

# 141566

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Actions

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LAW OFFICE OF MICHAEL W. RICHARDS LC  
7008 WESTMORELAND AVENUE • SUITE E8  
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SEP 11 2017

FCC Mailroom

2017 SEP 12 P 12: 07 TEL. 202.657.5780 • EMAIL: MICHAEL@MICHAELRICHARDS.US

September 8, 2017

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**RE: Opposition to License Application of W257BW, Potomac, Maryland (FIN 141566).**

Dear Ms. Dortch:

The attached Informal Objection to the above-referenced license application was filed today via CDBS. However, one of the exhibits included audio files, which are impossible to upload on CDBS.

In order to ensure complete documentation, Historic Takoma, Inc. hereby submits a complete filing with a CD Rom drive that includes the audio that CDBS could not accept.

Please date stamp and return this letter and the first pleading page, as indicated, in the self-addressed stamped envelope provided.

Many thanks.

Sincerely,



Michael W. Richards  
*Counsel for Historic Takoma, Inc.*

Received & Inspected

SEP 11 2017

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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2017 SEP 12 P 12:08

Application of )  
WIN RADIO BROADCASTING CORPORATION )  
)  
FCC File No. BLFT-20170830ABL )  
Application for License ) Facility ID No. 141566  
FM Translator W257BW, Potomac, Maryland )

To: The Secretary  
Attn: Chief, Audio Division, Media Bureau  
*(Filed Electronically through CDBS)*

**INFORMAL OBJECTION TO LICENSE APPLICATION, REQUEST FOR  
RESCISSION OF UNDERLYING CONSTRUCTION PERMIT  
AND/OR DESIGNATION OF LICENSE APPLICATION FOR HEARING (OR IN  
THE ALTERNATIVE, INTERFERENCE COMPLAINT)**

1. Historic Takoma, Inc. (“HTI”), the licensee of WOWD-LP (“WOWD”), a co-channel station adversely affected by the proposed FM translator, W257BW, Potomac, Maryland (Facility ID No. 141566) (“Translator”), by counsel, pursuant to 47 C.F.R. Section 73.3587, hereby submits this Informal Objection to (or, in the alternative, Interference Complaint regarding) the above referenced application for a license to cover (“License Application”) the construction permit in FCC File No. BPFT-20160129AUE (“CP”).

Standing

2. While this pleading is an informal objection, as no formal Petition to Deny is noted in the Commission rules for opposing a minor change even when it amounts to a major change but for the Commission’s AM Revitalization Policy,<sup>1</sup> HTI wishes to make clear that it would have standing to file were Petitions to Deny permitted in this matter. This is true because the

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<sup>1</sup> MB Docket 13-249.

Translator encroaches impermissibly on WOWD's protected contours and causes harmful interference in violation of 47 C.F.R. Sections 74.1204 and 74.1203.

#### Summary

4. The Translator CP should NOT have been granted in the first place. As an attached contour map, created with standard FCC tools shows, the Translator's technical parameters violate protections given to WOWD, as an existing station, under 47 C.F.R. Section 74.1204.

5. Insofar as relocation of the Translator from Pennsylvania to Potomac, Maryland was achieved through the relaxed procedures of the Commission's AM Revitalization Policy, the first notice HTI received was when the Translator began program tests after the permittee filed the License Application – long after traditional public notice measures would have effectively notified WOWD before actual interference arrived.

6. Since program tests began over Labor Day weekend, 2017, a number of WOWD's listeners report their regular reception impeded by harmful interference.

7. Such harmful interference, in and of itself, provides sufficient grounds for the Commission to order a pause to the Translator's transmissions pending remediation, pursuant to Section 74.1203 of the Commission's rules, and to deny the License Application, pursuant to Section 74.1204.

8. While such remedies would certainly provide WOWD's listeners with welcome relief, the Commission should also look closely at the way the Translator permittee presented data in its CP application in light of the Commission's Character Policy – notably those aspects requiring candidness with the tribunal. The Translator CP application, despite being submitted under penalty of perjury, appears to demonstrate a lack candor, if not outright misrepresentation. Truths appear to be buried and/or evaded in ways that may have led the Commission to grant

what is otherwise an un-grantable proposal – helped on its way by the relaxed review processes afforded by the Commission’s AM Revitalization Policy. Such mis-statements and buried truths would have more readily been caught before program testing through ordinary checks and balances provided by public notice and comment under the Administrative Procedure Act, 5 U.S.C. Sec. 500 *et. seq.*, had the Translator application not been filed as an AM Revitalization “minor change” but, instead, processed through normal major change procedures applicable to other station relocations involving such great geographic distances.

9. While HTI would welcome any remedy that affords WOWD the full spectrum protections to which it is entitled, HTI believes the Commission should use this case to send a clear message that it will not allow the AM Revitalization Policy to become a vessel to smuggle in proposals that would not stand a chance through the more fully transparent public notice procedures had not the Commission set them aside for the limited purpose of revitalizing AM radio. To do otherwise would cause harm to the fundamental public policy reflected in the Local Community Radio Act, as well as tarnish a process that, when engaged the right way, helps many AM stations overcome technological change so they may continue to remain relevant and provide important service to their communities. In sum: integrity matters.

#### Discussion

10. (A) Translator Violates 47 C.F.R. Section 74.1204. Section 74.1204 of the Commission’s Rules sets protection for existing stations, including such LP100 stations as WOWD, against harmful interference and protected contour encroachment by newcomers, such as the Translator. In relevant part, the rule states:

“An application for an FM translator station will not be accepted for filing if the proposed operation would involve overlap . . . if it would result in new or increased over-lap with an LP100 station, as set forth.”  
47 C.F.R. Sec. 74.1204(a).



11. As demonstrated in engineering studies prepared by Bert Goldman, an engineering consultant well known to the Commission, and *attached hereto at Exhibit A, the Translator does create such prohibited new overlap* with WOWD when analyzed with standard tools the Commission's own engineers use. *Given this technical data, it appears the Commission erred by approving the CP in the first place, and should now rectify its error be either (a) rescinding the CP and/or (b) denying the License Application.*

12. Section 74.1204 of the Commission's Rules further states that translator applications *are unacceptable, even if there is no new prohibited overlap*, if:

“as set forth in paragraph (a) of this section, if the predicted 1 mV/m field strength contour of the FM translator station will overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station . . . .”  
47 C.F.R. Sec. 74.1204(f).

13. As demonstrated in the listener declarations<sup>2</sup>, executed pursuant to 47 C.F.R. Section 1.16. and *attached hereto at Exhibit B*, the Translator is actually now causing prohibited harmful interference. These listeners report such interference arising *only after the License Application was filed for the new translator on the same channel as WOWD.*<sup>3</sup> This new interference is mapped out graphically in the supplemental technical data chart *also attached at Exhibit B.*

14. In the face of such violations, the Commission should deny the Translator's License Application, based both on the clear regulatory language of Section 74.1204 and the statutory

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<sup>2</sup> Due to the urgent nature of this pleading, HTI has not completed its efforts to gather interference declarations from its listeners. It reserves its rights to submit additional declarations and engineering analyses as required to protect its listeners from the Translators' harmful interference.

<sup>3</sup> Apparently, the Translator was conducting program tests, as its license to cover had not yet been granted.

mandates of the Local Community Radio Act of 2010, Pub. L. No. 111-371, 124 Stat. 4072 (2011) (“LCRA”), to which these relevant regulations must respond.

15. (B) The Translator Must, at a Minimum, Halt Transmission Pursuant to 47 C.F.R. Section 74.1203. The Translator’s interference to reception of WOWD at least requires mitigation pursuant to 47 C.F.R. Section 74.1203 as such interference occurs “. . . whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator . . . .” 47 C.F.R. Section 74.1203(a)(3). The Translator must remain silent until it either mitigates the interference to WOWD, or the Commission orders any legal other remedies, up to and including denial of license, as suggested herein.

16. (C) Translator Applicant Lacked Candor and Made Misrepresentations in its Applications. Broadcast “regulation rests upon the assumption that applicants will supply [the Commission] with accurate information.” *Character Qualifications in Broadcast Licensing*, 102 FCC 2d 1179 (1986) (“Character Policy”) at para. 58. Half-truths, truthiness or plausibility created by disclosing only part of the story are not an acceptable option. The whole truth is the only option.<sup>4</sup> Statements to the Commission, including those in the CP application, must be made with “a reasonable basis for believing that the statement is correct and not misleading.” *Rules Concerning Truthful Statements to the Commission*, Memorandum Order and Opinion, 20 FCC Rcd 1250, (2004).

17. Despite this unambiguous licensee responsibility, and the applicant’s knowledge that the applications filed for the Translator included certifications under penalty of perjury, the CP

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<sup>4</sup> The Commission may, of course, refer false statements under oath to the Justice Department for Criminal Prosecution.

application (and, through direct lineage, the License Application) fail to meet requirements for candor.

18. This is immediately evident in a narrative technical exhibit in the CP application that hides from the Commission – by omission – the potential impacts to reception of WOWD once the Translator begins broadcasting (especially now that such interference that has been proven real.)

19. Specifically, Exhibit 12-B-1 to the CP application purports to provide a full recitation of relevant issues under the heading, “CO-CHANNEL, FIRST ADJACENT AND 3<sup>rd</sup> ADJACENT PROTECTION.” Despite such packaging, Exhibit 12-B-1, at page 3, wholly omits WOWD-LP from its narrative description – even though WOWD clearly lies in the co-channel zone the Translator must protect. This exhibit states:

“For co-channel considerations, there are two stations of interest. The first is WWXX located 63.91 kilometers SSW of the proposed translator. As shown in Figure 12-5, the 40 dBu contour of the proposed CH 232 translator does not overlap the 60 dBu contour of WWXX. Also, there is a proposed new class L-1 station in Bowie, Maryland 40.04 km distant which also does not result in prohibited overlap. ***There are no other facilities on these channels that are impacted by this proposal.*** (emphasis added; the entire CP application exhibit 12-B-1 is attached hereto at Exhibit C)

20. This is quite an omission! To repeat: this Exhibit 12-B-1 mentions two other co-channel stations, but ***fails to mention WOWD***, stating flatly (and falsely): “***[t]here are no other facilities on these channels that are impacted.***”

21. This glaringly false statement in the CP application occurs, even as a different exhibit in the application makes mention WOWD in a contour map. See CP Application, Exh. 12, Figure 12-1, at p. 3. Clearly, the CP applicant knew all about WOWD, but like a pea in a shell game, WOWD disappears when the real moment of truth arrives.



22. Moreover, this Figure 12-1 contour map, as submitted, incorrectly shows no interference to WOWD's protected contour, when, in fact, a standard FCC 30 second projection clearly demonstrates prohibited inference. *See* contour map at *Attachment A* to this pleading.

23. We leave it to the Commission to determine which is worse: failure to disclose the fact of the Translator's impact on WOWD in the narrative analysis of the CP application's Exhibit 12-B-1, or submission of a faulty contour map in the CP application's Figure 12-1. Either way, these violations of disclosure rules implicate the Commission's Character Policy.

24. "Because effective regulation is premised upon the agency's ability to depend upon the representations made to it by its licensees, 'the fact of concealment [is] more significant than the facts concealed.' Indeed, the FCC would be derelict if it did not hold broadcasters to 'high standards of punctilio,' given the special status of licensees as trustees of a scarce public resource." *Leflore Broadcasting Co. v. FCC*, 636 F.2d 454, 461 (D.C. Cir., 1980) (citing *FCC v. WOKO, Inc.*, 329 U.S. 223, 227 (1946), *Lorain Journal Co. v. FCC*, 351 F.2d 824, 830, (DC Cir. 1965), and *Sea Island Broadcasting v. FCC*, 627 F.2d 240 (DC Cir. 1980)).

25. Insofar as the licensee made editorial choices that resulted in material omissions to an application submitted to the Commission (under penalty of perjury) and, nonetheless, certified the veracity of the application's contents, the License Application should not be granted, the underlying CP should be rescinded or, alternatively, either or both applications should be designated for hearing.

26. The FCC must make clear that it will not tolerate such antics given the already relaxed standards for translator relocation through the AM Revitalization Policy under which the Translator and License Application were filed. In a normal situation, with full public notice, there would have been greater scrutiny of an application seeking to relocate a Translator



relocation so many miles across state lines. The Commission must make clear that the AM Revitalization Policy's relaxed procedures are not an invitation to gamesmanship of the "hide-the-ball" and "whack-a-mole" variety, simply because there is less public scrutiny than normal translator major change modification procedures would require.

27. In sum, The Translator applicant knew the proposed Translator could have an impact on WOWD. Nonetheless, it both failed to disclose that material fact and made false statements that served to cover up that fact.

28. In so doing, the Translator permittee violated 47. C.F. R. Section 1.17(a)(2). This rule prohibits applicants, licensees and permittees from providing the Commission with written statements that "provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading."

29. Firm action on in the face of such Character Policy-related rule violations will send a clear – and important – message that veracity matters. There should be zero tolerance for gamesmanship – especially when the applicant is already being given a short-cut, through the AM Revitalization Policy, to achieve a goal that normally requires more work, time and, above all, the public scrutiny on which all broadcast regulation ultimately rests given the limited policing resources of the Commission.

#### Conclusion

30. At a minimum, the Commission must order the Translator permittee to shut down until the permittee remedies harmful interference to WOWD.

31. While such temporary remedies would provide welcome relief, the Commission should also take a hard look at the way the Translator permittee presented data in its application in light of the Commission's Character Policy. It must not countenance evasions – in violation of applicant and licensee obligations – that may have led the Commission to grant what is otherwise an un-grantable proposal through the relaxed review processes afforded by the Commission's AM Revitalization Policy. Given the permittee's failure to be candid and tell the whole truth, the longstanding public interest in broadcast regulation would be well served by denying the License Application and/or rescinding the CP – or even designating the License Application for hearing.

32. Through such effective action here, the Commission will not only ensure legal protection for one station that is having its spectrum encroached, but also support the integrity of the AM Revitalization Policy process. To do otherwise would upend the careful balance of public policies and interests that guide broadcast regulation under the Communications Act of 1936, as amended, and the Administrative Procedure Act.

Respectfully Submitted,



Michael W. Richards  
*Counsel for Historic Takoma, Inc.*

Law Office of Michael W. Richards LC  
P.O. Box 5842  
Takoma Park, MD 20913  
Tel. 202.657.5780

September 8, 2017

**EXHIBIT A**

**PROPOSED TRANSLATOR AND EXISTING WOWN  
CONTOURS**

**Goldman Engineering Management  
Auburn, CA**

Engineering Statement

This engineering statement has been prepared on behalf of Historic Takoma, Inc. (“HTI”), Licensee of WOWD-LP (“WOWD”) and is in support of an informal objection and request for relief from interference from translator W257BW, now operating under Program Test Authority on channel 232D from Potomac, MD. which is co-channel to WOWD-LP, 232L100, Takoma Park, MD, only 18km away from W257BW.

The permittee of W257BW included an exhibit showing interfering and protected contours to WOWD in its FCC Form 349 application. However, the attached figure 1 shows a different outcome in calculating interfering and protected contours from W257BW to WOWD.

In the absence of a statement to the contrary, FCC 30 second data is typically used. As the W257BW Form 349 contains no statement that alternative terrain data was used, and assuming standard 30 second data, it can be seen in Figure 1 that there is overlap of the W257BW 40dBu f50,10 contour with the WOWD-LP protected 60dBu contour.

If it is assumed that 3 second data is used, the W257BW interfering 40dBu contour touches the 60dBu contour of WOWD-LP – which is only 13km away from the co-channel transmitter. Although the FCC uses the f50,50 and f50,10 contours as an allocation convenience, it stands to reason that the interfering signal from W257BW may not be entirely contained within the calculated FCC interfering contour and that co-channel transmitters in such close proximity are bound to interfere with one another. If one uses an alternate and more refined propagation model such as Longley Rice, it is clear to see that significant interference is predicted inside the protected WOWD-LP 60dBu protected contour. A map showing predicted interference is attached as Figure 2.

In the case of WOWD-LP, which preceded the operation of W257BW, established, documented listeners are now receiving interference and have complained to the station of this interference. In Exhibit 3, a map describing locations reported by listeners where interference is being received is attached. It is noted that the areas predicted by Longley-Rice are, indeed, receiving interference.



Because the protected contour of WOWD covers less than 100 sq. km, any actual interference to this small area in this densely populated community is very problematic for the ability of HTI to adequately serve its community.

CERTIFICATION

The undersigned hereby certifies that the foregoing statement and associated attachments were prepared by him or under his direct supervision, and that they are true and correct to the best of his knowledge and belief.



Bertram S. Goldman  
Goldman Engineering Management

FIGURE 1

W257BW f(50/10) 40dBu Interfering to WOWD-LP f(50/50) 60dBu Protected

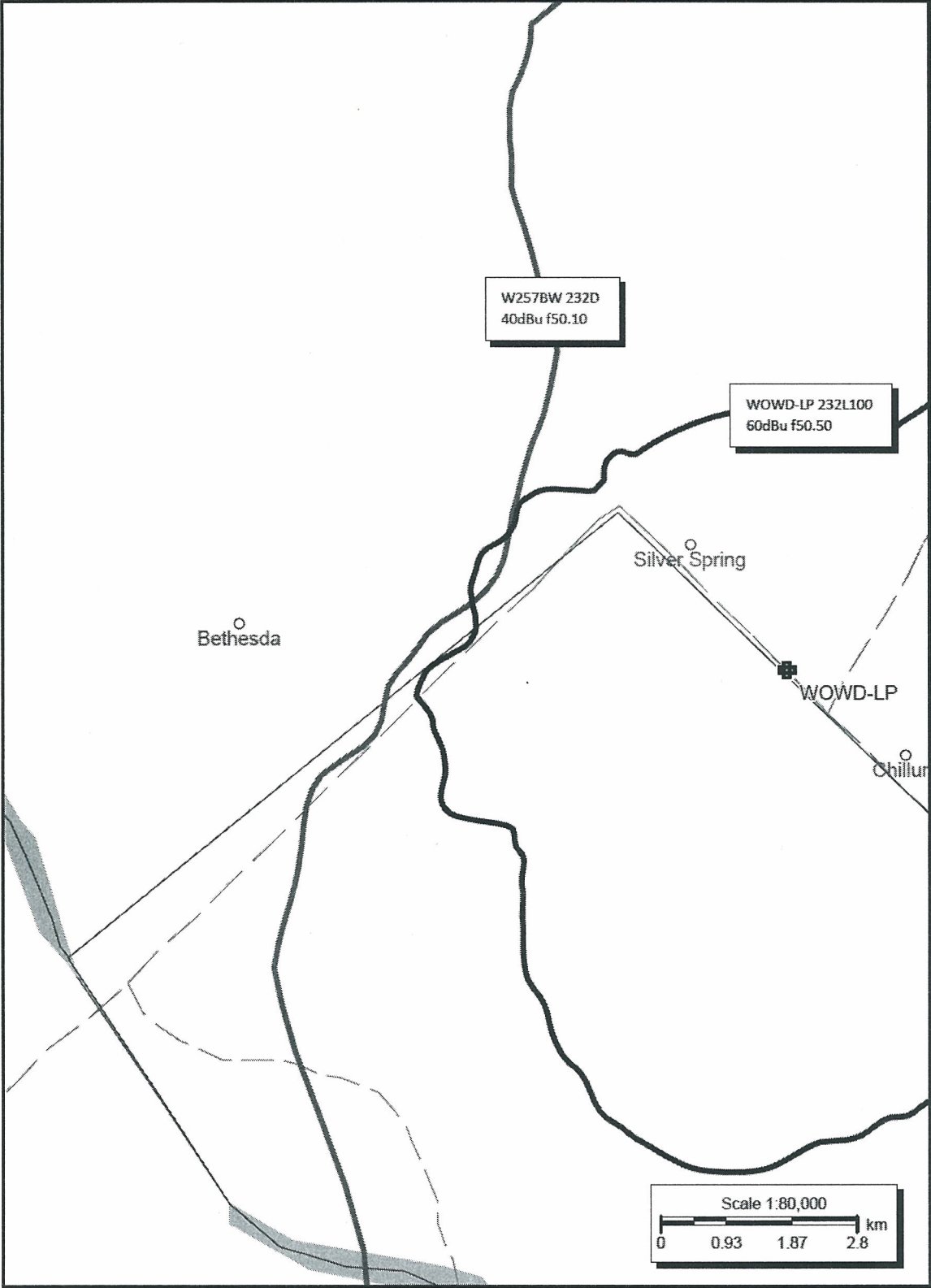


Figure 2

Predicted Interference to WOWD-LP from W257BW

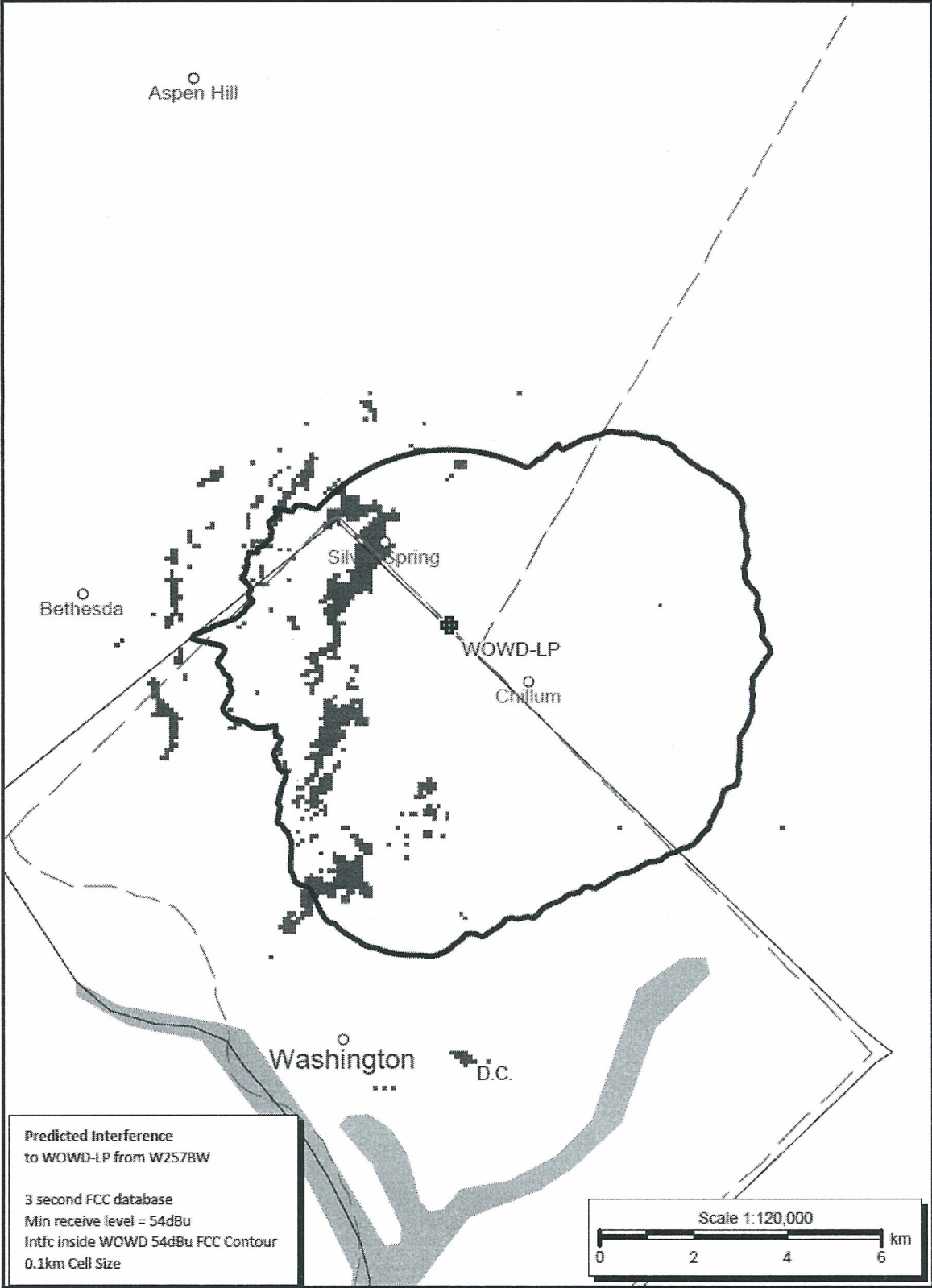
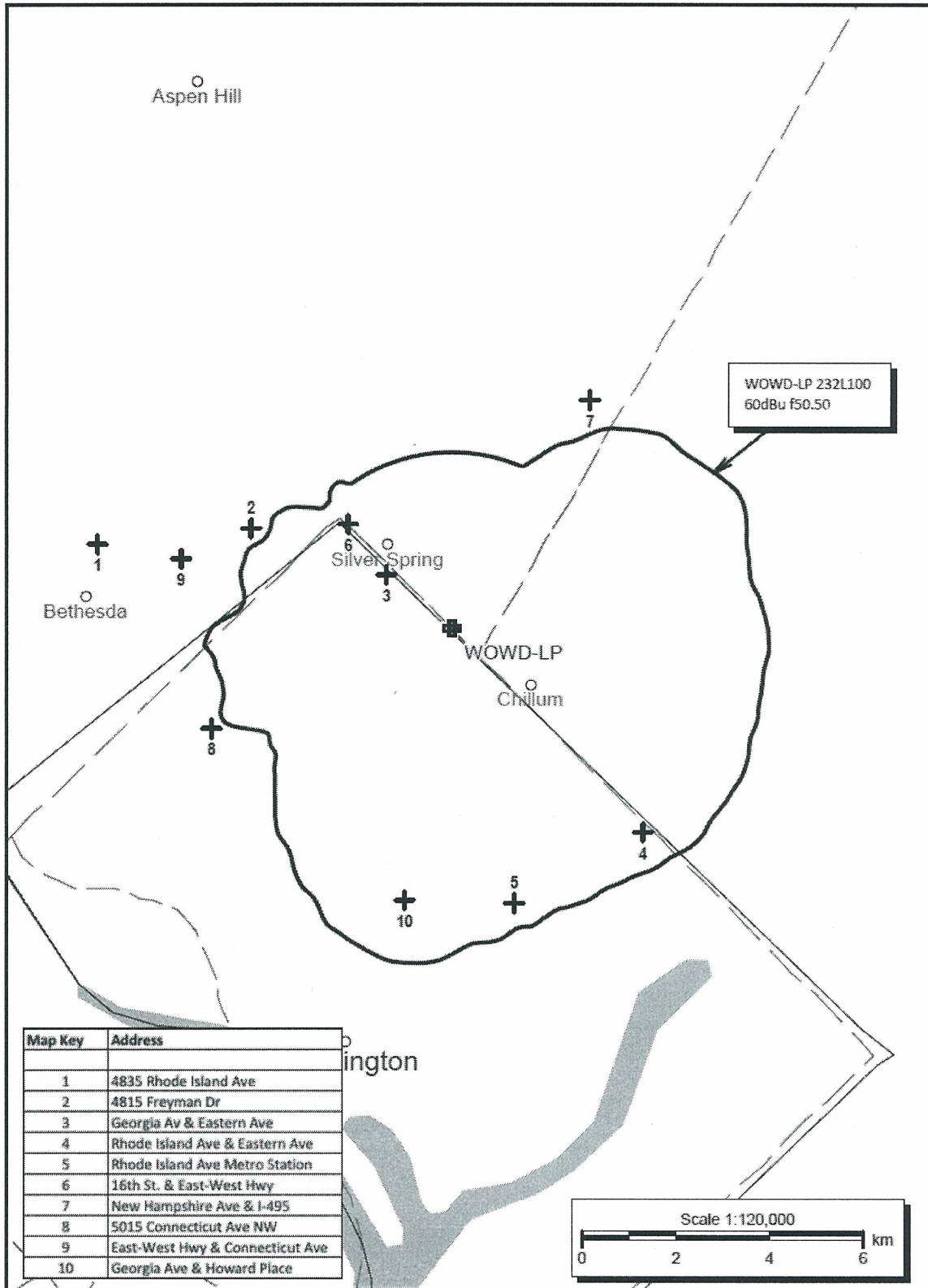


Figure 3- Interference locations

Documented Interference to WOWD-LP from W257BW



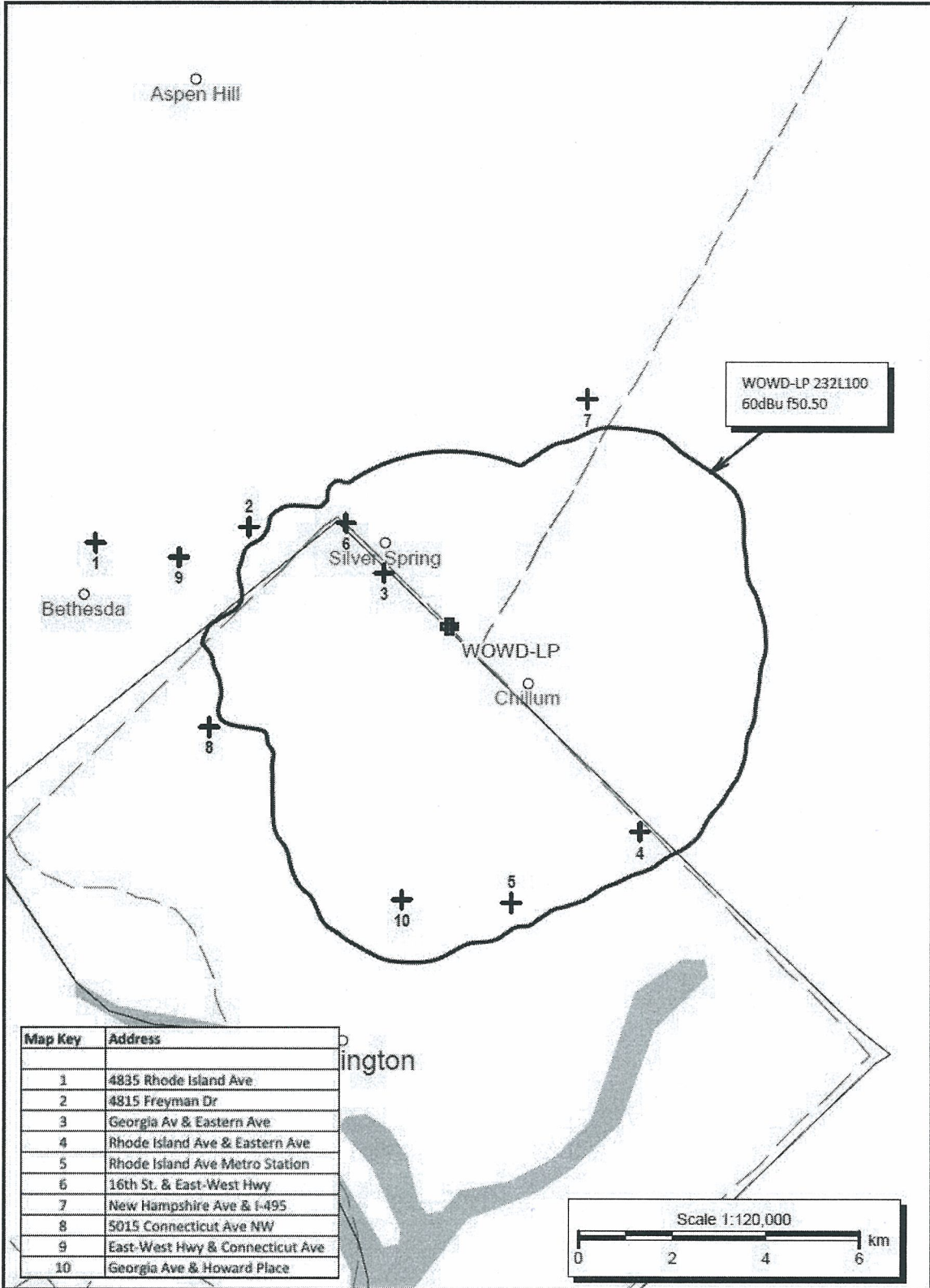


## **EXHIBIT B**

### **HARMFUL INTERFERENCE TO WOWD-LP**

Figure 3- Interference locations

Documented Interference to WOWD-LP from W257BW



## DECLARATION OF JONATHAN GILBERT

1. My Name Is Jonathan Gilbert.
2. I reside at 4853 Cordell Avenue, in Bethesda, Maryland, 20814.
3. I regularly listen to WOWD-LP on an FM radio at my residence.
4. Since the morning of September 4, 2017, my reception of WOWD-LP on 94.3 FM has suffered interference.
5. The station interfering with my reception of WOWD-LP provides station identification as WCTN.
6. Although received on WOWD-FM's 94.3 frequency, the interfering station appears to play the same programming as the a nearby AM station that also identifies itself as WCTN.

**Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on September 7, 2017.**

  
**JONATHAN GILBERT**

DECLARATION OF PETER DEAN

1. My name is Peter Dean.
2. I reside at 8519 Freyman Drive, Chevy Chase, Maryland 20815.
3. I listen to WOWD-LP both at home and in my car when I commute from my home onto my office in Silver Spring, Maryland.
4. Beginning on September 5, 2017, my reception of WOWD-LP on 94.3 FM suffered interference both at home and while driving in my car.
5. The new interference stretches from my home on Freyman Avenue, all the way to the intersection of Georgia Avenue and Eastern Avenue on the border between Silver Spring, Maryland and Washington, DC.
6. I haven't noticed such interference before this week.

Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on September 7, 2017.



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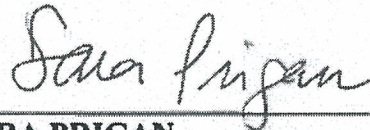
PETER DEAN



## DECLARATION OF SARA PRIGAN

1. My Name Is Sara Prigan.
2. I regularly listen to WOWD-LP on my car radio during my morning commute from Mount Rainier, Maryland, along US 1, to the Rhode Island Avenue Metro Station in the District of Columbia.
3. Beginning the morning of September 6, 2017, my reception of WOWD-LP on 94.3 FM suffered interference during this drive.
4. I first noted this new interference in the area of the border between Washington, DC and Maryland, near the intersection of US 1 (Rhode Island Avenue) and Eastern Avenue, NE, in Washington, DC.
5. As I approached the Rhode Island Avenue Metro Station, the interfering station completely blocked reception of WOWD-LP. All I heard was a program of 1980s-style pop music.

Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on September 6, 2017.



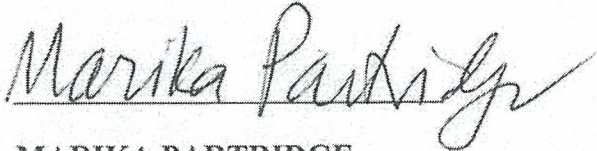
SARA PRIGAN



## DECLARATION OF MARIKA PARTRIDGE

1. My Name is Marika Partridge.
2. I am a board member of Historic Takoma, Inc., the licensee of WOWD-LP, Takoma Park, Maryland. In this role, I oversee WOWD-LP.
3. On September 6, 2017, I drove my car along East-West Highway in Silver Spring, heading west toward Chevy Chase, Maryland.
4. During this car trip, I listened to and recorded the air signal of WOWD-LP.
5. Starting at approximately the intersection of East-West Highway (Route 410) and 16<sup>th</sup> Street, in Silver Spring, Maryland, reception of WOWD-LP became impeded by interference.
6. Within a few blocks, the interfering station's music programming eventually overtook WOWD's air signal completely.
7. I regularly drive this route and, before this week, suffered no interference to reception of WOWD-LP.
8. I have included a true recording of the interference as an attachment to this Declaration.

**Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on September 6, 2017.**



**MARIKA PARTRIDGE**

## DECLARATION OF JOHN CAMPANILE

1. My Name Is John Campanile
2. I regularly listen to WOWD-LP on my car radio while driving from my home in Greenbelt, Maryland to a three-day per week job in Takoma Park, Maryland.
3. Beginning the morning of September 6, 2017, my reception of WOWD-LP on 94.3 FM suffered interference during this drive.
4. I first noted this new interference in the area where New Hampshire Avenue crosses the Capital Beltway (Interstate 495) in Silver Spring, Maryland.
5. I never experienced this interference before this week.

**Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on September 6, 2017.**

  
\_\_\_\_\_  
**JOHN CAMPANILE**

## DECLARATION OF MICHAEL CAUSEY

1. My name is Michael Causey.
2. I often listen to WOWD-LP while driving in my car from the District of Columbia to my home in Kensington, MD.
3. On September 6, 2017, for the first time, I notice interference to WOWD-LP while I was driving.
4. Specifically, I was parked near the Politics and Prose Book Store at 5015 Connecticut Ave NW, Washington, DC 20008, in a place where I had previously received WOWD-LP without interference.
5. The interference intensified, with a station that played pop music completely overtaking WOWD-LP, by the time I reached the intersection of Connecticut Avenue and East-West Highway (Route 410) in Chevy Chase, Maryland.
6. I had always enjoyed trouble-free reception from WOWD-LP before this time all along this driving route until a few blocks north the intersection of Connecticut Avenue and East-West Highway.

**Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on September 7, 2017.**

*Michael Causey*

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**MICHAEL CAUSEY**



## DECLARATION OF CAROLIVIA HERRON

1. My name is Carolivia Herron.
2. I regularly listen to WOWD-LP on my commute from my home in Takoma Park, Maryland to my workplace at Howard University in Washington, DC.
3. On September 7, 2017, for the first time, I noticed interference to WOWD-LP while I was driving in the area close to Howard University.
4. Specifically, I parked near the intersection of Georgia Avenue, NW and Howard Place NW in Washington, DC before going to work the morning of September 7, 2017.
5. This new interference made it impossible to listen at all to WOWD-LP while at the parking location.

**Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on September 7, 2017.**

  
\_\_\_\_\_  
**CAROLIVIA HERRON**



**EXHIBIT C**

**CP APPLICATION EXH. 12-B-1**

**Win Radio Broadcasting Corporation**  
**FM Translator CH 232 -- Facility ID 141566**  
**Application for Minor Change CP**  
**Exhibit 12-B-1 – Detailed Second-Adjacent Interference Study**  
**And comments regarding other required clearances**

All studies utilized FCC CDBS data from June 27, 2016. All contours were derived using the 3 second database. We request processing utilizing 3 sec database. As shown in Exhibits 12-1a and 12-3, the proposed CH 232 site is within the 54 dBu protected contour of second-adjacent Class B stations; WKYS, CH 230 and WIAD, CH 234. In accordance with 47 CFR 74.1204(d), the transmit antenna system has been designed to prevent this translator from causing objectionable interference to both second-adjacent stations in a populated area.

Applicant proposes to side-mount the CH 232 directional transmit antenna on the existing WCTN NW tower. A 2 element full wave spaced Shively Model 6810-2 directional circularly polarized antenna is to be located with CR located 56 meters above ground. From USGS topographic maps, the ground elevation at the base of the tower is shown as 349 feet or 107 meters AMSL. Tables 2-1 and 3-1 both show the tabulation of the elevation pattern data for the proposed transmitting antenna. Figure 12-4 shows the required protections with respect to NEW co-channel L-1 station CP. Figure 12-8 shows that the proposed translator 60 dBu contour will be totally contained within the WCTN 2 mV AM daytime service contour.

### **PROTECTION OF WKYS**

The primary interference analysis is based on accepted "ratio methodology" as defined in the Living Way Ministries decision. As shown in Figure 12-1a, WKYS has an FCC F(50,50) field strength of 83.5 dBu at the proposed site, Based on a U/D ratio of 40 db over the entire area of the proposed translator interfering contour, second-adjacent interference is not expected to affect WKYS adversely beyond the 123.0 dBu free space contour of CH232 operating as proposed herein. Contours greater than approximately 99 dBu F(50,10) fall of the standard FCC F(50,10) chart requiring that the Free Space equation be utilized for determining the distance to the proposed CH232 interference contour.

As shown in Table 2-1, the maximum calculated distance to the CH232 123 dBu contour in the horizontal plane is 76 meters rounded to the nearest meter. The maximum distance to the 123.0 dBu contour in the vertical direction (90 degrees depression) is 0.3 meters. The maximum distance to the 123.0 dBu contour at -60 degrees (depression) is 32.4 meters. Table 2-1 of Exhibit 12 shows all calculations of values from 0 thru -90 degrees.

Thus the area of excessive 2<sup>nd</sup> adjacent U/D ratio is contained to locations at least greater than 32.4 meters above ground level (30.4 meters above head height).

This equation is commonly used to determine field strength in free space:

$$\text{Field Strength E (dBu)} = 106.92 - 20 \log 10D(\text{km}) + P(\text{dBk})$$

## **PROTECTION OF WIAD**

As shown in Figure 12-3, WIAD has an F(50,50) field strength of 88.0 dBu at the proposed site, Based on a U/D ratio of 40 db over the entire area of the CH232 interfering contour, second-adjacent interference is not expected to affect WIAD adversely beyond the 127.5 dBu free space contour of CH232 operating as proposed herein. Once again, contours greater than approximately 99 dBu F(50,10) fall of the standard FCC F(50,10) chart requiring that the Free Space equation be utilized for determining the distance to the proposed CH232 interference contour.

As shown in Table 3-1, the maximum calculated distance to the CH232 127.5 dBu contour in the horizontal plane is 47 meters rounded to the nearest meter. The maximum distance to the 127.5 dBu contour in the vertical direction (90 degrees depression) is 0.3 meters. The maximum distance to the 127.5 dBu contour at -60 degrees (depression) is 16.2 meters. Table 3-1 of Exhibit 12 shows all calculations of values from 0 thru -90 degrees.

Thus the area of excessive 2<sup>nd</sup> adjacent U/D ratio is contained to locations at least greater than 41.9 meters above ground level (39.9 meters above head height). The clearance easily fully protects all mobile receivers but also any other nearby buildings located approximately 155 meters due north of the CH232 antenna building. No other structures are impacted by an undesired U/D ratio.

In the event actual 2<sup>nd</sup> adjacent interference occurs, WIN Radio understands its obligation to take what ever action, including a power reduction, is necessary to eliminate any such caused interference and will insure its obligations are met.

## **IF PROTECTION**

The proposed operation of the NEW CH232 translator at the coordinates specified in the instant application fully protects FM IF station WAVA-FM, CH 285B, Arlington, VA per Table 1 of 73.207 A-B OF 15 KILOMETERS. The WAVA main transmitter site is 17.11

km from proposed CH 232 exceeding the required spacing by 2.11 kilometers. There are no other IF stations needing consideration for this application.

### **CO-CHANNEL, FIRST ADJACENT AND 3<sup>RD</sup> ADJACENT PROTECTION**

For co-channel considerations, there are two stations of interest. The first is WWXX located 63.91 kilometers SSW of the proposed translator. As shown in Figure 12-5, the 40 dBu contour of the proposed CH 232 translator does not overlap the 60 dBu contour of WWXX. Also, there is a proposed new class L-1 station in Bowie, Maryland 40.04 km distant which also does not result in prohibited overlap. There are no other facilities on these channels that are impacted by this proposal. Likewise no first adjacent or third adjacent stations are close enough for consideration.

### **AM STATION PROTECTION**

There are no other AM stations needing consideration for this application. WIN RADIO understands that the installation of an FM antenna on a tower of a directional AM station will require performing a partial proof of performance to determine if the station operating parameters are still within the License limits.



## CERTIFICATE OF SERVICE

I, Michael W. Richards, counsel for Historic Takoma, Inc., hereby state that true copies of the foregoing INFORMAL OBJECTION TO LICENSE APPLICATION, REQUEST FOR RESCISSION OF UNDERLYING CONSTRUCTION PERMIT AND/OR DESIGNATION OF LICENSE APPLICATION FOR HEARING (OR IN THE ALTERNATIVE, INTERFERENCE COMPLAINT) were mailed first class, postage prepaid, unless otherwise indicated, this 8th day of September 2017 to:

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Michael W. Richards