

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

In re)
)
FM Translator Station W228CX,) Facility ID # 150595
Indianapolis, Indiana)

Accepted / Filed

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

JAN 23 2017

**Federal Communications Commission
Office of the Secretary**

STATEMENT

Emmis Radio License, LLC (“Emmis”), the licensee of FM translator station W228CX, Indianapolis, Indiana, is in receipt of Woof Boom Radio Muncie License LLC’s (“Woof Boom’s”) January 13, 2017 “Response to Update to the Record Regarding FM Translator W228CX” (the “Woof Boom Response”).

Throughout this proceeding, Emmis has been committed to resolving any and all valid interference complaints identified by Woof Boom, as it has the right to do under the FCC’s rules.¹ However, the FCC’s rules permit the agency to order the suspension of translator operations only when *valid* interference complaints cannot be eliminated through remedial efforts undertaken by the translator licensee. As detailed in Emmis’s December 22, 2016 update to the record,² of the 17 listener complaints for which FCC staff requested an update, several were invalid from the beginning. The other complainants refused (or had not responded to),

¹ 47 C.F.R. 74.1203(b) (“If interference cannot be properly eliminated by the application of suitable techniques, operation of the offending FM translator or booster station shall be suspended and shall not be resumed until the interference has been eliminated. ... If a complainant refuses to permit the FM translator or booster licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment to the original reception, the licensee of the FM translator or booster station is absolved of further responsibility for that complaint.”).

² Update to the Record Regarding FM Translator W228CX, submitted by Emmis on December 22, 2016 (the “Emmis Update”).

further outreach from Emmis's representative David Schmiedel prior to the Emmis Update's filing, thus absolving Emmis of further responsibility for their complaints.

The Woof Boom Response provides nothing that refutes Emmis's Update. Woof Boom submits an additional batch of questionnaires and accounts of phone conversations which, for the most part, describe contact between Woof Boom and its complainants which predated the outreach from Mr. Schmiedel described in the Emmis Update. Woof Boom also provides a handful of "declarations" (not given under penalty of perjury) in which a few complainants quibble with certain assertions in the Emmis Update. Suffice it to say that Emmis stands firmly behind the information it has provided to the Commission, including the facts concerning Mr. Schmiedel's contacts with the complainants, which have been consistently supported by declarations of Mr. Schmiedel under penalty of perjury.

The above discussion notwithstanding, however, and without conceding that any unresolved complaints of interference still remain, the primary purpose of this Statement is to advise the Commission and Woof Boom that Emmis is today filing an application on Form 349 for authority to relocate the W228CX transmitter site and substantially reduce the translator's operating power. Emmis believes that the implementation of this modification upon FCC approval will remove Woof Boom's concerns of interference by W228CX to reception of its station WMXQ.

Respectfully submitted,

EMMIS RADIO LICENSE, LLC

By: 

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January 23, 2017

CERTIFICATE OF SERVICE

I, Jacquelyn Martin, an assistant in the law firm of Wiley Rein LLP, hereby certify that on this 23rd day of January, 2017, I caused copies of the foregoing **Statement** to be mailed via first-class postage prepaid mail with a courtesy copy sent via email to the following:

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