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Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Received & Inspected

MAY 01 2017

In Re: Matter of:

Application of
Juan Alberto Ayala
Orlando, Florida

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FCC Mail Room
Facility ID No. 156373
FCC File No. BLFT-20170320AAH
Translator W228DF

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

Arroyo Response to Ayala Opposition to Informal Objection

Comes Now, Manuel Arroyo ("Arroyo"), an individual and a resident of Casselberry, Florida, through counsel, with a Response to the "Opposition to Informal Objection" ("Opposition") submitted to the Commission by Juan Alberto Ayala ("Ayala") on April 14, 2017. On March 28, 2017, Arroyo filed with the Commission an Informal Objection ("Objection") to Ayala's application for a license to cover the construction permit of Juan Alberto Ayala for FM translator station W228DF (BLFT-20170320AAH) at Orlando, Florida.

In his "Opposition", Ayala made the following representations directly or offered representations made on his behalf, by affidavit, as follows:

1. That construction of the facility was completed on March 18, 2017.
2. That following the construction, on March 20, 2017, the tower owner, Crown Castle, advised Ayala that the installed transmission line had to be removed, painted and re-installed because

the transmission line was originally installed without painting and that a painted transmission line was required under FCC and FAA rules.

3. That the temporary installation of the antenna on the side of the transmitter building at the site was completed only *after* the antenna and transmission line were removed for painting.
4. That the installation crew spent more than one day at the site installing the antenna and transmission line, then, removing the antenna and transmission line and finally reinstalling the antenna and transmission line.
5. That the photographs furnished by the applicant to support his opposition were true, complete and correct.

Mr. Arroyo spoke with Mike Garrison, the site manager for Crown Castle Towers (the tower owner), and Shannon Gager the account executive associated with All State Towers (the Antenna Installers) and each reports a very different story. Mike Garrison states that no installation was done on that tower until April and that the tower crew responsible for installing the antenna and transmission line were only present on site for one day in April. Mr. Garrison's records regarding this matter were confirmed by Shannon Gager, the account executive for All State Tower, who stated that the installation crew was only at the tower site for one day and that the crew did not return to remove and reinstall the antenna and transmission line. Contrary to the Declaration of Ernesto Sanchez, identified as a person who "assisted" with the construction of the facility, the construction was completed on Saturday, March 18. (See: *Declaration of Ernesto Sanchez* submitted as the first attachment to the Opposition.) Mr.

Garrison states, emphatically, that no construction took place on the tower until April, past the construction deadline of March 20, 2017. Mr. Sanchez also stated in his Declaration that the request to temporarily install the antenna on the side of the transmitter building was made *after* Crown Castle told Ayala that the antenna and transmission line had to be removed for painting. Mr. Garrison reports that no such request was ever made to Ayala to remove the transmission line and that an email noting the requirement for painting was sent to Ayala a month or two *prior* to the March 20 expiration of the CP. Oddly, all header information is missing on the email from Crown Castle to Juan Ayala as submitted with his Opposition and the date was apparently removed (*See: Opposition Attachment 3*). Mr. Garrison also stated that the request to install the antenna on the side of the building was made and granted *prior* to March 20 because, as Ayala stated to him, the CP was about to expire and that he “wanted to save the CP”. Garrison confirmed that the antenna was side-mounted on the building *before* the antenna and transmission line were installed on the tower, not *after*. And, as a point of logic: if the transmission line had to be removed for painting, why did Ayala also remove the antenna? The antenna could have remained in place if only the transmission line needed to be painted. Ayala’s narrative, however, leads one to believe that the antenna had to be removed so it could be temporarily installed on the side of the transmitter building. Such was not the case.

It was not possible to reach either Mike Garrison or Shannon Gager until late, last week. In order to obtain direct affidavits, Arroyo was told that such requests would have to go through each company’s legal departments and that it was not likely that the affidavits could be obtained before the deadline to file this response. If the Commission deems that direct affidavits would be required, Arroyo requests an

Response to Opposition to Informal Objection
Page Four

extension of time in which to procure them. In the interim, the affidavit of Manuel Arroyo is attached hereto.

Respectfully submitted



Richard J. Hayes, Jr.
Counsel to
Manuel Arroyo

April 24, 2017

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Affidavit of Manuel Arroyo

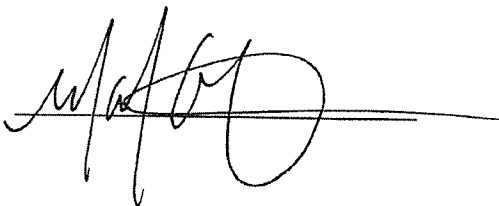
I, Manuel Arroyo, hereby state, under penalty of perjury, as follows:

Mike Garrison, the site manager for the Crown Castle tower specified by Juan Alberto Ayala in his application for license for translator W228DF, stated to me today, April 24, 2017, as follows:

1. Mr. Garrison stated that Maria Guel, the project manager for Juan Ayala, asked him if the applicant could temporarily place Ayala's antenna at 15 feet above ground on the side of a concrete transmitter building so that the applicant "could save the authorization" because the CP was about to expire. This request was made before the tower installation crew installed Ayala's antenna and transmission line.
2. Mr. Garrison reported that Crown Castle gave its permission to temporarily mount the antenna on the side of the transmitter building. This temporary installation was completed prior to the installation of the antenna on the Crown Castle tower.
3. Mr. Garrison further stated that no installation of an antenna or transmission line was performed on that tower prior to March 20, 2017.
4. Mr. Garrison reports that the tower crew responsible for installing the antenna on the Crown Castle tower did not install the antenna until April; not on or about March 20, 2017.
5. Mr. Garrison stated that the email sent to the applicant regarding painting the transmission line was sent a month or two prior to the installation; that no one at Crown Castle ever asked the applicant to remove the antenna or transmission line to have it painted.
6. The antenna installation crew was only on the site once and not multiple times as reported by Ayala in his "Opposition to Informal Objection".

I also spoke with Shannon Gager, the account executive for All State Tower, the construction crew responsible for the installation of the antenna, and Ms. Gager reported that the tower crew was on the Crown Castle site for only one day and not multiple days as reported by Ayala in his Opposition and that the antenna and transmission line were installed *once*.

Dated: April 24, 2017

A handwritten signature in black ink, appearing to read 'Manuel Arroyo', written over a horizontal line.

Certificate of Service

I, Richard J. Hayes, Jr., hereby certify that, on this 24th day of April, 2017, I did cause to be sent via first-class mail, postage pre-paid, a copy of this Informal Objection, to the following:

Dan J. Alpert, Esq.
2120 N. 21st RD.
Arlington, VA 22201



Richard J. Hayes, Jr.