



**Federal Communications Commission
Washington, D.C. 20554**

December 5, 2016

In Reply Refer to:
1800B3-HOD

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**In re: Edgewater Broadcasting, Inc. and
Easy Media, Inc.**

W266AL, Pensacola, Florida
Facility ID No. 150820
File No. BALFT-20150511AAH

Application for Assignment of License

Petition to Deny

Dear Counsel:

We have before us an application (Application) for consent to assign the license of W266AL, Pensacola, Florida (Translator), from Edgewater Broadcasting, Inc. (Edgewater) to Easy Media, Inc. (Easy Media). Also before us is a Petition to Deny (Petition) the Application filed by Wolff Broadcasting Corporation (Wolff).¹ For the reasons set forth below, we dismiss in part and otherwise deny the Petition, and grant the Application.

Wolff is the licensee of an FM station—WPPG(FM)—licensed to Repton, Alabama. The station operates on the same channel as the Translator. Wolff alleges that the Translator is interfering with listener reception of WPPG(FM)'s signal. Relying on Section 74.1203 of the Commission's rules, which requires an FM translator to correct any interference caused by its operations or suspend operations until it has eliminated such interference, Wolff argues that Edgewater lacks the technical qualifications required of Commission licensees. Wolff urges us to either revoke the Translator's license or designate the Application for hearing "on issues relative to W266AL interfering with WPPG."²

The Commission generally does not reevaluate the qualifications of assignors unless issues related to basic qualifications have been sufficiently raised in petitions to warrant designation for hearing. That is not the case here. On a number of occasions over the years, we have found Edgewater qualified to hold the Translator's authorization. Wolff's interference allegations do not alter our assessment. We decline Wolff's invitation to extrapolate a lack of technical expertise or ability from the existence of

¹ Easy Media filed an Opposition to Petition to Deny on June 24, 2015, and Wolff filed a Reply to Opposition to Petition to Deny (Reply) on July 7, 2015.

² Petition at 4-5.

interference issues.³ Wolff has failed to raise a substantial and material question of fact regarding Edgewater's technical qualifications.

We further decline to address Wolff's interference allegations here. As Wolff itself notes,⁴ Section 74.1203 of the Commission's rules sets forth a process for addressing interference complaints of the nature raised here.⁵ Wolff has not demonstrated that the alleged interference is in any way related to or impacted by the proposed assignment nor has it cited any instance where we have denied grant of an assignment or transfer of control application due to interference allegations. Accordingly, we conclude the interference allegations are better addressed in the context of the interference complaint that Wolff filed with the Commission.⁶

Finally, we reject Wolff's claim that the Translator has undergone a premature transfer of control.⁷ Wolff points to a declaration submitted by Easy Media, which purports to rebut Wolff's interference claims. The declaration is made by an engineering consultant and indicates that, in looking into Wolff's interference allegations and making adjustments to the Translator's operating parameters, he worked with an employee of the Easy Media station, WBSR(AM), Pensacola, Florida, that the Translator rebroadcasts. This alone, though, does not create a substantial and material question of fact regarding Edgewater's control of the Translator.

Conclusion/Actions. We find that Wolff has not raised any substantial and material questions of fact warranting further inquiry in the context of this Application. We further find that grant of the Application is consistent with the public interest, convenience and necessity. Accordingly, IT IS ORDERED, that the Petition to Deny filed by Wolff Broadcasting Corporation on June 12, 2015, IS DISMISSED IN PART AND OTHERWISE DENIED, and that the application for approval to assign the license for W266AL, Pensacola, Florida (BALFT-20150511AAH) from Edgewater Broadcasting, Inc. to Easy Media, Inc. IS GRANTED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

³ The Commission has found an applicant technically qualified if it has the "technical ability" or "technical expertise" to operate the station for which authorization is sought. See, e.g., *Amendment of Parts 2, 22 and 25 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service for the Provision of Various Common Carrier Services*, Second Report and Order, 2 FCC Rcd 485, 488 para. 20 (1987).

⁴ Petition at 2-3.

⁵ 47 CFR § 74.1203.

⁶ Petition at Exh. A.

⁷ Reply at 3-4.