

SCIARRINO & SHUBERT, PLLC
BROADCAST & MEDIA LEGAL SERVICES

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March 9, 2017

Via Hand Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

Attn: James D. Bradshaw, Deputy Chief, Audio Division, Media Bureau

Re: *W29ODA, Danville, VA*
File No. BLFT-20160902ABF
Facility ID No. 154006
Response to Interference Complaint

Dear Ms. Dortch:

Lakes Media, LLC (“Lakes”), by its attorneys, hereby responds to the Commission’s letter of March 1, 2017, concerning a complaint filed by Dick Broadcasting Company, Inc. (“DBC”) on October 21, 2016, alleging interference by Lakes’ above-referenced translator to a listener’s reception of DBC’s station WKZL (the “Complaint”). As set forth in herein, and as demonstrated in correspondence with the complainant, attached hereto as Attachment One, the Complaint has been resolved.

The Complaint relied upon an October 4, 2016 email from WKZL listener Adrienne Tate, attached to the Complaint as Attachment A. Following communications between the principals of Lakes and DBC, Lakes investigated and attempted technical solutions, including during the week preceding DBC’s *ex parte* filing of its complaint. See Complaint at Attachment B; Attachment Two hereto. On November 4, 2016, Lakes received and installed a new bandpass filter, which cured the interference, and so notified DBC. See, Attachment Two hereto.

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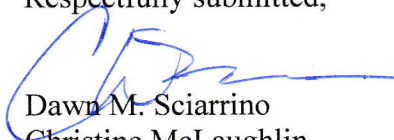
Marlene H. Dortch, Secretary
Federal Communications Commission
March 9, 2017
Page 2 of 2

Upon receipt of the Commission's March 1st letter, Lakes' president contacted Ms. Tate by email, the only contact information for her provided by DBC.¹ That email, and Ms. Tate's response, are attached hereto as Attachment One. As indicated in Ms. Tate's response Lakes' translator no longer disrupts her listening to WKZL. Ms. Tate goes on to thank Lakes for "taking proper care of this problem." *Id.*

Lakes respectfully submits that, in light of its remedial action and Ms. Tate's satisfaction with the results of that action, this matter be closed.

Thank you for your attention to this matter. If you have any questions or require further information, kindly contact the undersigned.

Respectfully submitted,



Dawn M. Sciarrino
Christine McLaughlin

Counsel to Lakes Media, LLC

cc (via email): Parul Desai, Audio Division, Media Bureau
Barry A. Friedman, Esq., Counsel to Dick Broadcasting Company, Inc.

¹ The Commission has "routinely required a complainant to provide his name, address, the location(s) at which FM translator interference occurs, and a statement that the complainant is, in fact, a listener of the affected station." *See, e.g., Creation of a Low Power Radio Service, Fifth Order on Reconsideration and Sixth Report and Order*, 27 FCC Rcd. 15402, ¶ 83 (2012). DBC's complaint provides no address for Ms. Tate and only the vaguest statement of the location of the complained-of interference, and thus is defective under longstanding Commission precedent. Nonetheless, Lakes independently investigated the matter and took remedial action.

ATTACHMENT ONE

From: Tom Birch <tombirch@lakesmediallc.com>
Sent: Thursday, March 02, 2017 3:25 PM
To: Christine McLaughlin; Dawn Sciarrino
Cc: 'Mark Reid'; 'Justin Lloyd'; 'Julius Bryant'
Subject: FW: Interference Complaint - Problem SOLVED!

FYI...

From: Adrienne Tate [mailto:scs_baby@yahoo.com]
Sent: Thursday, March 02, 2017 3:07 PM
To: tombirch@lakesmediallc.com
Subject: Re: Interference Complaint

Hello,

Thanks for reaching out. The problem with the interference is almost completely gone. When I'm driving on the North side between Third Ave and North Main st I can occasionally hear 105.9 music coming in on 107.5 vaguely. Thanks for taking proper care of this problem. I listen to both stations now. It was really bad at first, but now, it's a lot better.

Thanks

Adrienne Tate

Sent from my iPhone

On Mar 2, 2017, at 11:53 AM, Tom Birch <tombirch@lakesmediallc.com> wrote:

Adrienne, today we received an interference complaint notification from the FCC that was the result of the attached email you sent to Jared at WKZL in October. Following an investigation by our engineers, we installed a special filter at our transmitter site that prevents a phenomenon called "harmonic interference" to occur. While MOREfm is on 105.9 and WKZL is on 107.5, apparently harmonic interference caused the problem.

I am requesting that you confirm that the interference has been eliminated and, if not, please provide the following information to me:

- The street address where the interference was heard
- Date and time of the interference – and, if possible, a video from your iPhone (like the one you provided to WKZL) showing the location of the interference, the dial setting on your radio and audio of the interference
- Your home address and telephone number

Thank you, Adrienne. Whether you're listening to WKZL or MOREfm, we're glad that you're tuned in to RADIO!

Tom

Tom Birch, President
Lakes Media LLC
7120 Trenton Ridge Court

Raleigh, NC 27613
Phone (919) 341-1804
eFax (954) 827-0277
tombirch@lakesmediallc.com
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Danville VA – Adult Contemporary. [105.9 MOREfm](#) WMPW AM-FM
Danville VA – Country Oldies. [CountryLegends1037.com](#) Online and Mobile
South Boston VA – Adult Contemporary. [95-3 HLF](#) WHLF-FM
South Hill VA - Classic Hits. [Rewind 1019](#) WKSK-FM
South Hill VA – Adult Contemporary. [96.7 ShineFM](#) WSHV AM-FM

<Adrienne Tate - WKZL Harmonic Complaint.docx>

ATTACHMENT TWO

From: Tom Birch <tombirch@lakesmediallc.com>
Sent: Friday, November 04, 2016 11:03 AM
To: 'Dick Harlow'
Cc: Andy Friedman; 'Barry'; 'Jason Goodman'; 'Ed Kasovic'; 'Mark Reid'; 'Justin Lloyd';
Christine McLaughlin
Subject: RE: 107.5 interference from 105.9 - Update
Importance: High

Dick, I am pleased to report that the new bandpass filter was successfully installed on Tuesday evening and, unless WKZL has listeners on the property of the tower site on Third Avenue in Danville, the interference has been effectively mitigated.

Meantime, our co-channel interference nightmare continues (W234AR in Durham, within the WLUS 40 dBu). We are now entering the third month of ruinous interference, wiping WLUS off the dial in Orange, Durham, Wake and southern Granville Counties. We filed our FOURTH complaint (a Request to Expedite Action) on Tuesday. For us, the damage is incalculable as the we're entering the end of the second phase of the three-phase Nielsen fall measurement with no audience in at least 4 counties.

Tom

Tom Birch, Owner/President

Lakes Media LLC
7120 Trenton Ridge Court
Raleigh, NC 27613
Phone (919) 341-1804
eFax (954) 827-0277
tombirch@lakesmediallc.com
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South Hill VA - Classic Hits. Rewind 1019 WKSK-FM
South Hill VA – Adult Contemporary. 96.7 ShineFM WSHV AM-FM

From: Tom Birch [mailto:tombirch@lakesmediallc.com]
Sent: Thursday, October 20, 2016 3:39 PM
To: 'Dick Harlow' <dharlow@dbcradio.com>
Cc: Andy Friedman (afriedman847@gmail.com) <afriedman847@gmail.com>; 'Barry'

<Barry.Friedman@thompsonhine.com>; 'Jason Goodman' <jgoodman@dbcradio.com>; 'Ed Kasovic' <ekasovic@dbcradio.com>; 'Mark Reid' <markreid@lakesmediallc.com>; 'Justin Lloyd' <justinlloyd@lakesmediallc.com>; 'Christine McLaughlin' <Christine@sciarrinolaw.com>
Subject: RE: 107.5 interference from 105.9 - Update

Dick, we had an engineering crew at the transmitter site between 4am and 6am on Tuesday to attempt to re-tune the filter on 104.5 to prevent harmonic interference caused by the position on the tower with 105.9. The interference was not eliminated, so we have ordered a separate bandpass filter for 105.9.

We have pre-paid for the filter, it is being custom-built for us and the estimated delivery date is Friday November 4th. We will install as quickly as possible after delivery.

We are committed to eradicating interference to WKZL, but in the interim, it's important to keep the problem in perspective: while interference directly under the tower location at Third Avenue in Danville renders WKZL unlistenable, within 3-5 blocks, KZL is listenable with minor interference and, within 1-2 miles, KZL is perfectly listenable. The 2016 Nielsen County Coverage report shows WKZL with no measurable audience in the City of Danville, so the economic impact of this interference on WKZL during this brief interval should be non-existent.

Dick, we appreciate your cooperation. We are moving as quickly as possible.

Tom

Tom Birch, Owner/President

Lakes Media LLC
7120 Trenton Ridge Court
Raleigh, NC 27613
Phone (919) 341-1804
eFax (954) 827-0277
tombirch@lakesmediallc.com
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South Hill VA - Classic Hits. Rewind 1019 WKSK-FM
South Hill VA – Adult Contemporary. 96.7 ShineFM WSHV AM-FM

From: Dick Harlow [<mailto:dkharlow@dbcradio.com>]

Sent: Thursday, October 20, 2016 2:23 PM

To: tombirch@lakesmediallc.com

Cc: Friedman, Barry <Barry.Friedman@thompsonhine.com>; Jason Goodman <jgoodman@dbcradio.com>; Ed Kasovic <ekasovic@dbcradio.com>

Subject: RE: 107.5 interference from 105.9 - Update

Tom,

The feedback we are getting from WKZL listeners in the area is that this has not changed.

Where are you on this and when will it be resolved?

Dick

DICK HARLOW

GENERAL MANAGER

DICK BROADCASTING COMPANY, INC.

107.5 - WKZL | ROCK 92 - WKRR

192 EAST LEWIS STREET

GREENSBORO, NC 27406

DHARLOW@DBCRAUDIO.COM

DIRECT LINE | 336.271.4043



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From: Tom Birch [<mailto:tombirch@lakesmediallc.com>]

Sent: Monday, October 17, 2016 12:50 PM

To: Dick Harlow <धारlow@dbcradio.com>; 'Jason Goodman' <xgoodmanz@gmail.com>

Cc: Allen Dick <allend@dbcradio.com>; triedtech@yahoo.com; Barry.Friedman@thompsonhine.com; 'Mark Reid' <markreid@lakesmediallc.com>; 'Justin Lloyd' <justinlloyd@lakesmediallc.com>

Subject: RE: 107.5 interference from 105.9 - Update

Dick, the interference should end tomorrow. As mentioned in our phone conversation last week, the solution to the interference issue is re-tuning the bandpass filter on W283BN (104.5) from channel 279 (103.7, the prior frequency of WMPW translator W279AO) to channel 290 (the new frequency of W290DA). Work will be done between 4am and 6am.

I'll have another update tomorrow morning. Thanks.

Tom

Tom Birch, Owner/President
Lakes Media LLC

7120 Trenton Ridge Court
Raleigh, NC 27613
Phone (919) 341-1804
eFax (954) 827-0277
tombirch@lakesmediallc.com
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South Hill VA - Classic Hits. Rewind 1019 WKSK-FM
South Hill VA – Adult Contemporary. 96.7 ShineFM WSHV AM-FM

From: Dick Harlow [<mailto:dharlow@dbcradio.com>]
Sent: Monday, October 10, 2016 2:58 PM
To: tombirch@lakesmediallc.com; 'Jason Goodman' <xgoodmanz@gmail.com>
Cc: Allen Dick <allend@dbcradio.com>; triedtech@yahoo.com; Barry.Friedman@thompsonhine.com; Dawn Sciarrino <Dawn@sciarrinolaw.com>; 'Christine McLaughlin' <Christine@sciarrinolaw.com>; 'Mark Reid' <markreid@lakesmediallc.com>; Rob@iclimbtowers.com; 'Will Patnaud' <will@patnaud.com>; Dick Harlow <dharlow@dbcradio.com>
Subject: RE: 107.5 interference from 105.9

Tom,

Please review the attached Spectrum Enforcement Letter that has been prepared by our FCC Attorney.

If your translator has not turned off or turned down to a level acceptable to DBC we will instruct our attorney to file this when the Commission opens in the morning.

Dick

DICK HARLOW
GENERAL MANAGER
DICK BROADCASTING COMPANY, INC.
107.5 - WKZL | ROCK 92 - WKRR
192 EAST LEWIS STREET
GREENSBORO, NC 27406
DHARLOW@DBCRADIO.COM
DIRECT LINE | 336.271.4043





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From: Tom Birch [<mailto:tombirch@lakesmediallc.com>]

Sent: Friday, October 7, 2016 5:11 PM

To: Dick Harlow <dharlow@dbcradio.com>; 'Jason Goodman' <xgoodmanz@gmail.com>

Cc: Allen Dick <allend@dbcradio.com>; triedtech@yahoo.com; Barry.Friedman@thompsonhine.com; Dawn Sciarrino <Dawn@sciarrinolaw.com>; 'Christine McLaughlin' <Christine@sciarrinolaw.com>; 'Mark Reid' <markreid@lakesmediallc.com>; Rob@iclimbtowers.com; 'Will Patnaud' <will@patnaud.com>

Subject: 107.5 interference from 105.9

Importance: High

Dick, it was a pleasure speaking with you this afternoon.

As I reiterated in our conversation, we are committed to resolving the interference problem in Danville as quickly as possible. If you can offer ways for us to accelerate the timetable, we are willing to work with you. But we cannot resolve the issue until a bandpass filter tuned to 105.9 is available to us. I am awaiting word from our consulting engineers on availability and timing. We will get this resolved ASAP.

In the meantime, please note the difficulties that we have endured in engaging the FCC to stop ruinous interference from a translator to our WLUS-FM in Wake, Durham, Orange and southern Granville Counties since August 18. The FCC is sitting on its hands while WLUS burns in northern NC.

The best course of action for you is to work with us and to avoid unnecessary legal and technical expense.

Tom Birch, Owner/President

Lakes Media LLC

7120 Trenton Ridge Court

Raleigh, NC 27613

Phone (919) 341-1804

eFax (954) 827-0277

tombirch@lakesmediallc.com

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South Hill VA - Classic Hits. Rewind 1019 WKSK-FM
South Hill VA – Adult Contemporary. 96.7 ShineFM WSHV AM-FM

From: Dick Harlow [<mailto:dkharlow@dbcradio.com>]

Sent: Friday, October 07, 2016 4:19 PM

To: tombirch@lakesmediallc.com; 'Jason Goodman' <xgoodmanz@gmail.com>

Cc: Allen Dick <allend@dbcradio.com>; triedtech@yahoo.com; Barry.Friedman@thompsonhine.com; Dick Harlow <dkharlow@dbcradio.com>

Subject: RE: 107.5 interference from 105.9

Tom,

While we understand the circumstances, we have to protect WKZL's business.

Right now we are asking broadcaster to broadcaster to get this situation resolved sooner rather than later. Six weeks is unacceptable.

If this is not resolved by next Wed Oct 12 we will instruct our attorney to contact the FCC Enforcement Bureau.

Thanks in advance for handling this.

Dick

DICK HARLOW

GENERAL MANAGER

DICK BROADCASTING COMPANY, INC.

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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 unvetted 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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South Hill VA - Classic Hits. Rewind 1019 WKSK-FM
South Hill VA – Adult Contemporary. 96.7 ShineFM WSHV AM-FM

From: Jason Goodman [<mailto:xgoodmanz@gmail.com>]
Sent: Friday, October 07, 2016 1:04 PM
To: Tom Birch <tombirch@lakesmediallc.com>
Cc: dharlow <dharlow@dbcradio.com>; Unknown <allend@dbcradio.com>; Ed Engineer <triedtech@yahoo.com>
Subject: Re: 107.5 interference from 105.9

Tom,

Do you have an estimated time frame for this to be corrected?

Thanks,

Jason

Jason Goodman
Director of Programming / OM for DBC Radio
Mornings with Jared and Katie
1075 KZL / Rock 92
192 E. Lewis St.
Greensboro, NC 27406
336-274-8042

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On Wed, Oct 5, 2016 at 8:07 AM, Tom Birch <tombirch@lakesmediallc.com> wrote:

Jason, we're on this. Apparently this is harmonic interference that, I believe, can be corrected with a filter. Our consulting engineer will be working with us on a resolution as soon as possible.

Tom

Tom Birch, Owner/President
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South Hill VA - Classic Hits. Rewind 1019 WKSK-FM

South Hill VA – Adult Contemporary. 96.7 ShineFM WSHV AM-FM

From: Jason Goodman [mailto:xgoodmanz@gmail.com]

Sent: Wednesday, October 05, 2016 8:03 AM

To: Mark Reid <markreid@lakesmediallc.com>; Tom Birch <tombirch@lakesmediallc.com>

Cc: Ed Engineer <triedtech@yahoo.com>; dharlow <dharlow@dbcradio.com>

Subject: Fwd: 107.5 interference from 105.9

Jason Goodman
Director of Programming / OM for DBC Radio

Mornings with Jared and Katie

1075 KZL / Rock 92
192 E. Lewis St.

Greensboro, NC 27406
[336-274-8042](tel:336-274-8042)

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----- Forwarded message -----

From: **Jared Pike** <jared1075kzl@gmail.com>
Date: Tue, Oct 4, 2016 at 7:27 PM
Subject: Fwd: 107.5 interference from 105.9
To: Jason Goodman <xgoodmanz@gmail.com>

----- Forwarded message -----

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