

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

In re Matter of	)	
	)	
FM Translator W228CX	)	Facility ID #150595
Indianapolis, IN	)	
	)	

TO: The Secretary, Federal Communications Commission  
Attn: The Chief, Audio Division, Media Bureau

**RESPONSE TO UPDATE TO THE RECORD  
REGARDING FM TRANSLATOR W228CX**

Comes now Woof Boom Radio Muncie License, LLC (“Woof Boom”), Licensee of Radio Station WMXQ (FM), Hartford City, Indiana (the “Station”), by its counsel and does hereby respond to the “Update to the Record Regarding FM Translator W228CX” (the “Update”) filed by Emmis Radio, LLC (“Emmis”), the Licensee of FM Translator Station W228CX, Indianapolis, Indiana (the “Translator”).

On December 8, 2016, the Commission Staff informally requested Emmis to respond to address seventeen specific complaints of interference<sup>1</sup>. On December 22, 2016, Emmis filed its Update. Anticipating that Emmis would try yet again to muddy the waters and avoid addressing the issue of interference on its merits, Woof Boom’s President Jerry Chapman and his staff reached out to each of the 17 complainants listed by the Commission to let each know that a representative from Emmis might be

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<sup>1</sup> Woof Boom has submitted more than fifty listener complaints which it believes to be legitimate. The Commission Staff did not discuss why only these seventeen complaints triggered its request for supplementation, but Woof Boom continues to urge the Staff to fully analyze this exceptionally large number of “regular” WMXQ listeners, who are on record as complaining that the Translator is denying them access to a full power station to which they have listened for years.

contacting them. Woof Boom asked them, as it has in the past, to continue to cooperate with Emmis in good faith remediation efforts.

Attached hereto, please find the Declaration of Mr. Chapman. Mr. Chapman spoke directly with three of the complainants and a summary of those conversations and a summary of all other conversations Woof Boom staff had with the complainants are submitted. Also set forth are personal Declarations from many of the complainants among the 17 in the FCC's list, who took umbrage with the false and misleading allegations in the Update about their interference dealings with Emmis and David Schmeidel, Emmis' engineer, who performed no engineering tasks, but performed the function of an adversarial "investigator", charged with avoiding Emmis' legal obligation to eliminate interference. Also attached to Mr. Chapman's Declaration are the Declarations of his Chief Engineer, Sean Mattingly and his Program Director, Jay Garrison. Messrs. Mattingly and Garrison spoke to nine of the complainants and summaries of those conversations are set forth in their respective Declarations.

It is no surprise that Emmis, rather than addressing at all the existing legitimate interference issues in their Update, instead repeats its ongoing distortion of the WMXQ listener complaints and Emmis' dealings with the complainants. As the complainants' Declarations make clear, Emmis will stop at nothing to avoid coming to grips with the truth. Woof Boom contacted several of the complainants. All whom were contacted offered to give Declarations so their words would be heard – to set the record straight. Those Declarations are attached as Exhibit 5 to the Declaration of Jerry Chapman. These complainant Declarations are completely at odds with the Emmis pleading. They insist compellingly, *inter alia*, that the interference from the Translator continues to obliterate

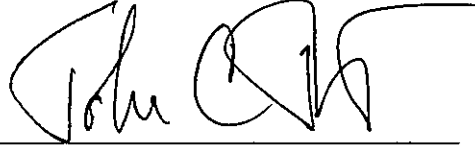
the reception of Woof Boom's signal, that they are disinterested, regular listeners of Woof Boom, or at least were before Emmis' sports talk wiped out their reception, that they have been lied to by Mr. Schneidel and misrepresented in the Update, that Emmis has not followed through on its empty promises to remediate, particularly in their cars where they listen to radio, and that Emmis and its "engineer" have admitted there is no practical and loud enough way to eliminate the interference they have been and continue to experience. There is only one explanation for these stark contradictions in Emmis' story. Emmis submitted a pleading that distorted listener statements and the truth in a desperate ploy to win to keep the Translator on the air at its current operating parameters. The Declarations of the complainants speak for themselves.

It is clear to Woof Boom that Emmis believes in the theory that if you tell a lie long enough, maybe others will doubt the truth. The fact is: W228CX interferes with WMXQ. This Translator has caused interference from the moment it was turned on. If the slightest doubt remains, then the FCC must order a field inspection and end this matter once and for all. There is no gray area here – The dishonesty of Emmis, its actions and inactions, the overwhelming technical data, and distortion of the WMXQ listener complaints and the history of Emmis' effort to sweep them under the rug, rather than address them, are all part of an orchestrated effort to win at any cost.

For the reasons set forth herein, Woof Boom respectfully requests that the FCC compel Emmis to either immediately cease operations due to its prohibited interference or to reduce the power of W228CX to ten watts. Should Emmis fail to do so the, Commission must formally revoke the Translator license.

Respectfully Submitted,

Woof Boom Radio Muncie License LLC

By: 

John C. Trent, Esq.

Howard M. Weiss, Esq.

Its Attorneys

January 13, 2017

Law Office of  
Putbrese Hunsaker & Trent, P.C.  
200 South Church Street  
Woodstock, VA 22664  
(540) 459-7646

Attachment

Declaration of Jerry Chapman

# DECLARATION OF JERRY CHAPMAN

I, Jerry Chapman, declare under the penalty of perjury that the following is true and correct to the best of my knowledge and belief and further declare that the information which is contained in the Response to Update to the Record Regarding FM Translator W228CX is also true and correct.

1. As previously advised to the Commission, I am the President of Woof Boom Radio Muncie, LLC ("Woof Boom"), the Licensee of Radio Station WMXQ (FM), Hartford City, Indiana (FCC Fac. ID# 70187) ("WMXQ" or "Station"). WMXQ operates on the assigned frequency of 93.5 MHz with the effective radiated power of 3.4 kW. Emmis Radio License, LLC ("Emmis") signed on its co-channelled translator W228CX (FX), Indianapolis, Indiana (FCC Fac. ID# 150595) ("W228CX" or "Translator") on October 2015. Since that time Woof Boom has experienced significant documented interference of which said interference has yet to be addressed by Emmis.

2. Throughout this long complaint process, at no time has Emmis produced one iota of technical data that disputes the simple fact that W228CX is interfering with WMXQ. -- Nothing. Emmis continues to interfere and at the same time they are using everything, including dishonesty, to disguise the issue that their translator, W228CX, interferes with Woof Boom Radio's WMXQ. Woof Boom has provided numerous technical exhibits demonstrating the real interference. The Emmis Pleadings and Responses never addressed or refuted any of the technical exhibits put forth by Woof Boom Consulting Engineer, Jeremy Ruck. Ruck's work clearly demonstrates the interference. The "before" and "after" monitor point exhibits prepared by Woof Boom Chief Engineer, Sean Mattingly back up Ruck's work. Emmis can't dispute Mattingly and Ruck's work because the interference is real.

3. On December 8, 2016, the Commission Staff requested Emmis to address seventeen specific complaints of interference (Commission e-mail is attached hereto as Exhibit 1). At my direction, I requested my Program Director, Jay Garrison, and my engineer, Sean Mattingly, to assist me in contacting those complainants listed to alert them to the fact that a representative from Emmis may be contacting them and asking them to please take the call. As part of our contact, we asked certain questions of the listeners. I have attached hereto as Exhibit 2 our contact notes from those listener contacts.

4. On December 9, 2016, I spoke to the following listeners, Robin Gabriel, Jen Smith and Mike Webb. A summary of my phone conversations follows:

(A) Robin Gabriel. Ms. Gabriel indicated to me that she still experiences interference while she attempts to listen to 93.5 FM, WMXQ. She expanded upon it saying the interference is as bad as it always has been since the Indianapolis sports station signed on more than a year ago. She identified the location of the interference throughout Daleville (which is her hometown) - where it is most

noticeable. Specifically, the interference is greatest near the post office where she cannot hear it at all, or by the Daleville High School where she works. She describes the interference as a talk station coming in with no music, just people talking. She also indicated as she leaves Daleville northeast (away from the translator) on Indiana State Road 32 to Yorktown the interference continues to be quite noticeable. She said she heard from a man from the FCC but could not identify him.

(B) Jen Smith. I spoke with Ms. Smith and learned she experiences significant interference on her drives back and forth between Muncie and Anderson which she characterized as terrible. She said it is bad in Daleville and also Chesterfield. It is very bad in Anderson especially along Scatterfield Road. Before the interference began she was a regular listener of WMXQ for several years. She can no longer hear the station in the car. She had received an offer from the Emmis representative Dave Schmiedel for devices but never heard back regarding any additional information. Ms. Smith added she has known Schmiedel for many years. I did ask her if knowing Emmis' representative, Mr. Schmiedel, would cause her to be more or less likely to identify the interference or the lack thereof and Smith indicated it would not as "interference is interference."

(C) Mike Webb. I also spoke with Mike Webb. It should be noted that Emmis indicated in their late December update that they were unsuccessful in reaching Webb via email. Woof Boom has provided not only Mr. Webb's email address, but also his mailing address, and his mobile phone number. Additionally, it should not be difficult for Emmis to reach Mr. Webb given that Emmis' Mr. Schmiedel has done it on numerous occasions before – meeting him in-person at his home, supplying Mr. Webb with an antenna for his home. Mr. Webb told me that today he is still having the interference issues. He has stopped listening to 93.5 FM, MAX in his car due to the interference. He can only hear our station at home using the antenna (furnished by Emmis). Listening to WMXQ in his car there was no issue anywhere in Anderson – it was fine – no problem. That is no longer the case and because of the interference he has STOPPED listening in his car. He can now only listen at home. He used to hear 93.5 FM in his car without any issues as it came in fine throughout Anderson. It no longer does. Webb says that he was a regular listener of 93.5 FM for the last 7 to 8 years.

5. Attached hereto as Exhibit 3 is the Declaration of my Program Director for WMXQ, Jay Garrison. Mr. Garrison spoke to two listeners, Rick Owen and Quintin Harlan. As indicated in his declaration, each listener is still experiencing interference.

6. Attached hereto as Exhibit 4 is the Declaration of my Chief Engineer, Sean Mattingly. Mr. Mattingly contacted seven listeners. These listeners all reported continued interference.

7. On December 22, 2016, Emmis responded to the Commission request by filing an "Update to the Record Regarding FM Translator W228CX" ("Update"). I reviewed their Update and am amazed at the levels which Emmis will go to confuse and obfuscate a real interference problem. Emmis

has resorted to the despicable tactics of impugning the integrity of my staff, disregarding listeners' statements, and twisting the words of those who want to hear WMXQ. Because of this unbelievable Update, I felt it imperative to again reach out to several of the listener complainants. We provided the listeners with copies of the Emmis Update and the listeners agreed to provide statements that pertain to this interference matter. As of now, we have received five such statements and are expecting more. Copies of these statements are attached hereto as Exhibit 5. These statements directly refute what Emmis has stated in their Update. These listener statements really speak for themselves ...the interference still exists, they cannot hear WMXQ and the information which Emmis's engineer stated in the Update is simply misleading and/or outright false.

8. Emmis' attempts to disqualify valid listener complaints are wrong and misleading. Of the latest 17 there are three that followed the same deceptive practice by Emmis used in earlier pleadings:

(A) It is deceptive of Emmis to say Woof Boom Chief Engineer, Mattingly and listener, Greg Casto are "*friends*". When Casto saw the Emmis Update – he said in his signed declaration, "*I didn't say that and it is not true. I know of Mattingly but I have only seen him in person 3-4 times over the many years I have lived in Anderson...We are not friends.*"

(B) Quintin Harlan is a long time listener of WMXQ. In fact, it is through the station that he met our announcers. We work very hard to connect with the people in Anderson via social media, over the air, and in our public appearances to build relationships with them – as we have with Quintin. As such, he should not be discounted. He is a listener and a loyal one who cannot hear the station.

(C) Finally, Emmis has tried to discredit Levi Rinker's interference complaint because he works with the City of Anderson and said he would like for Woof Boom to move WHBU's studio from the Anderson Mall to a new Anderson location but this has NOTHING to do with the WMXQ studio which is not located in Anderson and cannot move to Anderson as the studio would be too far from the transmitter (> 25 miles) site. This is another example of Emmis trying to discredit a valid listener complaint by blurring the facts.

8. Woof Boom again respectfully requests that the Commission order Emmis to either immediately cease operations due to their prohibited interference or to reduce the power of W228CX to ten watts. Should Emmis fail to do so the Commission must formally revoke the Translator license.

The foregoing was signed this 12<sup>th</sup> day of January, 2017.


  
Jerry Chapman, President  
Woof Boom Radio Muncie, LLC



EXHIBIT 1

## John Trent

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**From:** Robert Gates <Robert.Gates@fcc.gov>  
**Sent:** Thursday, December 08, 2016 2:13 PM  
**To:** Masters, Gregory; James Bradshaw; John C Trent (fccman3@shentel.net)  
**Subject:** Interference from W228CX, Emmis/Indianapolis

Gentlemen,


Per our phone conversation, below is the 17 complainants that still need to be addressed.

We expect an update by December 23, 2016 concerning these complainants.

Jeff Cummings  
Mike Davenport  
David Edwards  
Robin Gabriel  
Quintin Harlan  
Jeff Mellott  
Rick Owen  
Levi Rinker  
Mike Roop  
Cheryl Shirley  
Jen Smith  
Casey Stanley  
John Walston  
Greg Washington  
Jeff York  
Greg Casto  
Mike Webb

Rob Gates  
Electronics Engineer  
Media Bureau / Audio Division  
202-418-0986

EXHIBIT 2

 To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The following should be used by each one of us when we contact any of the inference complainants.

The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant: JEFF CUMMINGS
Date of Contact: 12/12/16 10:05AM
Method of contact (provide #, address, etc.): 765-524-1594

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

**1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?**

YES. OCCASIONALLY TRIES TO HEAR 93.5 WMXQ, BUT THE INTERFERENCE IS STILL PRESENT AND OBJECTIONABLE.

**2. Where is the location(s) of the interference? Home, Work, Car (if car where)?**

NEWCASTLE, STILL. THE OTHER DAY, HE WAS RIDING IN HIS WIFE'S CAR IN NEW CASTLE AND THEY BOTH HEARD THE 2 STATIONS PLAYING AT ONCE ON 93.5.

**3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

YES. OVER THE WEEKEND, HE WAS TRYING TO SEE IF THERE WAS ANY CHRISTMAS MUSIC PLAYING ON 93.5 BUT WAS DETERRED DUE TO THE "SPORTS" INTERFERENCE.

**4. Are there any questions you have?**

NO

Thank you very much once again for your time.

SM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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Name of Interference Complainant: MIKE DAVENPORT
Date of Contact: 12/9/16 4:39 AM
Method of contact (provide #, address, etc.): PHONE 765-278-8369

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. **Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?**

YES

2. **Where is the location(s) of the interference? Home, Work, Car (if car where)?**

FRANKTON HOME & CAR IN ANDERSON, FRANKTON  
HOME CLOCK RADIO, HOME STEREO, CAR RADIO

3. **Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

YES, FOR YEARS

4. **Are there any questions you have?**

NO

Thank you very much once again for your time.

SM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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Name of Interference Complainant: DAVE EDWARDS
Date of Contact: 12/12/16 9:50 AM
Method of contact (provide #, address, etc.): 765-278-3781

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?

YES. SINCE HIS INITIAL COMPLAINT HAS COMPLETELY STOPPED TRYING TO LISTEN TO 93.5. THE INTERFERENCE IS JUST TOO INTERRUPTIVE.

2. Where is the location(s) of the interference? Home, Work, Car (if car where)?

HOME & CAR, AS DESCRIBED IN HIS INITIAL COMPLAINT. CAR IN ANDERSON, SCATTERFIELD ROAD, ETC.

3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?

YES

4. Are there any questions you have?

NO

Thank you very much once again for your time.

To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant: Robin Gabriel

Date of Contact: 12-9-16 two calls

Method of contact (provide #, address, etc.): phone 765-215-3450

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. Are you still receiving the interference? If no, has the interference forced you to stop

listening to 93.5? "YES. JUST AS BAD AS IT HAS ALWAYS BEEN. CAN'T HEAR 98.3 EITHER [new station]" At work call later.

2. Where is the location(s) of the interference? Home, Work, Car (if car where)?

In my car. By Daleville McDonalds or Driving to Yorktown - the talk station comes in with NO MUSIC - just people talking - NOT MAX.

3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?

I love that station, MAX. I can't hear it when driving around Daleville... Either by the Post Office or by the school

4. Are there any questions you have?

There was a man from the FCC that asked me questions like yours. He later sent me my answers in the mail - I never heard from him again.

Thank you very much once again for your time.

JG  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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Name of Interference Complainant:	Quintin Harden
Date of Contact:	12/9/16
Method of contact (provide #, address, etc.):	phone

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. **Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?** Yes. And yes.

2. **Where is the location(s) of the interference? Home, Work, Car (if car where)?**

I-69 south of Anderson. Mostly in the car. Local area too.

3. **Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

Yes. Wants Emmis to "turn down the juice" so he can have 93.5 back.

4. **Are there any questions you have?**

No.

Thank you very much once again for your time.



JG  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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Name of Interference Complainant:	Jeff Mellott
Date of Contact:	12/9/16
Method of contact (provide #, address, etc.):	Facebook.

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. **Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?**

As of 12/12 at 2pm, he has not responded to original message, Message has not been "seen."

2. **Where is the location(s) of the interference? Home, Work, Car (if car where)?**

3. **Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

4. **Are there any questions you have?**

Thank you very much once again for your time.

JG

To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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Name of Interference Complainant: Rick Owen

Date of Contact: 12/10/16

Method of contact (provide #, address, etc.): phone

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. **Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?**

Yes. And yes.

2. **Where is the location(s) of the interference? Home, Work, Car (if car where)?**

Emmis Sent him antenna for his home. Still an issue in his car.  
Elwood, west of Anderson area.

3. **Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

Yes. He complained via FB originally.

4. **Are there any questions you have?**

No.

Thank you very much once again for your time.

To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant: LEVI RINKER

Date of Contact: 12/12/16 9:45 AM

Method of contact (provide #, address, etc.): 765-602-7242

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?

YES.

HE MOVED AND WALKS TO WORK NOW, SO DOESN'T TRY AND LISTEN AS OFTEN. THE INTERFERENCE WAS A DETERRENT, AS HE DEMONSTRATED EARLIER WITH AUDIO + VIDEO FILES

2. Where is the location(s) of the interference? Home, Work, Car (if car where)?

HOME & TRUCK. DRIVES TRUCK TO WORK IN DOWNTOWN ANDERSON AT CITY.

3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?

YES. LISTENED IN TRUCK ON THE WAY TO WORK.

HE'S WILLING TO COOPERATE WITH EMMIS OR FCC IN DEMONSTRATING HIS COMPLAINT.

4. Are there any questions you have?

NO

Thank you very much once again for your time.

SM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant:	MIKE ROOP, MOUNDS MAIL ADDRESS (WORK) SECURITY
Date of Contact:	12/12/16 VOICEMAIL, COULD NOT LEAVE A MESSAGE, NOT CONFIGURED
Method of contact (provide #, address, etc.):	765-749-5203, IN ON WEDNESDAYS NO EMAIL ADDRESS

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

**1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?**

LAST CONTACT WAS 7/19/16 WHEN HE DID A TELEPHONE SURVEY WITH WOOF BOOM, INDICATING THERE WAS STILL INTERFERENCE PRESENT WHILE LISTENING IN HIS CAR, SCATTERFIELD RD, ANDERSON

**2. Where is the location(s) of the interference? Home, Work, Car (if car where)?**

**3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

**4. Are there any questions you have?**

Thank you very much once again for your time.

SM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
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The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant:	CHERYL SHIRLEY, ACCOUNTANT, MOON'S MALL TENANT
Date of Contact:	12/12/16 10:15 AM
Method of contact (provide #, address, etc.):	765-378-9028

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

**1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?**

YES, INTERFERENCE IS STILL THERE.  
HAS STOPPED REGULARLY LISTENING, BUT SHE HAS SEEN  
ZACH BROADCASTING FROM THE MOON'S MALL STUDIO

**2. Where is the location(s) of the interference? Home, Work, Car (if car where)?**

WORK +  
HOME IN CHESTERFIELD, HAVE INTERFERENCE THERE.  
CAR INTERFERENCE IN CHESTERFIELD AND ANDERSON, SOUTH  
SCATTERFIELD RD APPROACHING THE MOON'S MALL WHERE SHE WORKS.

**3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

YES.

**4. Are there any questions you have?**

NO

Thank you very much once again for your time.

To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The following should be used by each one of us when we contact any of the inference complainants.

The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant: JENNA SMITH  
Date of Contact: 12-9-2016  
Method of contact (provide #, address, etc.): phone 765-639-6676

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5? YES. DRIVING FROM MUNCIE TO ANDERSON INTERFERENCE IS TERRIBLE. BAD IN DALEVILLE + CHESTERFIELD. VERY BAD IN ANDERSON ON SCATTERFIELD.
2. Where is the location(s) of the interference? Home, Work, Car (if car where)?  
HOME IS MUNCIE - NO ISSUE. CAN NO LONGER HEAR IN CAR IF IN ANDERSON OR ALONG IN-67 AROUND EXIT 234.  
I69
3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that? SEVERAL YEARS.
4. Are there any questions you have? RECEIVED AN OFFER FROM EMMIS' DAVE SCHMEDIAL FOR "DEVICES" BUT NEVER HEARD MORE. HAS KNOWN SCHMEDIAL FOR YEARS.

Thank you very much once again for your time.

SM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The following should be used by each one of us when we contact any of the inference complainants.

The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

MR.  
Name of Interference Complainant: CASEY STANLEY  
Date of Contact: 12/12/16 12:57 PM  
Method of contact (provide #, address, etc.): 765-344-0322

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

**1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?**

YES, MUNCIE HOME, NOTICE IT WHEN DRIVING AWAY FROM MUNCIE TOWARD ANDERSON AND SOUTH OF ANDERSON. STILL TRY TO LISTEN ON OCCASION, AND "THE LAM" IS STILL INTERFERING.

**2. Where is the location(s) of the interference? Home, Work, Car (if car where)?**

DROVE TO INDY AND BACK RECENTLY.  
TYPICALLY CHESTERFIELD, DALEVILLE HIGHWAY 67.  
I-69 NEXT TO ANDERSON, SOUTH OF ANDERSON, PENNINGTON EXIT,

**3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?**

YES, REGULAR LISTENER

**4. Are there any questions you have?**

NO

Thank you very much once again for your time.

SM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The following should be used by each one of us when we contact any of the inference complainants.

The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant: JOHN WALSTON
Date of Contact: 12/9/16 4:30PM
Method of contact (provide #, address, etc.): CELL 765-716-0025

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?

YES, STILL GETTING INTERFERENCE.  
MENTIONED HE ALSO HAS A RELATIVE WITH INTERFERENCE  
AS WELL, UNREPORTED.

2. Where is the location(s) of the interference? Home, Work, Car (if car where)?

HOME & CARS. DALEVILLE HOME & CAR DRIVING IN  
DALEVILLE, YORKTOWN, ANDERSON, MIDDLETOWN.

3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?

YES

4. Are there any questions you have?

NO

Thank you very much once again for your time.



SM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The following should be used by each one of us when we contact any of the inference complainants.

The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant: JEFF YORK, DALEVILLE P.O. BOX
Date of Contact: 12/12/16 VOICEMAIL 9:35AM, NO EMAIL ADDRESS
Method of contact (provide #, address, etc.): 765-621-8180

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?

(WE LAST SPOKE WITH HIM IN 2015 & 2016 AND HE INDICATED HE WAS A DAILY LISTENER. LAST CONTACT WAS IN JULY 2016 WHEN HE CONFIRMED THE INTERFERENCE AT HIS WORK NEAR ANDERSON AIRPORT. WORK AND CAR.)

2. Where is the location(s) of the interference? Home, Work, Car (if car where)?

3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?

4. Are there any questions you have?

Thank you very much once again for your time.

FM  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

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The following should be used by each one of us when we contact any of the inference complainants.

The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant: GREG CASTO, ANDERSON RESIDENT
Date of Contact: 12/12/16 <del>PHONE HAS</del> "FAST BUSY" SIGNAL 11:57AM LEFT MESSAGE 765 - 12:57PM SENT HIM AN EMAIL
Method of contact (provide #, address, etc.): 317-623-4014 (CORRECTED)

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?

( LAST CONTACT WAS A PHONE INTERVIEW IN JUNE 2016  
WHEN HE CONFIRMED INTERFERENCE WAS STILL PRESENT )

2. Where is the location(s) of the interference? Home, Work, Car (if car where)?

3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?

4. Are there any questions you have?

Thank you very much once again for your time.

JL  
To: Jay Garrison, Sean Mattingly  
Fr: JC  
Re: follow up to phone call regarding 93.5 interference  
Date: Friday, December 09, 2016

The following should be used by each one of us when we contact any of the inference complainants.

The FCC has identified several people as 'still need to be addressed'. Please use this for your notes.

Name of Interference Complainant:	MIKE WEBB
Date of Contact:	12-9-16 5890 W 300 S ANDERSON 46011
Method of contact (provide #, address, etc.):	765-610-7124

Opening: I am with 93.5 WMXQ, I apologize for contacting you again regarding the inference that you told us that you receive when you try to listen to the station. The FCC has identified your complaint as very important and wants to make sure this issue is finally resolved. It is likely you will receive a call within the next few days – a visit, or some type of contact from the company that owns, Emmis the 93.5 sports station in Indianapolis. If you have any concerns after this please call me. I appreciate all of your time that you've given us.

- 1. Are you still receiving the interference? If no, has the interference forced you to stop listening to 93.5?** YES. STOPPED LISTENING TO 93.5 IN CAR. AT HOME IS USING ANTENNA SUPPLIED BY EMMIS TO HEAR 93.5
- 2. Where is the location(s) of the interference? Home, Work, Car (if car where)?** USED TO HEAR 93.5 IN CAR - FINE - NO LONG CAN HEAR IT IN CAR.
- 3. Before the interference were you are regular listener of 93.5, WMXQ? Tell me about that?** YES. FOR LAST 7-8 YEARS. TRIES TO LISTEN TO MAX ON ANOTHER FREQ - 98.3 BUT NOT VERY GOOD IN CAR
- 4. Are there any questions you have?**  
NONE

Thank you very much once again for your time.

EXHIBIT 3

### DECLARATION OF JAY GARRISON

I, Jay Garrison, declare under the penalty of perjury that the following is true and correct to the best of my knowledge and belief.

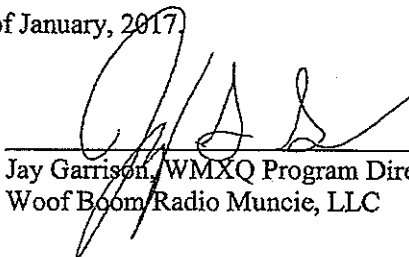
1. I am the Program Director for Woof Boom Radio Muncie, LLC ("Woof Boom"), the Licensee of Radio Station WMXQ (FM), Hartford City, Indiana (FCC Fac. ID# 70187) ("WMXQ" or "Station").

2. On December 9, 2016, the President of Woof Boom, J. Chapman, requested my assistance in contacting listeners whom were listed in an FCC e-mail request regarding the long standing interference problem with WMXQ and the Emmis translator located in Indianapolis. I reached out to three Station listeners, Rick Owen, Jeff Mallott and Quintin Harlan. Of the three, I spoke to Rick Owen and Quintin Harlan. A summary of my phone conversations follow:

(A) Rick Owen. I spoke with Rick Owen on December 10, 2016. In that conversation Mr. Owen indicated to me that anytime he was in his car he could not listen to 93.5 MAX without hearing the Indianapolis sports station trample on top of it. Mr. Owen went on to say that he does not listen to my radio station any longer unless he is at home. He cannot listen in his car. He did say that Emmis, the owner of the Indianapolis sports station, provided a directional antenna for his home but they had no solution to offer him for the interference that he is experiencing in his car.

(B) Quintin Harlan. I called Mr. Harlan on December 9, 2016 and reached him on his mobile phone. He indicated that he can no longer listen to the radio station in his car anytime he is driving in a place inside of the city of Anderson. He also experiences interference when he is driving around the Lapel area and on I-69 east and south of Anderson. Mr. Harlan said he wants, "Emmis to turn down the juice" so he can have 93.5 FM back.

The foregoing was signed this 12<sup>th</sup> day of January, 2017.

A handwritten signature of Jay Garrison, consisting of stylized initials and a surname, written over a horizontal line.

1/12/17

Jay Garrison, WMXQ Program Director  
Woof Boom Radio Muncie, LLC

EXHIBIT 4

### DECLARATION OF SEAN MATTINGLY

I, Sean Mattingly, declare under the penalty of perjury that the following is true and correct to the best of my knowledge and belief.

1. I am the Chief Engineer for Woof Boom Radio Muncie, LLC ("Woof Boom"), the Licensee of Radio Station WMXQ (FM), Hartford City, Indiana (FCC Fac. ID# 70187) ("WMXQ" or "Station").

2. On December 9, 2016, the President of Woof Boom, J. Chapman, requested my assistance in contacting listeners whom were listed in an FCC e-mail request regarding the long standing interference problem with WMXQ and the Emmis translator located in Indianapolis. I contacted seven Station listeners; Jeff Cummings, Mike Davenport, Dave Edwards, Levi Rinker, Cheryl Shirley, Casey Stanley and John Walston. A summary of my phone conversations follows:

(A) Jeff Cummings. I spoke with Jeff Cummings on December 12, 2016 and again in late December. Mr. Cummings told me in both conversations that the interference is still present and objectionable. He primarily listens on two cars. He can identify W228CX "The Fan" as the source of interference. Mr. Cummings said he tried to listen to Christmas music on WMXQ but was deterred due to the sports talk interference from W228CX "The Fan". In the later December conversation, Mr. Cummings stated he was laughingly offered preamps for his two car radios by Mr. Schmiedel, stating "we had to offer you something". Mr. Cummings stated he was not declining an effort at remediation because the preamps would in his judgement, impair reception and was not offered as an honest technical remedy. He knows that the preamp would amplify both the 93.5 stations, both on the same frequency.

(B) Mike Davenport. I called Mr. Davenport on December 9, 2016. He said to me that the interference is still present and he defined the geographic areas. Interference to home radios and car radios. He indicated that he would be happy if "The Fan" stopped broadcasting on the same frequency as WMXQ.

(C) Dave Edwards. I contacted Mr. Edwards on December 12, 2016. Mr. Edwards stated the interference is present at his home address, which is a matter of record. He has car interference while driving around Anderson. One of those areas is Scatterfield Road which is a road that runs north and south through the heart of Anderson.

(D) Levi Rinker. I spoke to Mr. Rinker on December 12, 2016. Mr. Rinker says he still has interference in his home and truck, although he does not try to listen to WMXQ as often due to the interference. He still stands by the audio and video recordings he made of the interference earlier in the year *via* his truck radio. He demonstrated a willingness to cooperate with Emmis to move his complaint through the process.



(E) Cheryl Shirley. I spoke to Ms. Shirley on December 12, 2016. She confirmed the interference is still present at her work on Scatterfield Road in Anderson and at her Chesterfield home. Her car drive between Chesterfield and South Scatterfield Road in Anderson is particularly interference-filled since Emmis began broadcasting. She indicated that she would not reject any effort by Emmis to discuss the interference.

(F) Casey Stanley. I contacted Mr. Stanley on December 12, 2016. He affirmed to me that he has interference at home and in the car, identified "The Fan" as the source. Named several geographic areas and road names to me.

(G) John Walston. I spoke to Mr. Walston on December 9, 2016. He enthusiastically offered to participate in moving his interference case forward. Stated he continues to experience it at his home and car as stated previously. He said he can also name a relative with interference as well. He has not rejected efforts at remediation.

The foregoing was signed this 12<sup>th</sup> day of January, 2017.

  
Sean Mattingly, Chief Engineer  
Woof Boom Radio Muncie, LLC



EXHIBIT 5

I, Rick Owen am giving this declaration, which is true and correct.

I can't believe he would lie. I read the statement Mr. Dave Schmiedel gave to the FCC in December. I did not say what he said I said. What he said is a boldfaced lie.

I spent 8 hours in 90 degree weather putting up a directional antenna that he gave on my house so I could listen to WMXQ at my home.

He never offered to have an engineer consult with me. He didn't offer it and I didn't decline it. That's it. To say I said anything different is his lie.

I spoke with him on the phone in December. He asked me only a couple of questions.

His first question was, wondering if I was still experiencing interference. I told him I was. I cannot leave my home without hearing the Indianapolis sports station, The Fan. I used to hear WMXQ leaving my house.

He asked me if there was anything I could think of that would help me with the car interference. I told him unless there is a directional antenna I can put on my car, I didn't know what he could do.

He ended the conversation saying things are moving pretty quickly, I think this will be over soon and in my opinion you will have your station back.

Never did he offer to have another engineer to consult with me. There was no offer to decline. That is a lie.

This information is documented and dated in a Facebook message to WMXQ directly after talking to Mr. Dave Schmiedel .

I still cannot hear WMXQ and I want to hear it.

*Rick Owen*


*1-10-2017*

I, Greg Casto am giving this declaration which is true and correct.

I was mischaracterized in the Enmils statement as not a bona fide disinterested listener. Enmils attempted to disqualify my statements by saying that I indicated that I was a friend of Wool Boom's Chief Engineer. I did not say that and it is not true. I know of Marungly but I have only seen him in person 2-4 times over the many years I have lived in Anderson. Anderson is a small town. We are not friends.

I still cannot hear the station without substantial interference.

I work on the south side of Anderson in security at the NTN plant. The interference to WMXQ from the Indianapolis sports station is significant. WMXQ is undetectable in my car due to the interference. Due to the interference I can no longer regularly listen to the station.



1/10/17

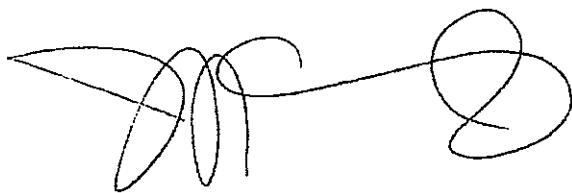
Greg Casto (sign here) and Date

I, Jeff Cummings am giving this declaration, which is true and correct.

I am providing it to correct the Emmis statement that was provided to the FCC in December. I have seen a copy what Emmis presented as a characterization of my statement. They have taken my words; mischaracterized them, twisted or changed them, and were incomplete in terms of what I said. I feel what they did was underhanded.

Dave Schmiedel did speak with me via phone one evening in mid December. He asked me if the interference still existed. I told him that it did. At that point he offered to provide me an outside antenna for my home. He asked me if that would make me happy and resolve the problem. I told him that would not fix the problem because the interference to WMXQ occurs when I am in my car and that I did not listen at home. . Once again, he offered me an outside antenna for my home. I told him I did not need it. He said that was all he needed and he ended the conversation.

In the statement that was provided by Schmiedel and Emmis to the FCC it was stated "Schmiedel offered to have an engineer consult with Mr. Cummings in person to attempt to resolve my interference concerns." At no point did they do this and for that matter I don't see what difference it would make because the interference is just that, interference.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Jeff Cummings  
January 9, 2017

I, Robin Gabriel am giving this declaration, which is true and correct.

Mr. Dave Schmiedel has met me in person, and has spoken with me over the phone on multiple occasions. At sometime last year, he either told me or led me to believe that he works for the FCC. When he called me again in December I asked him, if he was working for the FCC. He told me he was helping the FCC. To learn that he has nothing to do with the FCC but is representing the station that is interfering with WMXQ is not honest. I do not like this misrepresentation.

I don't trust Mr. Schmiedel. I did meet with him in a public place that is close to my home.

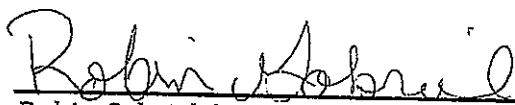
I'm not at all confused about the interference. I do not know the specific day that it started, but I do know that I cannot hear 93.5, MAX (WMXQ) because the Indianapolis station interfering with it.

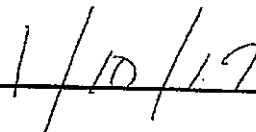
To be clear, I cannot hear 93.5 FM in my car by the Daleville McDonald's or driving to Yorktown from Daleville because the talk station comes in. It is not 93.5 MAX. I cannot hear 93.5 around Chesterfield when I am in my car. I cannot hear the radio station when I am by the Daleville School. I cannot hear the radio station because of the interference while I am by the Daleville post office

When Mr. Schmiedel offered an antenna for my home I told him I already have an antenna connected to my radio. He just said, "Okay."

To say that I have refused to meet with them is not true. I have met with them.

To say that I have refused for them to fix the interference is not true. If they can fix the interference I want it to be fixed. I would like to know how they are going to fix the interference and I want to hear 93.5 MAX once again.

  
Robin Gabriel (sign here) and Date



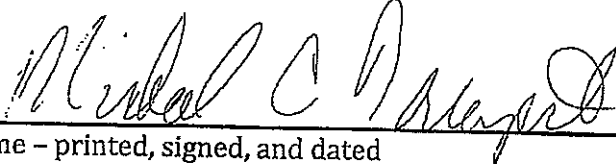
I, Mike Davenport am giving this declaration, which is true and correct.

I received a call from Dave Schmiedel in mid December. He asked if I was still receiving interference when I was trying to listen to MAX (WMXQ). I told him that I was.

He offered me antennas for my house. I told him I couldn't put an antenna on the outside of my house because I rent my house and my landlord would never let me do that. I told him I was still receiving interference in my car. I was getting interference in my old car and I told him I now have a new car and the interference is every bit as bad. The man from Emmis said they have tried a couple of things on cars but nothing has helped. He had nothing to offer me to fix the interference in my car.

They said that I refused efforts at remediation; that is not true. What I really said and what they said that I said are two totally different things.

I originally called WMXQ in November 2015 and complained that I could no longer listen to the radio station. I love listening to that radio station and have not been able to do so now for a very long time. I can not hear it without interference.

 10 JAN 17

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Name - printed, signed, and dated

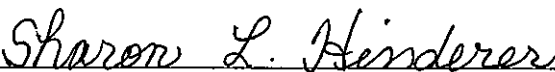
### **Certificate of Service**

I, Sharon L. Hinderer, Legal Assistant at the law firm of Putbrese Hunsaker & Trent, P.C., do hereby certify that copies of the foregoing "RESPONSE TO UPDATE TO THE RECORD REGARDING FM TRANSLATOR W228CX" have, this 13th day of January, 2017, been sent via First Class Mail, postage pre-paid, to the following:

Mr. James Bradshaw\*  
Audio Division  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Mr. Robert Gates\*  
Audio Division  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Greg L. Masters, Esq.\*  
Wiley Rein LLP  
1776 K Street N.W.  
Washington D.C. 20006  
*Counsel for Emmis Radio License, LLC*

  
Sharon L. Hinderer

\*Also sent *via* email