

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In re the Matter of )  
 )  
Marble City Media, LLC ) Facility ID No. 141124  
Interference Caused by FM Translator )  
Station W252BE, )  
Tarrant, Alabama )

TO: The Secretary, FCC  
ATTN: Chief, Audio Division, Media Bureau

**COMPLAINT REGARDING CO-CHANNEL INTERFERENCE  
CAUSED BY TRANSMISSIONS OF FM TRANSLATOR STATION W252BE**

Pursuant to Section 74.1203 of the Commission's rules and by its counsel, Marble City Media, LLC ("Marble City Media"), licensee of Station WFXO(FM), Stewartville, Alabama, hereby respectfully submits a complaint of co-channel interference to its signal caused by FM Translator Station W252BE, Tarrant, Alabama. WFXO(FM) and W252BE both operate on 98.3 mHz, Channel 252.

Attached as Exhibit 1 is a Statement of Mark M. Snow, a radio engineer, demonstrating the prohibited interference. As pointed out in the Statement, predicted areas of interference from W252BE is significant and, in fact, includes the areas in which the listener complaints indicate interference is received. Copies of 8 complaints from listeners of WFXO(FM) who have experienced difficulties receiving WFXO(FM) are also included in the Statement. These complaints are consistent and compelling. They report that they either lose WFXO(FM) entirely

or suffer significant interference from the co-channel translator. It is convincing that it is the translator that is responsible for the interference to WFXO(FM) because they hear WAYE(AM), Birmingham, Alabama which is a station with a regional Mexican format and which is rebroadcast on W252BE. That WFXO(FM) has already received 8 complaints in the short time that WFXO(FM) has been on the air at its newly authorized location is further evidence of the significant problem being caused by W252BE's interference to WFXO(FM). That these listeners value WFXO(FM) such that they have taken the time to complaint about the interference after such a short time demonstrates the value that WFXO(FM) is providing to its listeners.

The problem is even more compelling because WFXO(FM) has recently invested in upgrading its station and providing better service to the public and yet the interference is causing the station to be almost unlistenable in a large part of the listening area. WFXO(FM)'s mission is to create high quality programming for its listeners and provide exceptional, entertaining, and informative local radio programming and promoting social, retail, and economic growth and development. It strives to preserve and expand on the traditions and values of community-focused broadcasting and to be an integral part of the communities it serves. However, the interference is severely limiting to those goals.


Under the circumstances, prompt action by the Commission is imperative. The Commission has a strong and universal prohibition on translator interference as demonstrated by Section 74.1203. Pursuant to Section 74.1203(a) and (e), the Commission must order the translator licensee to immediately suspend operations, unless and until the translator ceases to cause interference to WFXO(FM)'s listeners. See *Radio Power, Inc.*, 26 FCC Rcd 14385, 14387-88 (Deputy Chief, Audio Division 2011); *The Association for Community Education, Inc.*, 19 FCC Rcd 12682 (Chief, Audio Division 2004).

Accordingly, Marble City Media respectfully requests that the Commission instruct the translator's licensee to suspend the operation of the FM translator per Section 74.1203 and not resume the operation until the interference has been eliminated.

Respectfully submitted,

MARBLE CITY MEDIA, LLC

Date: February 10, 2017

By: 

M. Scott Johnson, Esquire  
Michelle A. McClure, Esquire  
Fletcher, Heald & Hildreth, PLC  
1300 17<sup>th</sup> Street North, 11<sup>th</sup> Floor  
Arlington, Virginia 22209  
(703) 812-0400  
Its Counsel

## **Exhibit 1**

### **Engineering Statement**

**Mark M. Snow**  
**125 Hampton Lake Drive**  
**Pelham, AL 35124**  
**(205) 222-9660**

**Statement of Mark M. Snow**  
**In Support of Section 74.1203**  
**Interference Mitigation and Relief**

**Full Service Station, WFXO Ch 252A (98.3 MHz)**  
**2.7 kW ERP 151m HAAT, Stewartville AL (Fac ID 704)**

**Translator, W252BE Ch 252 (98.3 MHz)**  
**90 watts ERP 259m HAAT, Tarrant, AL (Fac ID 141124)**

I am a radio engineer holding a degree in Electrical Engineering from the University of Alabama and have many years of experience in assisting FM translator and full service FM licensees with technical matters as to their facilities and in application filings before the Federal Communications Commission, all of which establish my qualifications to provide this statement.


This statement and associated exhibits have been prepared for Marble City Media, LLC with respect to the significant listener complaints of interference by translator Station W252BE to reception of Marble City Media, LLC's Station WFXO operating with its licensed facilities from its licensed location. Station WFXO's license application was filed January 3, 2017, and granted by the Commission on January 12, 2017 (file number BLH20170103AAJ). Accordingly, the interference experienced is to operations from the new licensed location for Station WFXO.

Attached as **Exhibit A**, is a map showing the predicted 60 dBu protected contour of Station WFXO (Light Blue), the predicted areas of interference from FM translator Station W252BE (Bright Green) and the locations of listener complaints (Yellow Pins). Further, text of emails from listeners complaining of interference are also attached.

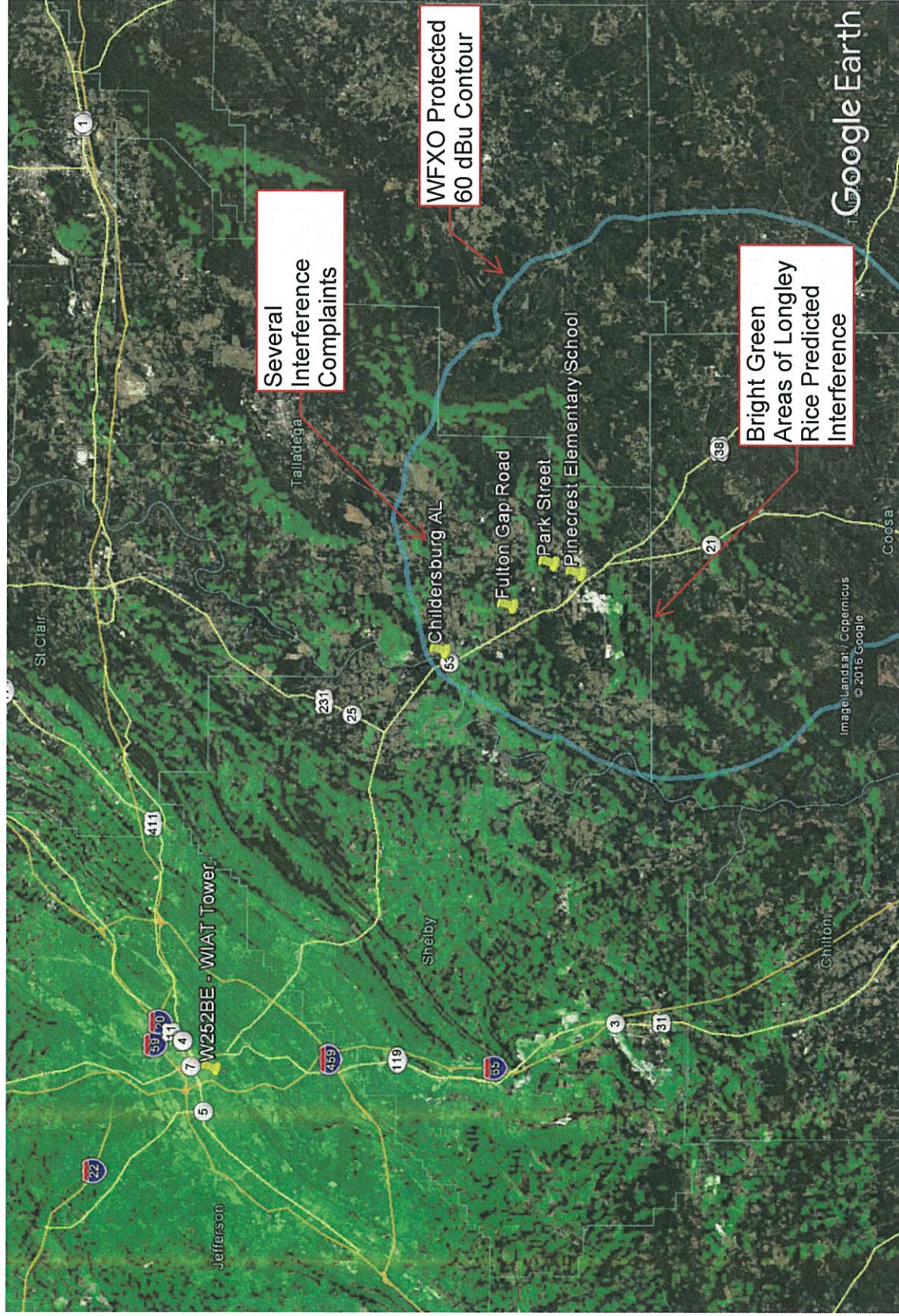
Attached **Exhibit B**, shows calculated interference overlap curves the contours of the both Stations WFXO and W252BE assuming operations by the stations in accordance with the license of each.

This statement and information has been prepared by me and is believed to be true and correct under the penalty of perjury.

Dated: February 10, 2017

  
\_\_\_\_\_  
Mark M. Snow







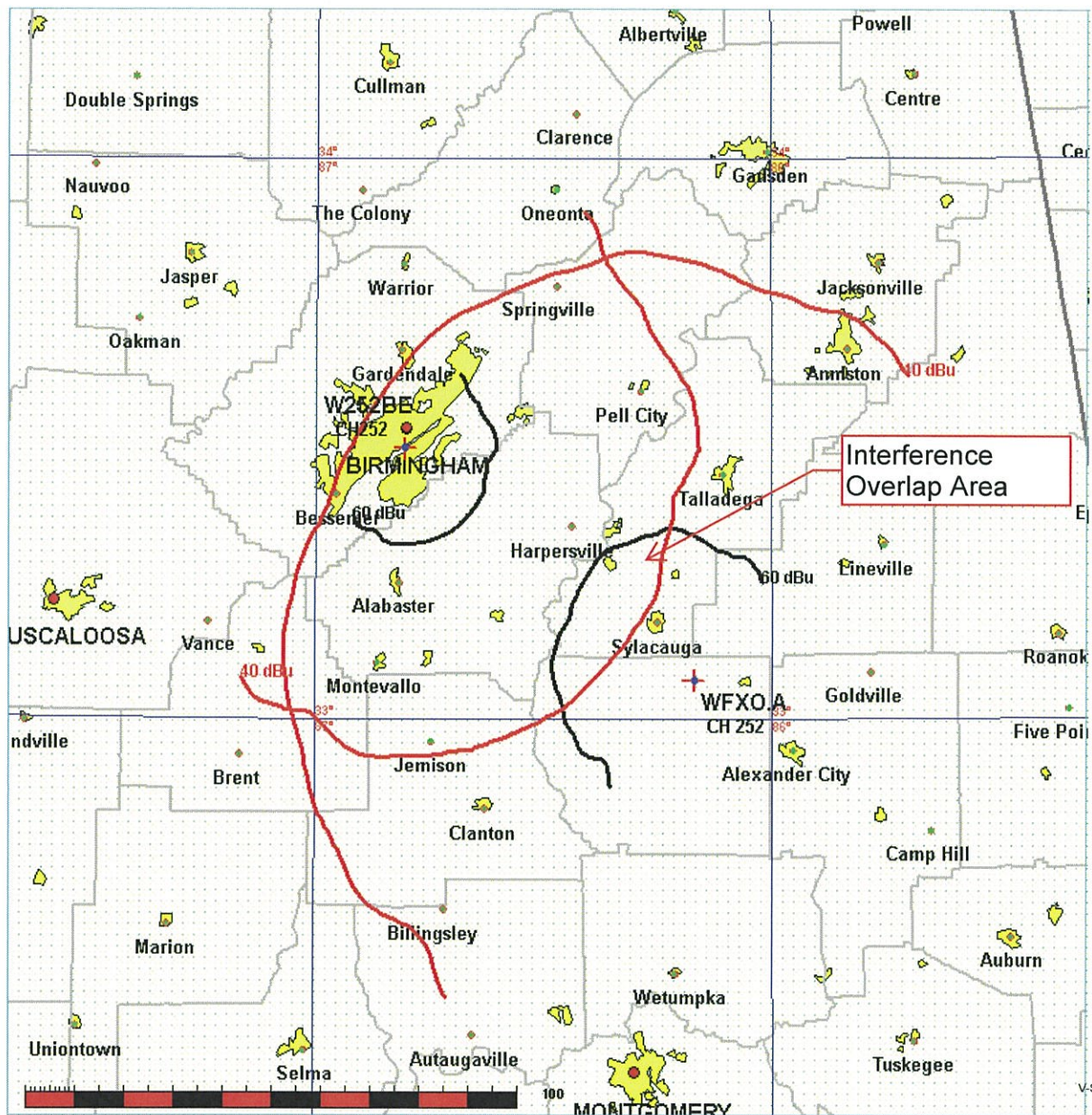
## Exhibit B

Overlap  
Marble City Media, LLC

FMCommander Single Allocation Study - 12-31-2016 - FCC NGDC 30 Sec  
WFXO.A's Overlaps (In= -14.1 km, Out= -28.43 km)

WFXO.A CH 252 A  
Lat= 33 04 20.0, Lng= 86 10 08.0  
2.7 kW 156.9 m HAAT, 388 m COR  
Prot.= 60 dBu, Intef.= 40 dBu

W252BE CH 252 D DA BMLFT20140520ALM  
Lat= 33 29 02.0, Lng= 86 48 21.0  
0.09 kW 350.1 m HAAT, 538 m COR  
Prot.= 60 dBu, Intef.= 40 dBu



**Lee Perryman (WYEA)**

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**From:** Tom Roberts <childersburgchamber@gmail.com>  
**Sent:** Sunday, January 22, 2017 8:48 AM  
**To:** Lee Perryman (WYEA)  
**Subject:** WFXO 98.3

Mr. Perryman,

Congratulations on the new WFXO, 98.3 The Fox! Love the format! I have heard a lot of positive comment in my capacity as President of the Greater Coosa Valley Chamber of Commerce. However, there is one thing I felt the need to pass along. There are a number of times when your signal is being over-run by some sort of interference from a Spanish music signal!

Sincerely,

Tom Roberts  
President/CEO  
Greater Coosa Valley Chammbber of Commerce  
Childersburg, AL



## Lee Perryman (WYEA)

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**From:** su2green@charter.net  
**Sent:** Saturday, January 21, 2017 2:23 PM  
**To:** lperryman@wyea.net<lperryman@wyea.net>  
**Subject:** The Fox v. La Jefe

Lee,

I like the new station. WFXO FM sounds great – that is when some Mexican station isn't cutting in. It would be great if I could keep it on the same station while traveling my sales route, but when I get to Childersburg the other station starts interfering and eventually overpowering it. I've even heard it coming through in Sylacauga. Is it just me or has that other station gotten even stronger?

Anyway, just wanted to let you know I like the new station's format, but wish it wasn't getting mangled by La Jefe.

SuSu



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**Lee Perryman (WYEA)**

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**From:** carlton327 . <mlewis327@gmail.com>  
**Sent:** Saturday, January 28, 2017 1:18 PM  
**To:** info@wfxo.fm  
**Subject:** New listener & Question

Dear WFXO,

I caught your great new station just after Christmas and am enjoying the music. You guys play the best songs without a lot of talking, which is what I like. My only complaint is that I can't hear you well when I drive my car north on hwy 280 towards Childersburg and Talladga. Don't know what's going on but your station is sometimes buried by spanish music and talking and it's annoying. It's really bad along hwy 21. I've not noticed the spanish station before, probably because I was not listening to your station until recently. Hope you can fix this problem or I may have to go back to listening to itunes on iphone.

Mike Lewis

**Lee Perryman (WYEA)**

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**From:** Ginger Smith <ginsmith197@gmail.com>  
**Sent:** Friday, February 3, 2017 12:37 PM  
**To:** info@wfxo.fm  
**Subject:** 98.3

Hi, I've been enjoying this radio station for a while now. I love the music but for some reason when I'm rocking out to KISS the music ends up being turned into a Salsa Dance which is very upsetting for someone who just wants to Rock and Roll all night and day while working out of Childersburg AL. Hopefully this issue can be resolved soon!!

Thanks, Ginger

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**From:** Bryan Taunton <[bktaunton@icloud.com](mailto:bktaunton@icloud.com)>

**Date:** February 4, 2017 at 7:34:36 PM CST

**To:** [info@wfxo.fm](mailto:info@wfxo.fm)

**Subject:** Signal woes

To whom it may concern,

I was so excited to hear that 98.3 The Fox was coming back home to the Sylacauga area. It was one of my favorite FM channels as a teenager. I'm disappointed to say that your signal leaves much to be desired. There's noticeable signal interference. I live on Fulton Gap Road between Sylacauga and Childersburg and would expect a better signal. Good free radio is hard to find, please take the appropriate measures to fix the problem.

Thank you, I hope you can resolve the issues, as I want to see/hear my former favorite well!

Serving Christ by Serving You,

Pastor Bryan Taunton  
ChristPoint Community Church  
205-746-8864  
Sent from my iPhone



**Lee Perryman (WYEA)**

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**From:** Ken Sims <kensims1959@att.net>  
**Sent:** Saturday, February 4, 2017 3:15 PM  
**To:** info@wfxo.fm  
**Subject:** 98.3 interference

I am enjoying the new 98.3 Fox station but get more and more interference leaving Sylacauga going toward Childersburg and beyond. Like another station "bleeding" in. I don't know if others are having the same issue but just wanted to make sure you are aware of it.

Thank You,

Ken Sims

**Lee Perryman (WYEA)**

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**From:** dannyc1209@aol.com  
**Sent:** Monday, February 6, 2017 3:31 PM  
**To:** info@wfxo.fm  
**Subject:** 98.3 interference

To whom it may concern:

I am enjoying the new station in Sylacauga, 98.3...however, there are places in town where I've noticed apparent interference causing the signal to be distorted. Just today, I noticed considerable "scratchy-like" distortion as I was traveling north on highway 21, as far north as Sycamore...and also on Park Street near Highway 280 in Sylacauga. I'm reasonably sure this was distortion caused by interference by another station, rather than some idiosyncrasy in my car radio, for other stations were starkly clearer in comparison.

Please accept our thanks and appreciation for introducing Sylacauga to the new 98.3! Hopefully any signal problems can be resolved quickly.

Many thanks...

Danny Culp

## Lee Perryman (WYEA)

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**From:** Adair, Michael <Michael.Adair@cnr.com>  
**Sent:** Tuesday, February 7, 2017 3:33 PM  
**To:** info@wfxo.fm  
**Subject:** 98.3

Dear sir or madam:

I live in Sylacauga and was excited to find 98.3 FM back on in our area.  
Your new billboards got my attention.

I assume you know that your signal strength is not quite perfect. In parts of Sylacauga, for example off Highway 21 along Odena Road out to Highway 280 and then toward Childersburg, and even closer in by Pinecrest School on Highway 280, I hear overlapping "clipping" or "hissing" noises and sometimes even Spanish-language music from a station identifying itself as in Birmingham-Tarrant.

Hopefully you can somehow resolve this issue.

Michael O. Adair, CFA  
Managing Director  
City National Rochdale  
400 Park Avenue  
New York, NY 10022  
256-499-6453

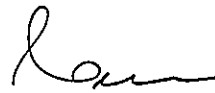
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**Declaration of Frank Lee Perryman**

I, Frank Lee Perryman, under penalty of perjury, do hereby declare that the following is true and correct:

1. I am the Trustee of the Frank Lee Perryman Trust which is the sole Member of Marble City Media, LLC, licensee of FM Broadcast Station WFXO(FM), Stewartville, Alabama (Fac. ID 704), operating on 98.3 MHz.
2. I have personally received, and my staff has received, complaints from listeners that they are receiving the programming of co-channel FM Translator Station W252BE, Tarrant, Alabama (Fac. ID 141124), when they are trying to listen to WFXO(FM). Neither I nor WFXO(FM) has any employment, business or other relationship with these listeners other than that they are listeners of WFXO(FM).
3. The information in the attached "Complaint Regarding Co-Channel Interference Caused by Transmissions of FM Translator Station W252BE" to remedy this interference is true and accurate to the best of my knowledge and belief.

Dated this 10 day of February, 2017.



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Frank Lee Perryman



**CERTIFICATE OF SERVICE**

I, Sandi Kempton, an Assistant with the office of Fletcher, Heald & Hildreth PLC, hereby certify that a true and correct copy of the foregoing "Complaint Regarding Co-Channel Interference Caused by Transmissions of FM Translator Station W252BE" was sent on this 10th day of February, 2017, via First-Class United States mail, postage pre-paid, or as otherwise specified, to the following:

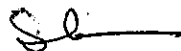
Peter H. Doyle, Esquire (by e-mail)  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

James Bradshaw (by e-mail)  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Robert Gates (by e-mail)  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Valleydale Broadcasting, LLC  
2711 Pelham Parkway  
Pelham, AL 35124

Paul H. Reynolds  
Lee S. Reynolds  
Reynolds Technical Associates  
P.O. Box 383174  
Birmingham, AL 35238  
*Contact Representatives for Valleydale Broadcasting, LLC*



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Sandi Kempton