

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
WINCHESTER RADIO) File No. BNPFT-20180501ABU
BROADCASTERS, LLC) Facility No. 202519
)
For Original Construction Permit)
for New FM Translator at)
Front Royal, VA)

To: Office of the Secretary
Attention: Chief, Audio Division, Media Bureau

OPPOSITION TO PETITION TO DENY

Tidewater Communications, LLC, "Tidewater" has filed a Petition To Deny directed to the above listed application. BNPFT-20180501ABU was filed in Auction Window 100 as an AM Fill In Translator. This application was filed by Winchester Radio Broadcasters, LLC "Winchester" to operate on Channel 221 (92.1 MHz) to provide Fill In Service for WXVA(AM) in the Front Royal, VA area. Tidewater is the licensee of WSVA(AM). Harrisonburg, VA which has a co-channel FM Translator W221CF.

Tidewater alleges that the Front Royal, VA application fails to meet the requirements of 47 CFR §74.1204(f) in that nine listeners to W221CF would be subject to interference from the proposed co-channel translator within its 60 dbu contour. Winchester Radio Broadcasters, LLC opposes this petition on several independent grounds, and requests that the the Commission deny this petition.

GROUND FOR OPPOSITION

1. The first basis of opposition is that an FM Translators as a secondary, Class D station is not protected from interference outside its F(50,50) 60 dbu contour. FM translators are permitted to accept whatever level of interference occurs from existing stations and proposals. New FM translator applications are required to protect the existing translator 60 dbu from interference. §74.1204(f) enumerates the stations for which it provides protection to "regularly used, off air signal of any authorized co-channel , first, second or third adjacent channel broadcast station, including Class D (Secondary) noncommercial educational FM stations...". FM Translators are Class D (Secondary) Broadcast **Auxiliary** stations which only provide fill in or supplemental service. The stations enumerated in the rule are primary stations and the specific inclusion of NCE FM stations makes it clear that only stations regulated under §73 are so protected. W221CF is an FM Translator which does not provide service of its own, and is not entitled to protection outside its F(50,50) 60 dbu contour.

The attached map shows that the proposed Front Royal, VA F(50,10) 40 dbu contour overlaps neither the W221CF licensed nor the W221CF Construction permit F(50,50) 60 dbu contours, meeting the requirements of §74.1204(a)(3), **the only provision of the rules for which W221CF is entitled to protection.**

2. W221CF is an AM fill-in translator authorized by §74.1232(d) to provide service only within the “AM Fill In Area”. The AM Fill in area is defined by §74.1201(j) as being the greater of the 2 mV/m daytime contour or a 25 mile (40 km). The WSVA(AM) 2 mV/m contour extends 52.2 km from the transmitter so it is the greater distance. This contour is shown on the attached map.

The attached map shows that the listeners alleged to be likely to receive interference from the proposed Front Royal, VA translator are entirely outside the WSVG(AM) 2 mV/m contour, the maximum radius that its fill in translator(s) are authorized to provide service. These listeners are not within the authorized service area of the W221CF and are not therefore entitled to protection from interference.

3. The W221CF unbuilt Construction Permit modified facilities (BPFT-20150710ACY) are unconstructed, and any listeners which might possibly hear signals from W221CF cannot be considered, since §74.1204(f) only considers regularly used signals. Signals from an unbuilt construction permit cannot be considered “regularly used” by any stretch of imagination.
4. Upon listening to the 92.1 MHz frequency within the proposed Front Royal F(50,50) 60 dbu contour in the area where the alleged listeners might be traveling or residing, it was observed that the co-channel signal of WNUZ, Mercersburg, PA was predominant and not the licensed W221CF signal. The attached map shows the WNUZ F(50,10) 34 dbu contour along with the locations of all the alleged listeners to W221CF.

If another station was to be heard on 92.1 MHz over much of the subject area, and not W221CF, what could explain this? It is likely that these are listeners to the Primary Station WSVA(AM) and not the FM translator and simply are not recognizing which signal they listen to. WSVA(AM) provides All of the residences of the alleged listeners receive a strong listenable signal greater than 0.8 mV/m at their residences and a severely degraded FM translator signal . All the listeners reside within rural or lightly populated areas expected to have little noise on the AM band. WSVA identifies on the air, and in printed matter as “WSVA 550AM 92.1 FM”. The attached map shows the WSVA(AM) 0.8 mV/m contour along with the home locations of the listeners identified by Tidewater.

It is extremely likely that these alleged listeners to W221CF actually listen to the much better signal of WSVA(AM) in the areas involved instead of the unreliable and sometimes nonexistent W221CF signal and are not aware that they are actually listening to the primary station. It should also be noted that three of the nine alleged listeners to W221CF do not reside within the proposed Front Royal 60 dbu contour.

5. The FCC is reviewing the equity of §74.1204(f) as it presently stands, and the difficulty of administrating FM Translator interference. One of the possible resolution in likely consideration may be to limit the applicability of §74.1204(f) to only the areas within the 54 dbu contour of the protected station. Under any analysis, the proposed facilities are unlikely to cause actual interference to listeners within the W221CF service area.

CONCLUSION

The Tidewater petition should be dismissed because it seeks relief for which W221CF is not eligible as a Part 74 licensee. It should be denied because the petition seeks protection in an area where W221CF

is not authorized to provide service. It should be denied because one third of the alleged listeners do not reside within the proposed Front Royal 60 dbu contour. It should be denied because the alleged listeners most likely listen to the primary station signal and not the translator because the primary station signal is far superior to that of the licensed W221CF facilities within the proposed 60 dbu contour, and the only reasonable explanation for reporting listenership is confusion as to which signal is actually being used.

MANAGER AND ENGINEER STATEMENT

This is to certify that this report has been prepared by myself. It is correct and accurate of my own knowledge, except were stated otherwise, and where that is so, the information is correct to the best of my knowledge and belief.

I further certify that I am a Licensed Professional Engineer in the State of New Jersey, and the Commonwealth of Pennsylvania with a BSEE degree from the Newark College of Engineering of NJIT, and that I am, and have been for over thirty years, regularly engaged in the practice of radio engineering with the firm of Radiotechniques Engineering, LLC, with offices at 402 Tenth Avenue, Haddon Heights, NJ. I am a member of the AFCCE, Senior member of the IEEE and SBE and hold a FCC General Radiotelephone Operator License. My qualifications are a matter of record with the FCC.

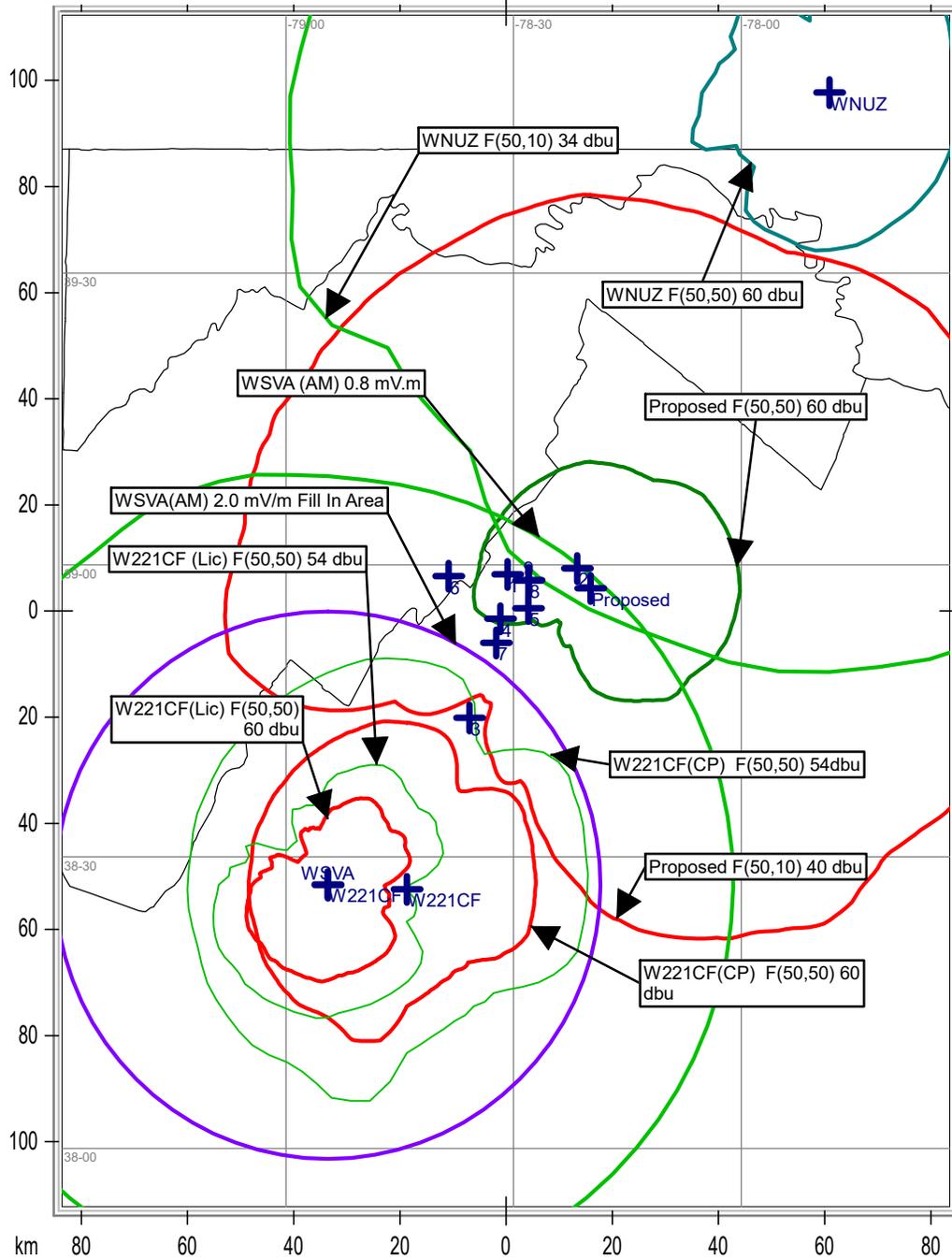
Respectfully Submitted



6 June 2018

Edward A. Schober, PE
Executive Manager

Interference showing BNPFT-20180501ABU vs W221CF



Showing of No Objectional Interference

State Borders Lat/Lon Grid

Certificate of Service

I, Edward A. Schober, executive manager of Winchester Radio Broadcasters, LLC, certify that a copy of the foregoing "Opposition to Petition to Deny" was either emailed (as marked with an asterisk), or mailed First Class US Mail, postage prepaid on 7 June 2018 to the following:

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