

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

In the Matter of)
)
IMMANUEL BROADCASTING NETWORK, INC.)
)
FM Translator Station W265AV)
Woodstock, Georgia)

Facility ID #28332

Accepted / Filed

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

MAR 21 2017

Federal Communications Commission
Office of the Secretary

EMERGENCY PETITION FOR RELIEF

Nelson Rodriguez (“Rodriguez”), licensee of full power FM station WJES, Maysville, Georgia (Facility ID #198772), by counsel, hereby requests that the FCC take immediate action to provide WJES with emergency relief from the egregiously destructive interference that the station is receiving from FM translator station W265AV, Woodstock, Georgia (Facility ID #28332).

Rodriguez filed an Interference Complaint with the Commission on February 3, 2017. As attachments to that pleading, Rodriguez submitted statements from 37 members of the public who stated that they experienced interference from W265AV when they attempted to listen to WJES.¹ Now, more than six weeks after the Complaint was filed, that interference continues and the licensee of W265AV, Immanuel Broadcasting Network, Inc., has apparently done nothing to address the problem.

¹ Rodriguez is submitting with this Petition four additional statements from members of the public complaining about the interference caused by W265AV to their use of the WJES broadcast signal.

On March 7, Immanuel's president, Neil Hopper, met with Rodriguez in the WJES listening area. Together they traveled to a number of points to listen to WJES. In each case, interference from W265AV was observed. An account of this meeting is given by Rodriguez in his declaration that accompanies this Petition. Rodriguez and Hopper agreed that the interference was caused by W265AV. Hopper stated that he had expected that this conflict would occur. However, he also informed Rodriguez that he would not offer to mitigate the situation by taking the translator off the air or asking the Commission for a displacement channel. He told Rodriguez that he intended to fight this issue, and that he expected it could take "three years" to resolve the matter.

Section 74.1203(a) of the Commission's rules clearly dictates that a translator causing interference to the reception of another broadcast station "will not be permitted to continue to operate." Section 74.1203(b) states that "If interference cannot be properly eliminated by the application of suitable techniques, operation of the offending FM translator . . . must be suspended." It is the Media Bureau's practice to strictly enforce this rule. See, for example, *Radio Power, Inc.*, 26 FCC Rcd 14385 (MB 2011).

This rule implies an attempt by the owner of the translator to implement the "suitable techniques." In the instant case, there is no dispute that W265AV is causing interference to WJES. The president of the translator licensee has acknowledged that. Furthermore, he acknowledged that he had anticipated in advance that this conflict would arise between the two stations. But rather than taking the cue to be cooperative and to attempt to implement "suitable techniques" to prevent or eliminate that interference, Hopper has dug in his heels and vowed to

fight. Such belligerent antagonism to the rules defies common sense, let alone common practicality.

Immanuel has no alternative other than to implement procedures to eliminate the interference. The most readily obvious method for doing this would be to suspend the translator's operations, or to reduce its power substantially. However, Hopper appears to be completely unwilling to undertake any such measures voluntarily. In this unfortunate context, Rodriguez must insist that the Commission order Immanuel to comply with the rule and to take whatever measures are necessary to eliminate the interference.

As noted by Rodriguez in his Declaration, the interference to WJES is costing the station listeners and advertisers. In continuing to flaunt the rule and cause destructive interference to WJES, Hopper and Immanuel are disserving the numerous members of the public who wish to listen to WJES and are unable to do so. The interference is detrimental in the extreme to Rodriguez's efforts to provide a commercial broadcast service to the public. The situation has become urgent. The economic viability of WJES is at stake. Since Rodriguez filed his Interference Complaint on February 3, Immanuel has had ample time in which to offer a reasonable response. Instead, Immanuel has wasted time and has elected to be unresponsive and obstinate. Immediate action by the Commission to correct the situation is necessary and justified.

The public interest demands that Media Bureau intervene in this matter to require the suspension of broadcasting by W265AV. Rodriguez respectfully urges the Bureau to do so immediately.

Respectfully submitted,

NELSON RODRIGUEZ

By: 

Donald E. Martin

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P.O. Box 8433
Falls Church, Virginia 22041
(703) 671-8887

His Attorney

March 21, 2017

ATTACHMENT 1

DECLARATION OF NELSON RODRIGUEZ

DECLARATION OF NELSON RODRIGUEZ

Nelson Rodriguez deposes and states as follows:

I am the licensee of FM broadcast station WJES, Maysville, Georgia (Facility ID #198772).

In recent weeks, WJES has experienced harmful interference received from FM translator station W265AV, Woodstock, Georgia (Facility ID #28332). Many WJES listeners have complained about this interference. The station's advertisers have complained also, and many of them are now refusing to purchase time because the interference to the WJES signal is intense.

On February 3, 2017, through my attorney, I filed an Interference Complaint against W265AV. The Complaint included statements from 37 members of the public who are WJES listeners and who have experienced interference to the WJES signal from W265AV.

W265AV is licensed to Immanuel Broadcasting Network, Inc. Immanuel's president, Neil Hopper, met with me on March 7, 2017 for the purpose of investigating my interference claims. Together, we listened to WJES at a number of points around the station's listening area. In each case, simply by listening to a radio receiver, it was clear that reception of WJES was being garbled and overridden by the signal from W265AV.

Mr. Hopper acknowledged that interference to WJES from W265AV was occurring. He also acknowledged that he had expected that this conflict would arise. Despite that, he said that he would not take the translator silent and that he would ask the FCC for a displacement channel for the translator. He told me he would continue to fight this issue, and that he expected it could take "three years" to resolve this matter.

Mr. Hopper said that he and/or a friend would return the following week to conduct further testing of the signals. However, to the best of my knowledge, no one came back to the area to conduct further testing on behalf of Immanuel.

Since Mr. Hopper's visit on March 7, the interference to WJES from W265AV has continued without any reduction. The listeners to my station continue to complain and my advertisers continue to refuse to buy time.

The foregoing statement is based on my personal knowledge, it true and correct, and is given under the penalty of perjury.



Nelson Rodriguez

March, 20, 2017
Date

ATTACHMENT 2

LISTENER INTERFERENCE COMPLAINTS

INTERFERENCE COMPLAINT

My name is Jonathan A. Luciano. I reside at the following address:

I am a regular listener of WJES. In my recent attempts to listen to WJES, I have experienced interference from another radio station on the same frequency, W265AV.

This interference occurred at:

_____ My residence at the address shown above.

My place of employment at the following address: 400 Shallowford Rd, Gainesville
GA, 30504

_____ Other, at the following address: _____

This statement is given under the penalty of perjury.

Name (printed): Jonathan A. Luciano

Signature: Jonathan A. Luciano

Date: 2-4-17

INTERFERENCE COMPLAINT

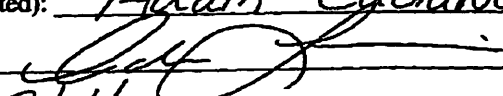
My name is Adam Luciano. I reside at the following address:
5319 Stone Trace Gainesville, Ga 30504

I am a regular listener of WJES. In my recent attempts to listen to WJES, I have experienced interference from another radio station on the same frequency, W265AV.

This interference occurred at:

- My residence at the address shown above.
- My place of employment at the following address: _____
- Other, at the following address: DRIVING around my area, it comes IN & out.

This statement is given under the penalty of perjury.

Name (printed): Adam Luciano
Signature: 
Date: 2/4/17

INTERFERENCE COMPLAINT

My name is MARK MOLINA. I reside at the following address:
130 TREE PAIR FLOURY BRANCH GA. 30542

I am a regular listener of WJES. In my recent attempts to listen to WJES, I have experienced interference from another radio station on the same frequency, W265AV.

This interference occurred at:

My residence at the address shown above.

My place of employment at the following address: 1700 MCFARLAND
ALPHARETTA GA. 30201

Other, at the following address: _____

This statement is given under the penalty of perjury.

Name (printed): MARK MOLINA

Signature: [Handwritten Signature]

Date: 2-4-2017

INTERFERENCE COMPLAINT

My name is Ruth Bocangel. I reside at the following address:
2094 Arbor Creek place, Buford GA 30519.

I am a regular listener of WJES. In my recent attempts to listen to WJES, I have experienced interference from another radio station on the same frequency, W265AV.

This interference occurred at:

- My residence at the address shown above.
- My place of employment at the following address: _____
- Other, at the following address: _____

This statement is given under the penalty of perjury.

Name (printed): Ruth Bocangel
Signature: Ruth
Date: 03/06/17

CERTIFICATE OF SERVICE

The undersigned, Donald E. Martin, hereby certifies this 21st day of March, 2017, that a copy of the foregoing Emergency Petition for Relief has been served by hand delivery upon the following:

Marissa Repp, Esquire
Suite 300
1629 K Street, N.W.
Washington, D.C. 20006
Counsel for Immanuel Broadcasting Network, Inc.


Donald E. Martin