

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

In the Matter of)
)
IMMANUEL BROADCASTING NETWORK, INC.)
)
FM Translator Station W265AV) Facility ID #28332
Woodstock, Georgia)

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

SECOND FURTHER EMERGENCY PETITION FOR RELIEF

Nelson Rodriguez (“Rodriguez”), licensee of full power FM station WJES, Maysville, Georgia (Facility ID #198772), by counsel, hereby submits this Second Further Emergency Petition for Relief in connection with destructive interference caused by FM translator station W265AV to the reception of WJES.

In response to numerous listener complaints submitted by Rodriguez, on April 3, 2017, the Commission’s Media Bureau issued a letter to the licensee of W265AV, Immanuel Broadcasting Network, Inc., directing it “to resolve all complaints of interference” to WJES within 30 days. Upon Immanuel’s failure to resolve the complaints, on May 25, 2017, the Bureau issued a further directive by email, requiring the translator operator to resolve remaining interference complaints by June 15, 2017, or face the prospect of an order to suspend station operations. Upon Immanuel’s continued failure to resolve those complaints, on October 13, 2017, the Bureau ordered Immanuel “to suspend operations . . . until all interference is eliminated

and the Bureau approves resumption of operations.” *Marrisa G. Repp., Esq.*, DA 17-1008, at 4 (MB Oct. 13, 2017).

Since October 13, Immanuel has presented no evidence of resolving the complaints. To the best of Rodriguez’s knowledge, the Commission has not authorized the resumption of W265AV operations. Nonetheless, the steady stream of a broadcast signal has appeared on channel 265 again, identified in its on-air content as originating from Immanuel. Attached is a Declaration of Nelson Rodriguez in which he explains that the W265AV signal has been menacing the reception of WJES continuously on December 2, 3 and 4, 2017. Also attached are 10 new contemporaneous interference complaints from listeners attesting to this interference to WJES, given under the penalty of perjury.

Despite repeated orders to resolve all complaints and suspend operations until authorized by the Commission to resume broadcasting, Immanuel is operating W265AV and continuing to cause interference to WJES. Immanuel cannot claim that it has merely been “testing” its equipment over the period of December 2 to 4. The broadcasting has been continuous for multiple days, well exceeding the necessities for “testing.” Rodriguez asks the Commission to enforce its rules in general (such as §74.1203(b)) and its specific orders to Immanuel requiring the silence of W265AV.

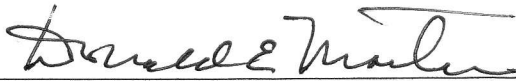
Aside from causing injury to Rodriguez, Immanuel’s brazen flaunting of the Commission’s authority is quite contrary to the public interest. Coherent and usable broadcast service to the public is a fundamental objective of the broadcast regulatory regime in the United States. Bad actors who repeatedly violate the Commission’s rules – especially interference rules – dilute and weaken the benefit for society at large. The Communications Act and the FCC’s rules specify

monetary sanctions to be imposed on rule violators. According to §1.80(a)(2) and §1.80(b) of the Commission's rules, a person who "Willfully or repeatedly failed to comply substantially with the terms and conditions of . . . any rule, regulation or order issued by the Commission . . ." may be subject to forfeitures of up to \$37,500 for each violation or each day of a continuing violation. For at least three consecutive days, Immanuel has disregarded and violated the Media Bureau's explicit order to suspend operation of W265AV. A separate rule, §180(b)(8) suggests \$7,000 as the base forfeiture amount for causing interference – which of course, was Immanuel's original mischief in this proceeding. The Commission has a range of enforcement options at its disposal. Rodriguez urges the Commission to exercise them so as to deter Immanuel from further disruptive noncompliant operations.

First and foremost, Rodriguez respectfully, but strenuously, demands that the Commission take measures to ensure that Immanuel's destructive interfering signal is silenced immediately.

Respectfully submitted,

NELSON RODRIGUEZ

By: 

Donald E. Martin

DONALD E. MARTIN, P.C.

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Falls Church, Virginia 22041

(703) 671-8887

His Attorney

December 4, 2017

DECLARATION OF NELSON RODRIGUEZ

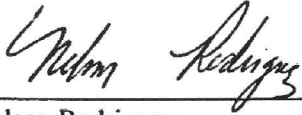
Nelson Rodriguez deposes and states as follows:

I am the licensee of FM broadcast station WJES, Maysville, Georgia (Facility ID #198772). During 2017 I have filed numerous complaints about interference to the reception of WJES received from translator station W265AV, Woodstock, Georgia (Facility ID #28332), licensed to Immanuel Broadcasting Network, Inc.

In a Letter dated October 13, 2017, the FCC ordered Immanuel to suspend operating W265AV until all interference to WJES has been eliminated and the Media Bureau approves resumption of broadcasting.

W265AV has been broadcasting continuously on December 2, 3 and 4, 2017. The signal is clearly identified as originating from Immanuel. This signal from W265AV continues to cause destructive interference to the reception of WJES. This is demonstrated by the ten interference complaints signed by listeners that accompany this declaration.

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



Nelson Rodriguez

12/4/17

Date

INTERFERENCE COMPLAINT

My name is Edy R. ARRIAZA. I reside at the following address:

3600 Bogan mill R.D Buford GA.

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): Edy R. Arriaza

Signature: ~~Edy R. Arriaza~~

Date: 12-3-17

INTERFERENCE COMPLAINT

My name is Amarilys Cintron. I reside at the following address:
1843 Hawks Ridge Ct Lawrenceville GA 30043

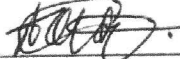
I am a regular listener of WJES. In my recent attempts to listen to WJES, I have experienced interference from another radio station on the same frequency, W265AV.

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): Amarilys Cintron

Signature: 

Date: 12 - 3 - 17

INTERFERENCE COMPLAINT

My name is Omar Cintrón. I reside at the following address:
1843 Hawks Ridge Ct - Lawrenceville, GA 30043

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: 910 Athens Hwy
Coganville, GA

Other, at the following address: _____

This statement is given under the penalty of perjury.

Name (printed): Omar Cintrón

Signature: 

Date: 12/3/17

INTERFERENCE COMPLAINT

My name is Theresa Cinton. I reside at the following address:
1018 Fountain Lakes Ct Lawrenceville GA

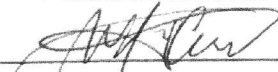
I am a regular listener of WJES. In my recent attempts to listen to WJES, I have experienced interference from another radio station on the same frequency, W265AV.

This interference occurred at:

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

This statement is given under the penalty of perjury.

Name (printed): Theresa Cinton

Signature: 

Date: 12-03-17

INTERFERENCE COMPLAINT

My name is NAMSY LÓPEZ. I reside at the following address:

2500 PLEASANT HILL R.D. Apt. 2313 DULUTH GA 30096

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): NAMSY LÓPEZ

Signature: Namsy López

Date: 12-03-17

INTERFERENCE COMPLAINT

My name is Manisol Maldonado . I reside at the following address:

2311 Breton Hunt Lane Suwanee GA 30024

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): Manisol Maldonado

Signature: 

Date: 12/3/17

INTERFERENCE COMPLAINT

My name is Sonia Marrero I reside at the following address:
1201 Tree Creek Pkwy Levelle GA
30043

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: 1375 Alderman Dr Alpharetta GA

Other, at the following address: _____

This statement is given under the penalty of perjury.

Name (printed): Sonia N. Marrero

Signature: S. Marrero

Date: 12/3/17

INTERFERENCE COMPLAINT

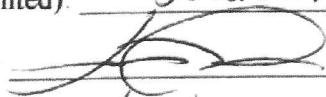
My name is Jessica Morales. I reside at the following address:
9140 Friarbridge Drive Suwanee GA 30024

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): Jessica Morales
Signature: 
Date: 12/03/17

INTERFERENCE COMPLAINT

My name is MILLIE RODRIGUEZ I reside at the following address:

375 LITTLE CREEK RD L'VILLE GA 30045

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:

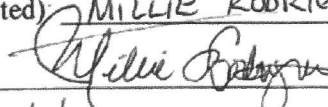
My residence at the address shown above.

My place of employment at the following address: 665 DULUTH HWY
L'VILLE GA 30046

Other, at the following address: _____

This statement is given under the penalty of perjury.

Name (printed): MILLIE RODRIGUEZ

Signature: 

Date: 12/3/17

INTERFERENCE COMPLAINT

My name is Laura Tello. I reside at the following address:

150 Timbervalley Ln Lawrenceville G.A. 30043

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): Laura Tello

Signature: Laura Tello

Date: 12/03/17

CERTIFICATE OF SERVICE

The undersigned, Donald E. Martin, hereby certifies this 4th day of December, 2017, that a copy of the foregoing Second Further Emergency Petition for Relief has been served by electronic mail upon the following:

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