

October 21, 2016

Mr. Bruce Jacobs
Chief
Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: FM Translator Station W290DA
Danville, Virginia
FIN: 154006
**Complaint of Interference by FM Translator Station to Full-
Service Station**

Dear Mr. Jacobs:

We are counsel to Dick Broadcasting Company, Inc. of North Carolina (“DBC”). DBC is the licensee of full-service FM Station WKZL(FM) (107.5 MHz), Winston-Salem, North Carolina (FIN: 16891).

DBC is hereby filing this Complaint against FM Translator Station W290DA, Danville, Virginia (the “Translator Station” or W290DA), which is licensed to Lakes Media, LLC (“Lakes”) and operates on Output Channel 290 (105.9 MHz).

This Complaint arises from what DBC submits is a clear and uncontested violation of Section 74.1203(a) of the Commission’s Rules. That provision requires that an FM translator “will not be permitted to continue to operate if it causes any actual interference to: (1) the transmission of any authorized broadcast station....” WKZL has been receiving actual interference from the Translator Station and, despite DBC’s efforts to resolve this matter without recourse to intervention by the Commission, it is unable to have the interference halted. It, therefore, has no recourse but to bring its concerns to the Commission’s attention for resolution.

The Translator Station had formerly operated on Output Channel 279. In File No. BPFT-20160218AAA, Lakes was granted a construction permit to modify its operations to Output Channel 290. This change took place on or about September 2, 2016 and an application for a license to cover was filed in FCC File No. BLFT-20160902ABF.

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However, there was a defect in W290DA's broadcast transmission system that resulted in interference, from spurious emissions, to W290DA. DBC became aware of the interference in communications from its listeners (See Attachment A). These listeners have found themselves unable to listen to WKZL in the Danville area and WKZL is suffering the adverse consequences.

While W290DA should not customarily cause interference to WKZL, owing to their 11 channel separation, W290DA was, in DBC's opinion, the obvious cause of the interference.

In seeking to resolve the interference question, DBC communicated directly with Lakes. During the communications, Lakes admitted (Attachment B) that there was a problem with its transmission system and that resolution of this problem was fully under its control:

Jason, after discussions with consulting engineers Stu Graham and Rob Pruitt, we have determined that a bandpass filter will need to be installed to eliminate the interference. We are presently contacting potential suppliers (Microwave Filter and Jampro) regarding timing and pricing. Once we have the filter, we will move quickly to install it.

Hoping to avoid the need to bring this matter to the Commission's attention, given the Commission's limited resources, DBC sought to resolve this matter promptly and informally. DBC urged Lakes either to turn off or power down the Translator Station in order to eliminate the interference, while the filter matter was resolved. DBC believed that this was an appropriate action, not only because the Commission's rules required it, but also that the Translator Station was newly constructed and would not have a long-term relationship with its listeners and the Station being retransmitted was Lakes's AM station, Station WMPW(AM), Danville, Virginia (FIN: 15501), that listeners of the Translator Station could easily tune to.

Lakes has refused (Attachment C) to cooperate, arguing that it would await the receipt and installation of the bandpass filter. Until then, DBC would have to stand by and suffer the consequences of the interference. Such a result is unacceptable.

FM translator stations are secondary services and have no absolute right to continue to broadcast under any circumstances. Section 74.1203(a) teaches us that FM translator stations must protect full-service stations. *The Association for Community Education, Inc.*, 19 FCC Rcd 12682 (2004). When it is evidenced, by listener communications or otherwise, that an FM translator is interfering with a full-service station, the Commission will shut down the FM translator to protect the full-service station, as provided for in Sections 74.1203(e) and 74.1232(h). *Id.* at 12688.

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What distinguishes this matter apart from other instances, where full-service stations have complaints apart from FM translator interference, is Lakes's admission that its transmission facilities are the cause of the problem and its blatant refusal to abide by the Commission's rules when it has been made aware of the violation and asked to resolve it by appropriate means.

DBC is disappointed that its efforts to resolve this matter in an informal manner have failed. However, it is entitled to operate WKZL free from harmful interference and in service to its long-term listeners who value the Station. DBC is concerned that as the days progress, it will lose more and more listeners and will have the difficult task of restoring their loyalty when, and if, Lakes finally puts a halt to the interference. The facts and circumstances call for immediate action by the Commission on this Complaint.¹

Considering these factors, DBC requests that the Commission issue a Section 74.1203(e) notice to Lakes Media, LLC mandating that the operation of Station W290DA "be suspended within three minutes and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the FM translator."

Should there be any questions in regard hereto, please communicate with the undersigned.

Respectfully submitted,



Barry A. Friedman

Enclosures

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¹ The Enforcement Bureau has taken action to enforce Section 74.1203(a). *See Calvary Chapel of Costa Mesa, Inc.*, Notice of Violation in File No. EB-FIELDWR-13-00011912.

ATTACHMENT A

From: **Adrienne Tate** <scs_baby@yahoo.com>

Date: Tuesday, October 4, 2016

Subject: 107.5 interference from 105.9

To: Jared1075kzl@gmail.com

About two weeks ago, I tried to listen to Jared and Katie in the morning and all I could hear was faint talking and laughing and Kid Rock "All Summer Long" cutting in. After a couple of days, it got to be to where I couldn't listen to 107.5kzl at all. I've been a loyal listener since "Murphy in the Morning". So I know and love how well this station plays in Danville, Va. over 15 years.

Recently one of the radio stations in Danville, 103.7 Country Legends was cancelled. So a new station 105.9 MORE Fm took its place. It also took over the airways. They play decent music, but I enjoy listening especially in the mornings to Jared and Katie. I have mentioned it on 105.9s Facebook page a couple of times. They replied that their station could not interfere with KZL, but I've taken video of me changing between the two stations and it's clearly 105.9 cutting in on 107.5. I just want to turn my radio off.

Sometimes later in the evening I can listen to KZL, I went as far as South Boston on 58 west and the reception was better.

Please help if you can. This station is brand new. They haven't played a single commercial for weeks. They're supposed to add DJs next week.

Thank you for your concern and please help fix this if you can.

Here's a link to the other station .

<http://www.lakesmedianetwork.com/station/105-9-fm/>

Sent from my iPhone

ATTACHMENT B

From: Tom Birch [<mailto:tombirch@lakesmediallc.com>]
Sent: Friday, October 7, 2016 2:02 PM
To: 'Jason Goodman' <xgoodmanz@gmail.com>
Cc: Dick Harlow <dharlow@dbcradio.com>; Allen Dick <allend@dbcradio.com>; triedtech@yahoo.com;
Rob@iclimbtowers.com; 'Will Patnaud' <will@patnaud.com>
Subject: RE: 107.5 interference from 105.9

Jason, after discussions with consulting engineers Stu Graham and Rob Pruitt, we have determined that a bandpass filter will need to be installed to eliminate the interference. We are presently contacting potential suppliers (Microwave Filter and Jampro) regarding timing and pricing. Once we have the filter, we will move quickly to install it.

I am hopeful that we can address this quickly; however, we experienced a similar problem with our other Danville translator W283BN (104.5) in 2011 and it took Jampro 6 weeks to deliver a custom-built filter. If your engineering team can offer suggestions on how we can affordably accelerate process, we're all ears. Please reply to me, Rob and Will Patnaud.

Tom

P.S. I am very sensitive to translator interference.

I am at DEFCON-1 with Arohi Media, owner of W252DK/Durham that received an apparently un-vetted CP to launch within the 40 dBu contour of our C-3 WLUS-FM. Since August 18th, W252DK has wiped WLUS off the dial in Orange, Durham, Wake and southern Granville Counties. We filed an initial request for the CP to be rescinded in March, which was ignored - and we filed a Complaint on August 22nd that STILL has not been posted on the CDBS nor acted on by the FCC. We have made multiple filings of Listener Declarations of interference, all to no avail.

The FCC, quoting Donald Trump, is "a disaster".

Tom Birch, Owner/President
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