

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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)

**FURTHER SUPPLEMENT TO EMERGENCY PETITION FOR RELIEF,
REQUEST FOR EXPEDITED ACTION AND INFORMAL
OBJECTION/INTERFERENCE COMPLAINT**

1. Historic Takoma, Inc. (“HTI”), the licensee of WOWD-LP (“WOWD”), a co-channel station adversely affected by harmful interference from the proposed FM translator, W257BW, Potomac, Maryland (Facility ID No. 141566) (“Translator”), by counsel, submits this Further Supplement (“Further Supplement”) to its previously filed pleadings resulting from interference to WOWD from the Translator (“Translator Interference Pleadings”)¹ The Translator Interference Pleadings showed the existence of such interference after the Permittee initiated program tests and filed a license application in FCC File No. BLFT-20170830ABL (“License Application”) to cover the Construction Permit in FCC File No. BPFT-20160129AUE (“CP”).

¹ HTI has filed two prior pleadings in this matter: (1) 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) (filed Sept. 8, 2017) (“September Pleading”) and (2) Emergency Petition for Relief, Request for Expedited Action, and Supplement (filed Nov. 30, 2018) (“November Pleading”).

Translator Licensee Has Not Responded Despite Direct FCC Instructions

2. On December 12, 2017, the Audio Division, Media Bureau, issued a letter Notice to the Permittee² ordering: “Within thirty days of this letter, W257BW must take appropriate actions required by the provisions of 47 CFR § 74.1203 to resolve all complaints of interference to fulfill its obligations,” further noting that “[e]ach of the complaints must be addressed individually” (“December FCC Letter”).

3. To date, it appears that the Permittee has failed, not only, to follow the Commission’s directives³ in the December FCC Letter, it has not responded at all. The Commission’s rules make clear that the penalty for “failure to respond to official correspondence” regarding a broadcast application is dismissal of such application. 47 C.F.R. Section 73.3568(a)(1)

4. The Permittee’s failure to respond at all, thus, calls for DISMISAL of the LICENSE APPLICATION, even absent the Commission Character Policy violations shown in the *September Pleading*, at paras 16-29. When the Permittee’s failure to respond at all to Commission official correspondence (December FCC Letter) is coupled with its Character Policy violations, it becomes clear that the License Application must now be dismissed, the underlying Construction Permit should be rescinded – and the Permittee, which still holds other Commission authorizations, should face additional penalties for behavior which clearly violates the basic covenant inherent as a trustee of a scarce public resource. In sum: the Commission

² Letter from James D. Bradshaw, Deputy Chief, Audio Division, Media Bureau to Win Radio Broadcasting Corporation regarding Interference Complaint, Reference number 1800B3-PPD, Dec. 12, 2018 (“December Instructions”).

³ See *Third Declaration of Marika Partridge*, attached hereto at Exhibit A.

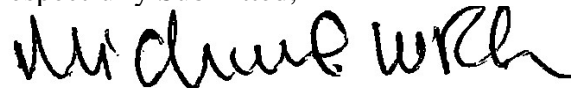
must now make clear that authorization holders, such as the Permittee, cannot simply ignore their responsibilities and, above all, ignore direct Commission instructions.

Relief Requested

5. As the Permittee has time and again disregarded its responsibilities, the Commission must now take the following steps to protect the integrity of local broadcast service – particularly that provided by WOWD:

- (a) **ORDER** an immediate end to Translator operations; and
- (b) **DISMISS** the License Application; and/or
- (c) **DENY** the License Application and **RESCIND** the underlying CP grant pursuant to 47 C.F.R. Section 1204(f). *See In re: W262CY, Cleveland, Ohio, W260CY, Cleveland, Ohio*, Petition for Reconsideration, 32 FCC Rcd 5692 (2017); or
- (d) **IN THE ALTERNATIVE**, designate the License Application for hearing.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael W. Richards".

Michael W. Richards
Counsel for Historic Takoma, Inc.

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February 7, 2018

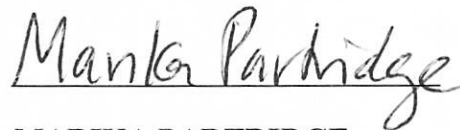
EXHIBIT A

THIRD DECLARATION OF MARIKA PARTRIDGE

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1. My Name is Marika Partridge.
2. I am a board member of Historic Takoma, Inc. ("HTI"), the licensee of WOWD-LP, Takoma Park, Maryland. In this role, I oversee WOWD-LP.
3. To the best of my knowledge and belief, no representative of the permittee of the FM Translator, W257BW, Potomac, Maryland ("Permittee"), has contacted WOWD-LP station management or any HTI board member in response to the Audio Division Letter, Reference Number 1800B3-PPD, which ordered individualized interference complaint mitigation by January 11, 2018.
4. To the best of my knowledge and belief, no representative of the Permittee has contacted any of the WOWD-LP listeners who have submitted sworn interference declarations to the Commission since September 8, 2017.

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 February 5, 2018.

A handwritten signature in cursive script that reads "Marika Partridge". The signature is written in dark ink and is positioned above the printed name.

MARIKA PARTRIDGE

CERTIFICATE OF SERVICE

I, Michael W. Richards, counsel for Historic Takoma, Inc., hereby state that true copies of the **FURTHER SUPPLEMENT TO EMERGENCY PETITION FOR RELIEF, REQUEST FOR EXPEDITED ACTION AND INFORMAL OBJECTION/INTERFERENCE COMPLAINT** were mailed first class, postage prepaid, unless otherwise indicated, this 7th day of February 2018 to:

J. Geoffrey Bentley, Esq.
*Counsel to WIN RADIO BROADCASTING
CORPORATION*
Bentley Law Office
2700 Copper Creek Road.
Oak Hill, VA 20171

Albert Shuldiner, Esq.
Chief,
Audio Division, Media Bureau
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Lisa Scanlan, Esq.
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Michael W. Richards

Federal Communications Commission

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Account number: 663097

**Description: SECOND SUPPLEMENT TO OBJECTION TO POTOMAC
TRANSLATOR**

Successfully filed at Feb 7 2018 11:59AM

Based on the information supplied, no fee is required.

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