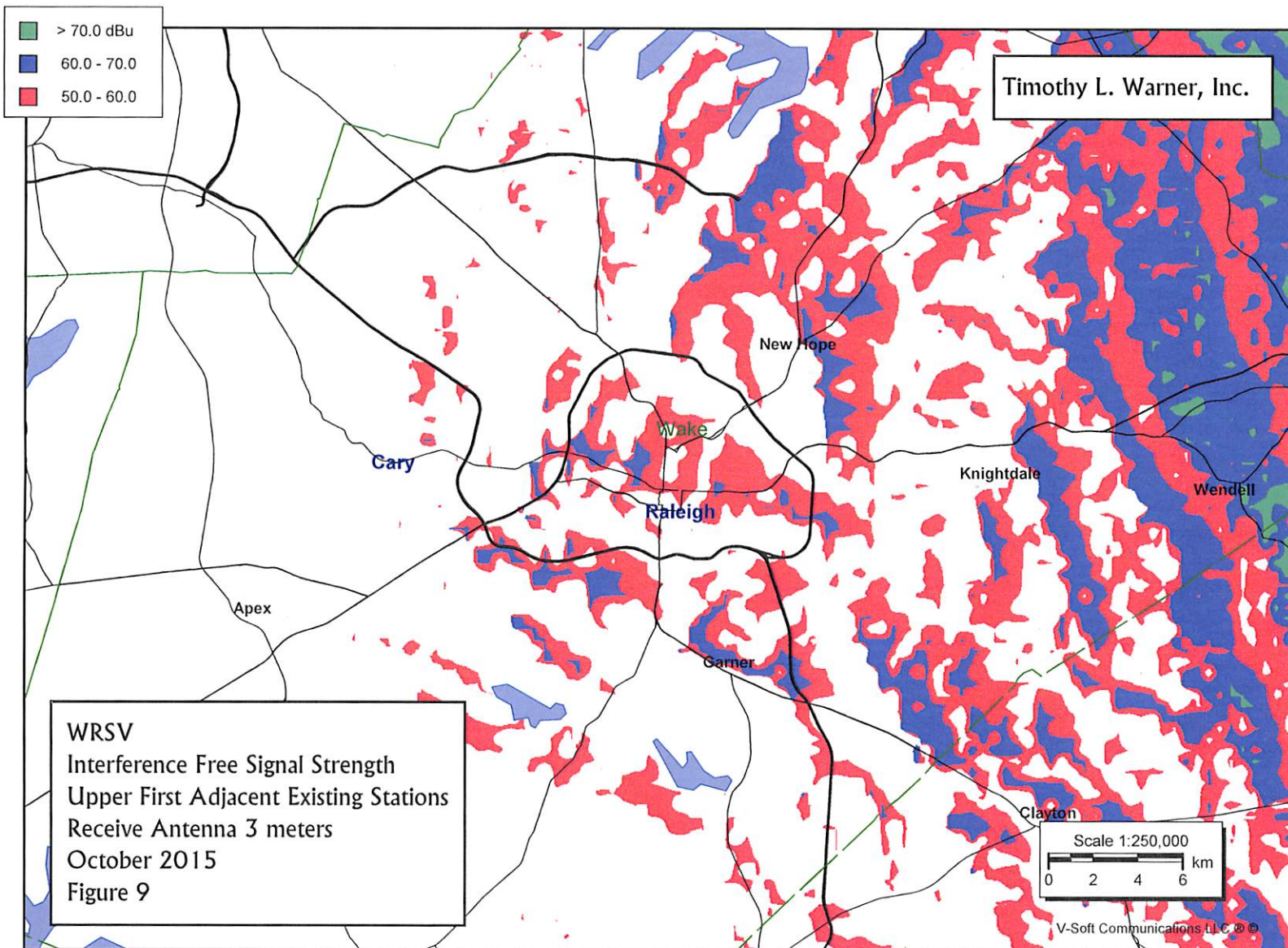




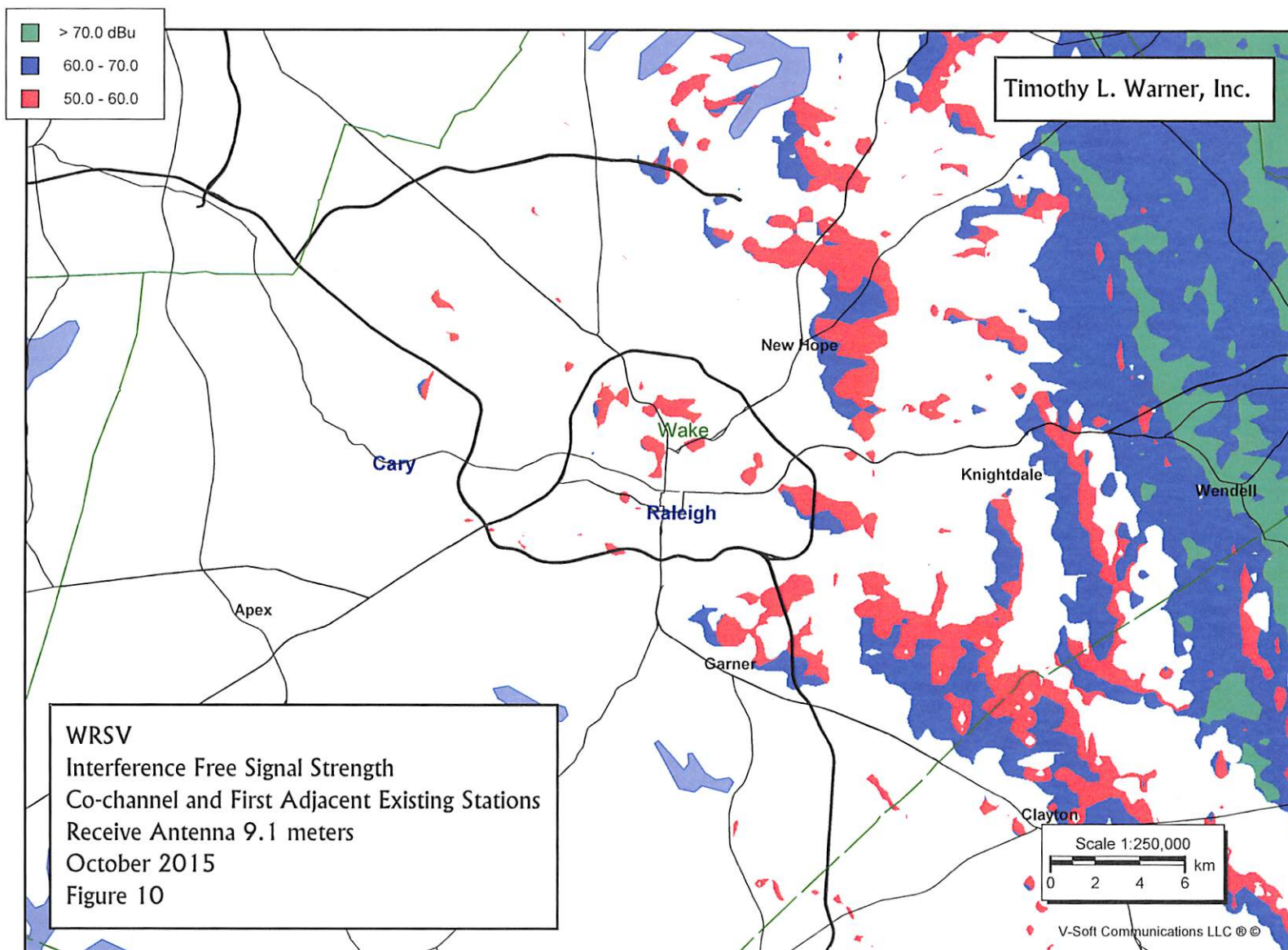


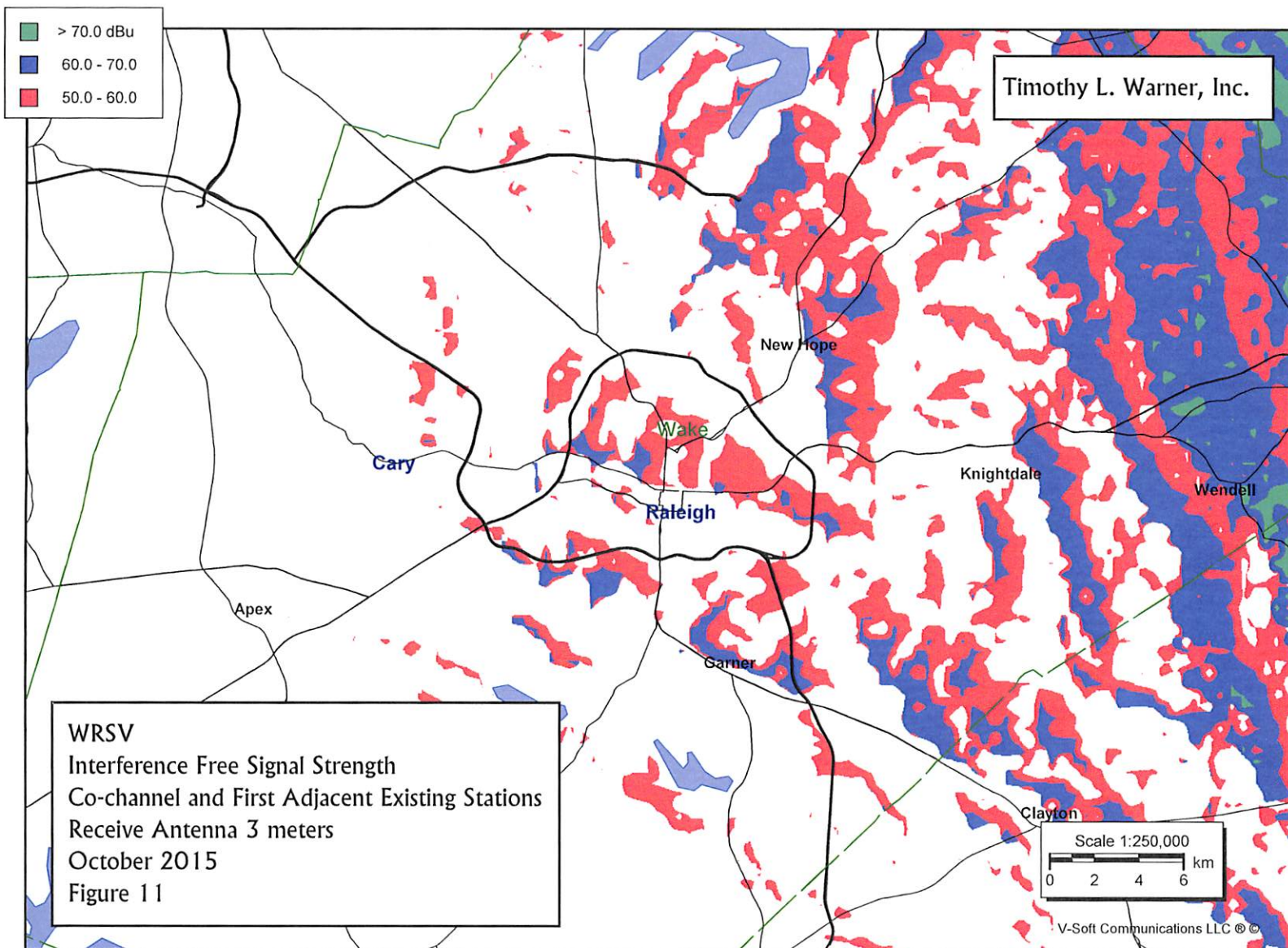






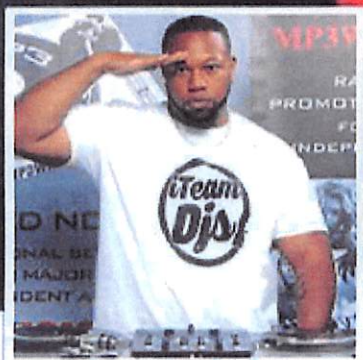








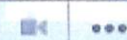
## **EXHIBIT 2**



Stephon Djloademup  
Fuentes

Add Friend

Message



Timeline

About

Friends

Photos

More ▾

DO YOU KNOW STEPHON?

To see what he shares with friends, [send him a friend request](#).

Add Friend

Lives in Raleigh, North Carolina

From Queens, New York



**Stephon Djloademup Fuentes**

August 24 · Instagram · Edited ·

Its [#Back2School](#) time peoples!! Lets continue to teach our children to love

## **EXHIBIT 3**





## Quintin Linen

Message

Timeline

About

Friends

Photos

More ▾

DO YOU KNOW QUINTIN?

If you know Quintin, send him a message.

Went to Choppee High School

PHOTOS

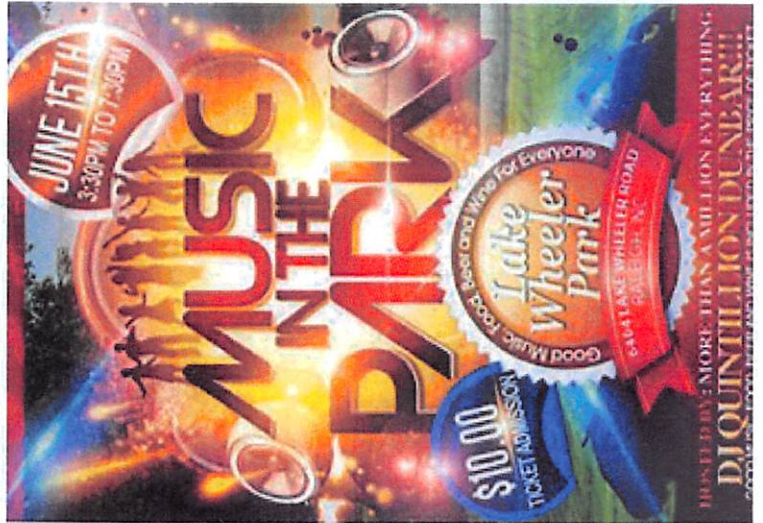


English (US) · Privacy · Terms · Cookies · Advertising · Ad Choices · More · Facebook © 2015



Quintin Linen updated his profile picture.

May 1, 2013 · 🌐



## **EXHIBIT 4**



1.03 PROFICIENT MIKRO

2.TRAIN 2 GO

3.BASS IN MY SPEAKER FEAT. J BLACK,TW0 HUNNIT

4.1 AM GOAT

5.ALBERT GEFONI

6.BIG TIPS

7.EYE BALLIN

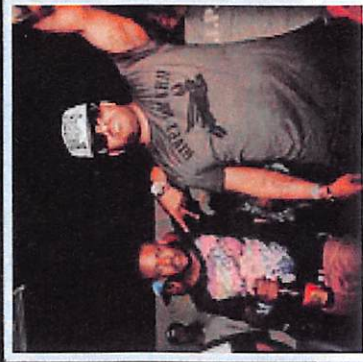
8.HIP HOP FEAT.PEE BATTERS

9.EAT.CROOKLON

JECT

T.SHYST STONE

Vetti Go



Timeline

About

Friends

Photos

More ▾

DO YOU KNOW VETTI?

Follow Vetti to get his public posts in your News Feed.

## **EXHIBIT 5**

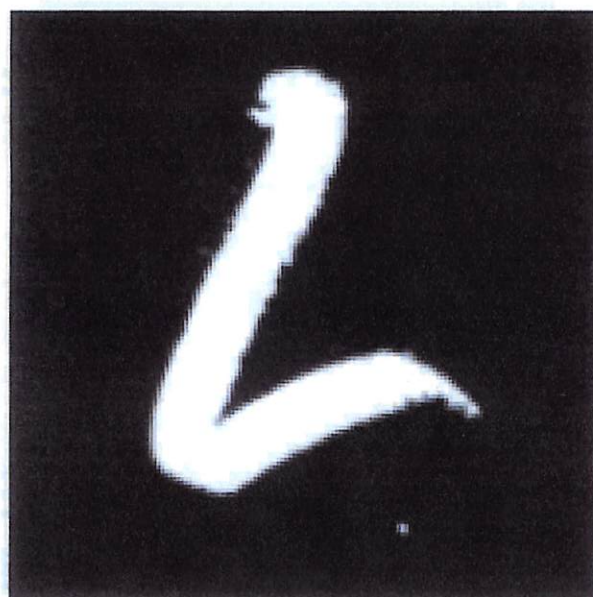




**Sophia Higgins**

June 8 · Raleigh, NC · 🌐

My radio show is on right now. Click here from your computer to listen or download the fleet dj app to your phone to listen. thanks for your support!



**The Official Home Of The Fleet DJs**

**The Fleet DJs - We Takin' Over!**

[FLEETDJS.COM](http://FLEETDJS.COM)

➡ **Share**

## **EXHIBIT 6**



HOSTED BY  
DJ DELLMATIC

# LABEL ME IVY

Mondell Dellmatic  
Dublin (Dj Dellmatic)

**PARENTAL  
ADVISORY**  
EXPLICIT CONTENT

[Add Friend](#) [Message](#) [...](#)

[Timeline](#) [About](#) [Friends](#) [Photos](#) [More ▾](#)

Email or Phone

Password



Log In

☐ Keep me logged in

[Forgot your password?](#)

HOSTED BY  
DJ DELLMATIC

Mondell Delldmatic Dublin (Dj Dellmatic) is on Facebook.  
To find out more, sign up for Facebook today.

Sign Up

Log In



**LABEL ME IVY**  
Mondell Delldmatic  
Dublin (Dj Dellmatic)  
**IVY MONAE**

**PARENTAL  
ADVISORY**  
EXPLICIT CONTENT

## Favorites

### Music



Hip Hop  
Music



Old school  
hip hop



MISS  
CASHLEY



DJ Scene

### Books



The Coldest  
Winter Ever



The Coldest  
Winter Ever

### Movies



Twenty Feet  
from Stardom



Top Five



Bad Boys



The Prestige

### Games



CSR Racing

### Athletes



Rita  
Benevidez

### Activities



DJing

### Other

A.O.G. (ARMY OF GORILLAS), Sanaa Lathan, ChuStory, Coast 2 Coast Mixtape DJs, BlackBerry, Tasha Smith, DJ Beanz, DJ IKE G DA, DJ NABS, GoThAzE.com, DJ Yagga, Formula 51, CitiNites.com, Taraji P. Henson, Dj Dellmatic and 84 more

## Others With a Similar Name



[Catherine Mondell Thomas](#)



[Dublin DeeJays](#)



[Dublin Raiders Staff](#)



[Slávek Kevals Dublin](#)



[Filif Dublin](#)



[Jus Dublin](#)



[Sabel Dublin](#)



[Aaron Mondell Anderson](#)

## CONTACT INFORMATION

Website

<http://WWW.ITSMYURLS.COM/DJDELLMATIC>

<http://WWW.FLEETDJS.COM/DJDELLMATIC>

## **EXHIBIT 7**





Dj Dellmatic  
@DJDELLMATIC

+ Follow

RT @DJOS100 @FLEETDJS OWN  
@DJDELLMATIC ROCKING THAT  
CALIFORNIA RIGHT NOW ON THE  
MIDDAY MIX ON @ilovechoicefm  
[ilovechoicefm.com](http://ilovechoicefm.com)

6:32 PM - 28 Sep 2015



## **EXHIBIT 8**





Dj Dellmatic  
@DJDELLMATIC

+ Follow

Today tune in to [@ilovechoicem](#) at noon  
and let [@djdellmatic](#) help you get thru the  
rest of you day....

[instagram.com/p/8LVXoNGZLb/](https://www.instagram.com/p/8LVXoNGZLb/)

RETWEET

1



7:09 AM - 28 Sep 2015



## **EXHIBIT 9**



Dj Dellmatic  
@DJDELLMATIC

 Follow

Tonight I will be setting your airwaves on  
🔥 🔥 🔥 🔥 on [@ilovechoicem](#) with  
[@dj2wenty](#) & [@mcfatwashere...](#)  
[instagram.com/p/7vRdrpGZNW/](https://www.instagram.com/p/7vRdrpGZNW/)

RETWEET

1



9:36 AM - 17 Sep 2015



## **EXHIBIT 10**

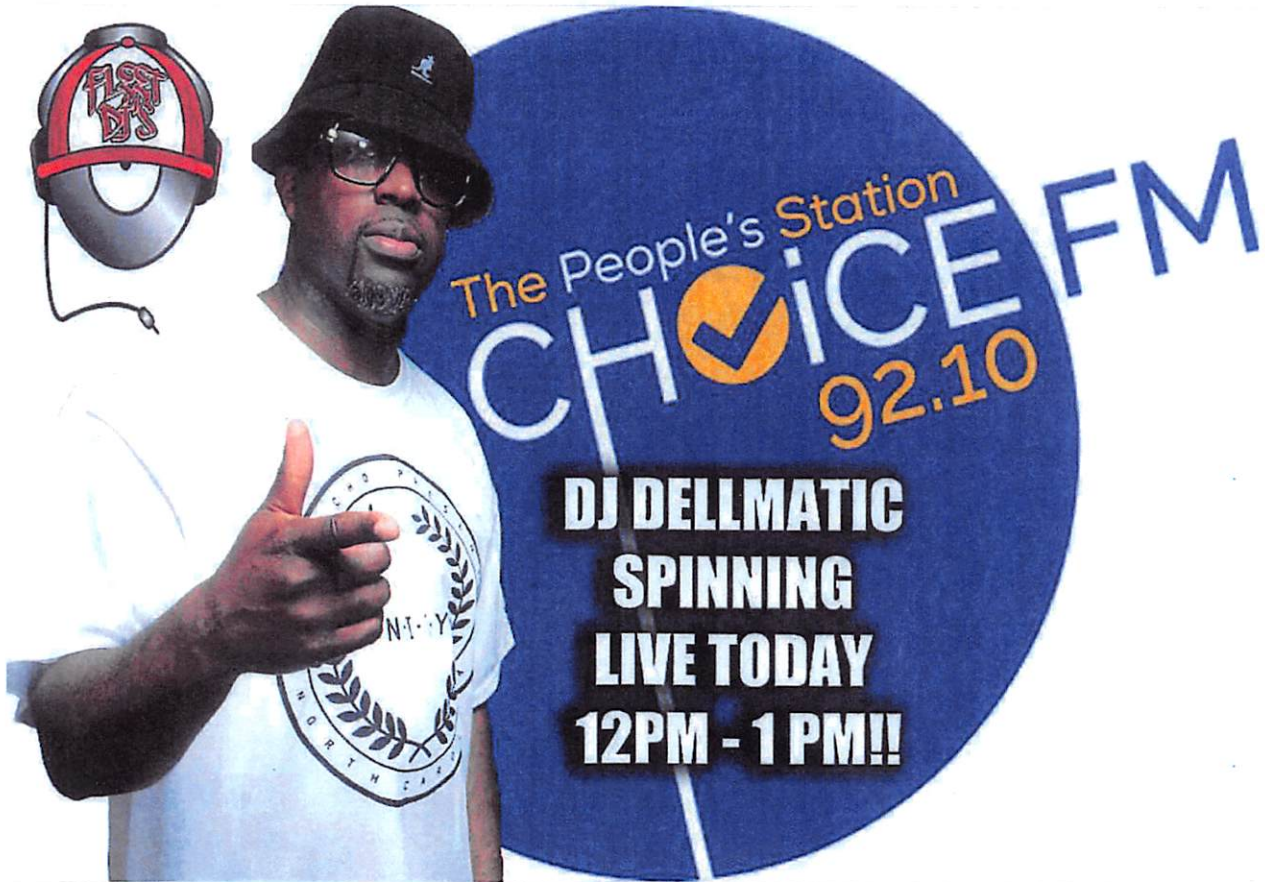
Search Search

Get the app Log in



djdelmatic

FOLLOW



12 likes

1w

**djdelmatic** Today tune in to @ilovechoicefm at noon and let @djdelmatic help you get thru the rest of you day. Good Music always helps!! ilovechoicefm.com #Delluminati #FleetDjs #ilovechoicefm

Log in to like or comment.

[ABOUT US](#) [SUPPORT](#) [BLOG](#) [PRESS](#) [API](#) [JOBS](#)  
[PRIVACY](#) [TERMS](#) [LANGUAGE](#)

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## **EXHIBIT 11**

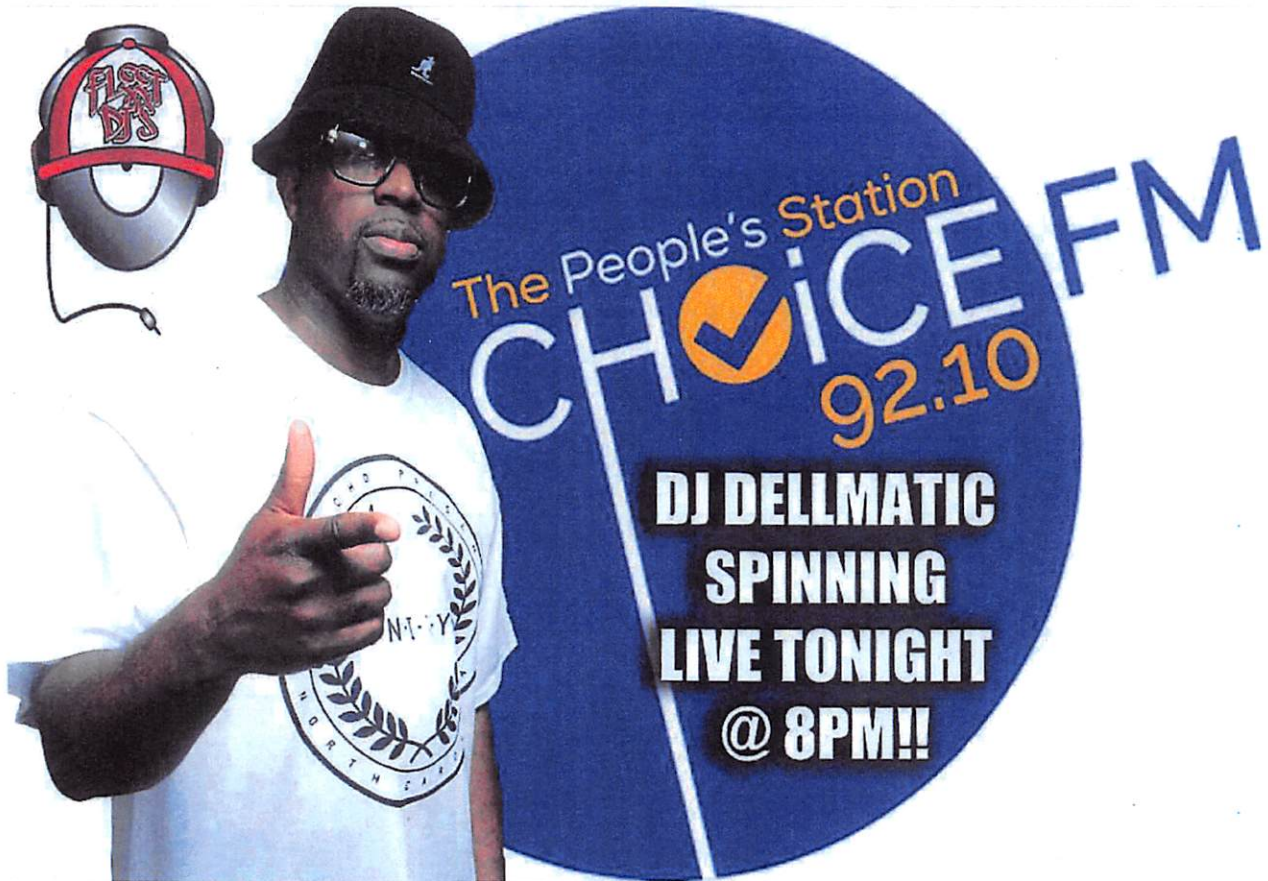
Search Search

Get the app Log in



djdelmatic

FOLLOW



23 likes

2w

**djdelmatic** Tonight I will be setting your airwaves on 🔥 🔥 🔥 🔥 on @ilovechoicefm with @dj2wenty & @jalisa\_mcfat ... Tune in at 6pm... I will be on at 8pm.... keep it locked all day and night as a matter of fact!! If you are out of the area, tune in at ilovechoicefm.com!! #FleetDjs @fleetdjs #Delluminati @carolinafleetdjs

**jalisa\_mcfat** Delluminatiii

**iamkblue** How can I get my single to you bro @djdelmatic

**fiu\_snaccs** I'm Fuccing with u especially DAT Country nigga from da bottom

**fiu\_snaccs** @djdelmatic

**tigobmusic** Peace bro

**tigobmusic** Would like to build with you



## **EXHIBIT 12**



The People's Station  
**CHOICE** FM  
92.10

TWEETS 447 FOLLOWING 86 FOLLOWERS 185 FAVORITES 71

[Follow](#)

## ChoiceFM 92.1

@ilovechoicefm

Raleigh's NEW Hip-Hop/R&B radio station! Featuring The @BreakfastClub Morning Show 6am-9am. #Heat all day. Listen live at [ilovechoicefm.com](http://ilovechoicefm.com)

[Raleigh, NC](#)

[ilovechoicefm.com](http://ilovechoicefm.com)



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[@themadisonjay](#)



**Cuntree Fontain**  
[@capsraleigh](#)



**ASongBirdTweets**  
[@AshleyMarShell](#)



**DJ Dellmatic**  
[@DJDELLMATIC](#)



**NapGod**  
[@djparadime](#)



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@MailOnline

Top stories from the Daily Mail. Follow @DailyMail for U.S. news and @DailyMailPics for photos. Facebook: fb.me/DailyMail

Follow



**Uncle Murda 187**

@unclemurda

My New Mixtape Uncle Murda Presents GMG Ain't Nothing Sweet available now on Datpiff For shows and features contact...

Follow

ChoiceFM 92.1 Retweeted

#TrappinOnWax @DJDaveDollaWIBM · Oct 5  
Dope @ilovechoicefm played that @unclemurda n future

2

ChoiceFM 92.1 Retweeted

D.J. FATZ @DJFATZ\_BCF · Oct 5  
We Live @ilovechoicefm Got my #pinkseratoviny! for Breast Cancer...  
[instagram.com/p/8egT0mCCszSD...](https://www.instagram.com/p/8egT0mCCszSD...)

1



ChoiceFM 92.1 @ilovechoicefm · Oct 5

#CITED : Many women with early-stage breast cancer can skip chemotherapy without hurting their odds...  
[instagram.com/p/8ea\\_ropj-e/](https://www.instagram.com/p/8ea_ropj-e/)



ChoiceFM 92.1 @ilovechoicefm · Oct 5

#didiyouknow that 1 out of 8 women will be diagnosed with breast cancer in the lifetime #peopleschoice... [instagram.com/p/8eEigspj6F/](https://www.instagram.com/p/8eEigspj6F/)



ChoiceFM 92.1 @ilovechoicefm · Oct 5

#PrayingForSc to recover from high waters of flooding  
More than a foot of rain was dumped on...  
[instagram.com/p/8dDqOxpj85/](https://www.instagram.com/p/8dDqOxpj85/)



ChoiceFM 92.1 @ilovechoicefm · Oct 5

It's #breastcancerawareness Month did you know that in 2015, there will be an estimated total of...  
[instagram.com/p/8dBtanpj6C/](https://www.instagram.com/p/8dBtanpj6C/)



ChoiceFM 92.1 @ilovechoicefm · Oct 5

RIP #BernieMac - the late comedian would have been 57 today .  
#peopleschoice #ilovechoicefm...  
[instagram.com/p/8dAOOZpj4Z/](https://www.instagram.com/p/8dAOOZpj4Z/)

1

## **EXHIBIT 13**



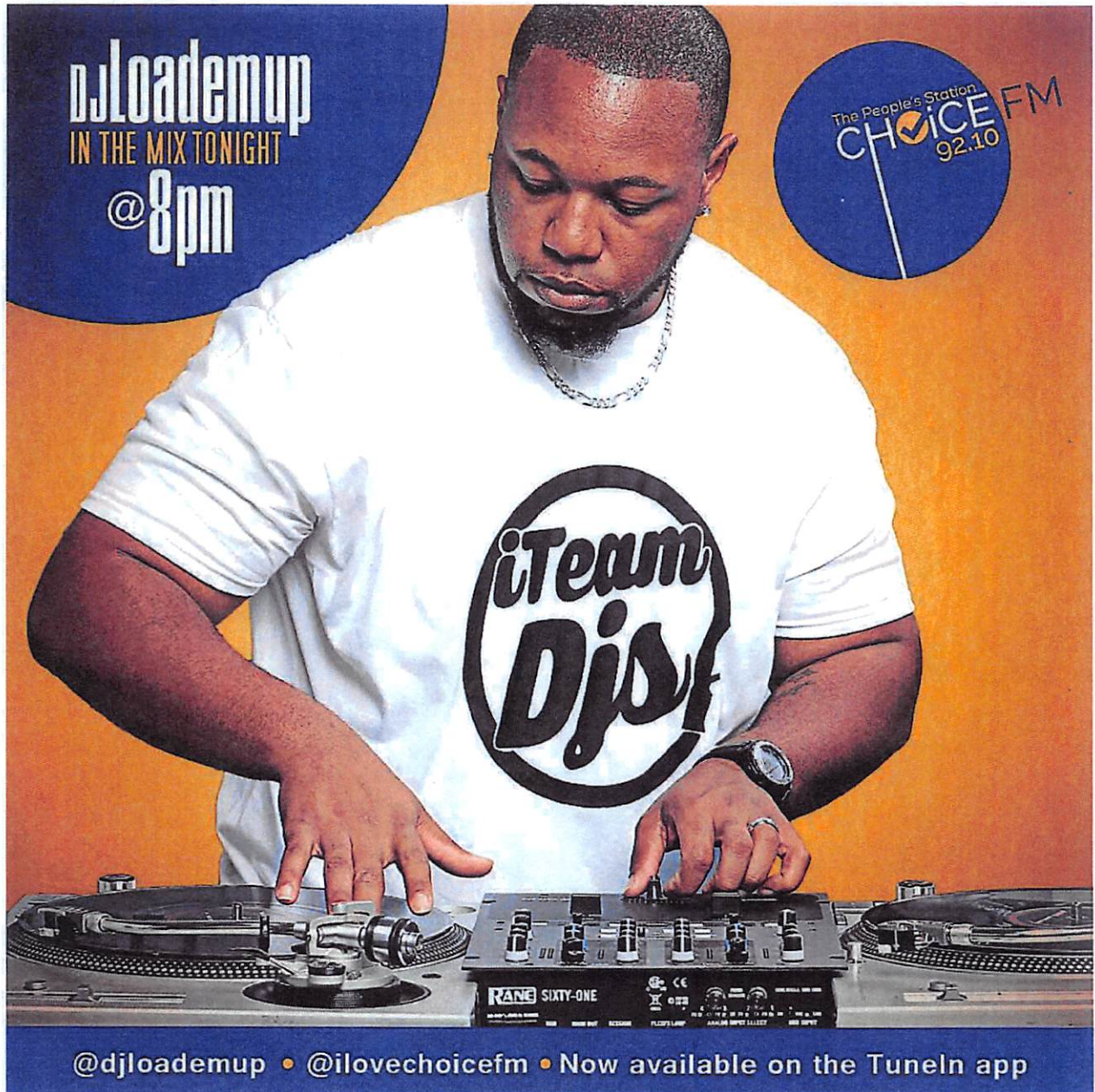
Search Search

Get the app Log in



djloademup

FOLLOW



26 likes

2w

## **EXHIBIT 14**

**radioINSIGHT**



HOME NEWS ▾ COMMENTARY ▾ COMMUNITY ABOUT US CONTACT US ▾

ADVERTISING INFO



WBCS ~~WBCS~~ ended After Misogynistic Twitter Rant | WNTI Sale Update | KNEV Brings The Vibe To Reno | Rick O'Dell



## WRSV Giving Raleigh An Urban Choice

Lance Venta | September 2, 2015

LISTEN TO ONLINE  
RADIO



**BRILLIANT EARTH**  
ETHICAL ENGAGEMENT RINGS



radiorage.com  
Listen to Free Streaming Internet F  
Now with Radio Rage - Free!

Northstar Broadcasting has relaunched Urban "Soul 92 Jams" WRSV Elm City, NC as "Choice-FM 92.1" as it moves its target market from Rocky Mount and Greenville to Raleigh.

The move comes as WRSV completed its tower move west of Rocky Mount where it is operating with 3.3kW at 138 meters. Despite moving its offices to Raleigh, the station is nothing more than a rimshot into the city (Coverage Map).

WRSV is now positioning itself as "The People's Station" and has replaced the syndicated Rickey Smiley Morning Show with Premiere Radio Networks' Breakfast Club. Afternoon host Jo-Jo Peoples shifts to middays. The station will move its midday Gospel "Joy In The Morning" programming to Sunday mornings only as well as increase its presence on sister 1390 WEED Rocky Mount, which has been rebranded "Joy 1390".



### LOGIN / REGISTER

Log In

Username:

Password:

☐ Remember Me

Log In

Register Lost Password

### RECENT COMMENTARIES





The following letter explaining the changes was posted on WRSV's Facebook page:


Though Soul 92 started its journey on the airwaves as being the heart and "soul" of the community, one of our board members felt the name reflected too much of a 70's feel and thus changed the name. Also, before 1996, Soul 92 was "The People's Station" and it pointed to the Raleigh area, but the station was in the process of change to point to Greenville when our founder died. We are truly thankful to our listeners in Greenville for embracing us for the last 15+ years and still consider G-Vegas as a historical height for the station. However, over the last few years the momentum the station had before when it pointed west was missed.

Thus, a change has been made. Our sister station WEED 1390 is now Joy 1390AM and it fully serves the gospel community and all you are used to hearing on "Joy in the Morning". As for the FM, it is now "The People's Station" "Choice FM" and now serves the Rocky Mount, Wilson, Nashville, Raleigh, Cary, Wake Forest, Zebulon & Clayton communities. Though you may notice some programming changes here with "The Breakfast Club" and a few other tweaks, "Joy in the Morning" will be there as always on Sunday morning (Charles O would turn in his grave if this one changed).

Change is constant and we are barreling through ours in hopes of bringing our current and new listeners of both stations powerful presences in their areas! We apologize for no real info beforehand, but it's the competitive nature of radio that prevented us from doing so. We hope you make the "choice" to listen to a new morning show on Choice FM and new programming, as well as, that great gospel programming you're used to on "Joy in the Morning" over on Joy 1390 AM!!!! Bare with us as we make tweaks. And yep, we have a few Facebook tweaks to make too...we're getting around to it...Keep listening...we are still Soul 92 Jams in the back...just giving you a CHOICE to move up front!

Share This:



 The AM  
Revitalization Translation  
September 18, 2015 11

 Looking At  
Alpha's  
Rapid  
Expansion  
August 5, 2015 5

 The Most  
Important  
Thing Done  
By Beats ...  
July 2, 2015 2

 Announcing  
RadioInsight  
Premium  
June 29, 2015 25





## **EXHIBIT 15**

**THE PEOPLE'S STATION CHOICE FM**  
is on Facebook.

To connect with The People's Station Choice FM, sign up for Facebook today.

[Sign Up](#) [Log In](#)

**The People's Station CHOICE FM**  
Media/News/Publishing

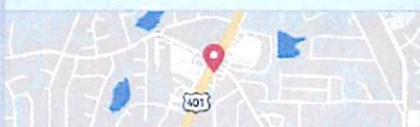
[Timeline](#) [About](#) [Photos](#) [Reviews](#) [More](#)

PEOPLE



3,092 likes  
112 visits

ABOUT



3930 Capital Blvd.  
Raleigh, North Carolina

(919) 872-9210

<http://www.soul92jams.com/>



**The People's Station Choice FM** in Raleigh, North Carolina  
13 hrs · 🌐

This is the show you don't wanna miss! #ilovechoicefm #triangle #nccu





**The People's Station Choice FM**

August 18 at 8:13am · 📶

**Soul 92 Jams changes to Choice FM / WEED1390 changes to Joy 1390**

Hi Everyone,

In an effort to address the questions about changes at Northstar Broadcasting, specifically Soul 92 Jams and WEED 1390, we'll make a brief statement here.

Though Soul 92 started its journey on the airwaves as being the heart and "soul" of the community, one of our board members felt the name reflected too much of a 70's feel and thus changed the name. Also, before 1996, Soul 92 was "The People's Station" and it pointed to the Raleigh area, but the station was in the process of change to point to Greenville when our founder died. We are truly thankful to our listeners in Greenville for embracing us for the last 15+ years and still consider G-Vegas as a historical height for the station. However, over the last few years the momentum the station had before when it pointed west was missed.

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Change is constant and we are barreling through ours in hopes of bringing our current and new listeners of both stations powerful presences in their areas! We apologize for no real info beforehand, but it's the competitive nature of radio that prevented us from doing so. We hope you make the "choice" to listen to a new morning show on Choice FM and new programming, as well as, that great gospel programming you're used to on "Joy in the Morning" over on Joy 1390 AM!!! Bare with us as we make tweaks. And yep, we have a few Facebook tweaks to make too...we're getting around to it...Keep listening...we are still Soul 92 Jams in the back...just giving you a CHOICE to move up front!

Soul92 now ChoiceFM Facebook Guru