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2018 AUG 28 AM 6:06

August 24, 2018

MATTHEW H. MCCORMICK  
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**VIA HAND DELIVERY**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Accepted / Filed

AUG 24 2018

Federal Communications Commission  
Office of the Secretary

Attn: Audio Division, Media Bureau

**Re: Mars Hill Broadcasting Co., Inc.  
WMHR, Syracuse, NY (Facility ID No. 8554)  
Interference Complaint**

Dear Ms. Dortch:

Transmitted herewith on behalf of Mars Hill Broadcasting Co., Inc. is an Interference Complaint against W275AB, Elmira, NY (Facility ID No. 8554), licensed to Europa Communications, Inc.

Please contact the undersigned if any questions or issues arise.

Sincerely,

Matthew H. McCormick  
Mark C. DeSantis  
*Counsel for Mars Hill Broadcasting Co., Inc.*



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

48 AM 6:07

In the Matter of )  
)  
EUROPA COMMUNICATIONS, INC., )  
)  
Licensee of FM Translator, W275AB, )  
Elmira, New York )

Facility ID No. 8554

Accepted / Filed

AUG 24 2018

To: Chief, Audio Division, Media Bureau

Federal Communications Commission  
Office of the Secretary

**INTERFERENCE COMPLAINT**

Mars Hill Broadcasting Co., Inc. (“Mars Hill”), licensee of full-power FM broadcast station, WMHR, Syracuse, New York (Facility ID No. 40432) (Channel 275/102.9 MHz) (“WMHR”), by its undersigned counsel and pursuant to Section 74.1203 of the Commission’s rules,<sup>1</sup> hereby submits this complaint of interference against FM translator, W275AB, Elmira, New York (Facility ID No. 8554) (“W275AB”), licensed to Europa Communications, Inc. (“Europa”). Europa’s operation of W275AB on Channel 275/102.9 MHz is causing co-channel interference to the regular listeners’ reception of WMHR. Accordingly, Mars Hill requests that the Commission order W275AB to cease operations immediately.

**I. BACKGROUND**

**A. Actual Interference by FM Translators**

Section 74.1203(a)(3) provides, in pertinent part, that an FM translator station “will not be permitted to *continue to operate* if it causes any actual interference to . . . the direct reception by the public of the off-the-air signals of *any* authorized broadcast station . . . .”<sup>2</sup> The Commission interprets this rule very broadly as it “places no geographic or temporal limitation on

<sup>1</sup> 47 C.F.R. § 74.1203 *et seq.*

<sup>2</sup> *Id.* at § 74.1203(a)(3) (emphasis added).



complaints. . .”<sup>3</sup> The FCC’s FM translator rules strictly prohibit interference caused by the operations of FM translator stations due to their secondary nature and require that translators provide interference-free service.<sup>4</sup>

To the best of Mars Hill’s knowledge, no action has been taken by Europa to ameliorate, much less eliminate, the interference caused by W275AB to WMHR’s listeners. Accordingly, based upon the showing below and pursuant to Section 74.1203 of the Commission’s rules, the FCC must order the offending translator to cease operations.<sup>5</sup>

**B. Bona Fide Listener Complainants**

The Commission interprets the “direct reception to the public” language in Section 74.1203(a) to mean that actionable interference complaints must be made by “*bona fide*” listeners.<sup>6</sup> In order for a listener complainant to be *bona fide*, the FCC’s staff requires each listener complainant to provide: (1) his or her name and address; (2) the location(s) at which the

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<sup>3</sup> *Association for Community Education, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd. 12682, 12688, ¶ 15 (2004) (citing *Forus FM Broadcasting of New York, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd. 7880, 7882, ¶ 16 (1992)). In the recent Notice of Proposed Rulemaking concerning FM translator interference complaints, however, the Commission proposed to limit the geographic scope of such complaints to interference occurring within the 54 dBμ service contour of the desired station. *See Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, MB Docket No. 18-119, Notice of Proposed Rulemaking, FCC 18-60 at ¶ 28 (rel. May 10, 2018) (“*FM Translator Interference NPRM*”). That proposal, however, has not yet been adopted and was opposed in certain comments filed in the proceeding.

<sup>4</sup> *See Forus FM Broadcasting of New York, Inc.*, 7 FCC Rcd. at 7882, ¶ 12 (discussing FM booster stations, also a secondary service).

<sup>5</sup> 47 C.F.R. § 74.1203(b).

<sup>6</sup> *Association for Community Education, Inc.*, 19 FCC Rcd. at 12688, ¶ 16 (“[O]nly a complaint from a *bona fide* listener of the desired station can force a translator station of the air.”). Although the Commission historically has not required a minimum number of listener complaints to support an interference complaint, in the *FM Translator Interference NPRM*, the FCC proposed requiring a minimum of six (6) listener complaints to be submitted with an FM translator interference complaint. *See FM Translator Interference NPRM* ¶ 16.



interference with the desired station occurs; and (3) a statement that the listener is, in fact, a listener of the desired station.<sup>7</sup> Furthermore, a listener complainant must be disinterested, i.e., have no legal, economic, or familial stake in the outcome of the proceeding.<sup>8</sup>

## II. DISCUSSION

As evidenced by the listener complaints attached hereto as **Exhibit A**, a number of WMHR's listeners are having difficulties tuning to WMHR. Instead of receiving WMHR's signal, these listeners attest that they experience static or conflicting signals when attempting to tune-in to WMHR on 102.9 MHz, and sometimes cannot hear WMHR at all. Attached hereto as **Exhibit B** is a map prepared by Mars Hill's consulting engineer Robert Moore, demonstrating the locations of the complaining listeners in relation to the licensed contours of W275AB and WMHR. Accordingly, the FCC must order W275AB to cease operations immediately pursuant to Section 74.1203(b) of the Commission's rules.

## III. CONCLUSION

For the foregoing reasons, Mars Hill respectfully requests that the FCC order W275AB to cease operations immediately pursuant to Section 74.1203(b) of the Commission's rules.

Respectfully submitted,


MARS HILL BROADCASTING CO., INC.

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<sup>7</sup> See *Creation of an LPFM Service*, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd. 15402, 15431-32, ¶ 83 (2012).

<sup>8</sup> See *Association for Community Education, Inc.*, 19 FCC Rcd. at 12688, n.37; *Creation of a Lower Power Radio Service*, Fifth Report and Order, 27 FCC Rcd. 15402, 15441, ¶ 109 (2012). Although not traditionally required, the Commission proposed in the *FM Translator Interference NPRM* that listener complainants must provide a signed declaration attesting to their *bona fide* listener complainant status. *FM Translator Interference NPRM* ¶ 19. Furthermore, the FCC proposed requiring stations submitting a translator interference claim pursuant to Section 74.1203(a)(3) to include a map plotting specific listener complainant addresses in relation to the relevant station contours. *Id.*





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desantis@fhhlaw.com

*Counsel for Mars Hill Broadcasting Co., Inc.*

Dated: August 22, 2018



**Exhibit A**

**Listener Complaints**



## INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME David & Salina Longo

ADDRESS 1551 Altay Rd.

CITY Rock Stream STATE N.Y. ZIP CODE 14878

EMAIL ADDRESS \_\_\_\_\_

TELEPHONE NUMBER 607-216-2870

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home X;

In my office \_\_\_\_\_  
which is located at \_\_\_\_\_:

In my vehicle X typically while traveling in the vicinity of  
Penn Yan, Dundee, Watkins Glen

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):  
Approx mid June

3. The interference is occurring when I try to listen to WMHR (give location)  
At home (Rock Stream) Also driving in neighboring areas

4. The interfering station was playing (describe programming):  
Modern Pop Music mixed with heavy static noise

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that foregoing is true and correct.

SIGNED



DATE 8-2-18



RECEIVED AUG 14 2018

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Helen + Alan Chaffee

ADDRESS 262 Van Kirk Rd

CITY Newfield STATE NY ZIP CODE 14867

EMAIL ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home ☒ ;

In my office \_\_\_\_\_  
which is located at \_\_\_\_\_

In my vehicle ☒ typically while traveling in the vicinity of for the Ithaca, NY translator

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):  
\_\_\_\_\_

3. The interference is occurring when I try to listen to WMHR (give location)  
\_\_\_\_\_

4. The interfering station was playing (describe programming):  
\_\_\_\_\_

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I have gotten to the point where I often  
turn off the radio, if I even turn it on, as the reception  
is <sup>so</sup> staticky ~ can't even hear good sounds. I can never get ~~the~~ <sup>any</sup>  
station reception either for the translator in Ithaca.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Helen Chaffee DATE Aug. 6, 2018



## INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Joy Danforth  
ADDRESS 198 Castle Point Rd  
CITY Himrod STATE NY ZIP CODE 14842  
EMAIL ADDRESS ddanforth@stny.rr.com  
TELEPHONE NUMBER 607-243-8153

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home ☒ ;

In my office \_\_\_\_\_,  
which is located at \_\_\_\_\_:

In my vehicle ☒, typically while traveling in the vicinity of  
1 Yates County - Penn Yan Dundee Himrod area +  
South

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):

Late May early June 2018

3. The interference is occurring when I try to listen to WMHR (give location)

in my car & on radios in my home

4. The interfering station was playing (describe programming):

loud offensive Hip Hop music

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I emailed WMHR about this problem

on 7-2-18. I received a reply from Linda Greczyn

on 7-3-18

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Joy Danforth DATE 7-31-18



## INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Walter and Laura Howell  
ADDRESS 4496 Lakemont-Himrod Rd.  
CITY Dundee STATE NY ZIP CODE 14837  
EMAIL ADDRESS launahowell@gmail.com  
TELEPHONE NUMBER 315-726-0340

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home ☒ ;

In my office \_\_\_\_\_,  
which is located at \_\_\_\_\_:

In my vehicle ☒ typically while traveling in the vicinity of  
Dundee, Geneva, Bath, Watkins Glen

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):

April or May

3. The interference is occurring when I try to listen to WMHR (give location)

anywhere

4. The interfering station was playing (describe programming):

Lots of rap music

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: We thought it was because there were more people in the area. We are so glad that this problem is being checked out.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED

Laura J. Howell

DATE

July 30, 2018



**INTERFERENCE COMPLAINT**

**RECEIVED** AUG 08 2016

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Albert KAUFFMAN

ADDRESS 4971 HALLOCK RD

CITY DUNDEE STATE NY ZIP CODE 14837

EMAIL ADDRESS \_\_\_\_\_

TELEPHONE NUMBER 607 292 3908

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home ☒ ;

In my office \_\_\_\_\_,  
which is located at \_\_\_\_\_:

In my vehicle ☒ typically while traveling in the vicinity of  
Dundee

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):

June 1

3. The interference is occurring when I try to listen to WMHR (give location)

in vehicle near home

4. The interfering station was playing (describe programming):

Hip hop

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Albert Kauff DATE 8/6/18



INTERFERENCE COMPLAINT

RECEIVED AUG 08 2018

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Kathy Lewis  
ADDRESS 4541 Pre-Emption Road  
CITY Dundee STATE NY ZIP CODE 14837  
EMAIL ADDRESS tim.lewis@frontiernet.net  
TELEPHONE NUMBER 607-243-9056

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home \_\_\_\_\_;

In my office \_\_\_\_\_  
which is located at \_\_\_\_\_;

In my vehicle ☒ typically while traveling in the vicinity of  
Dundee to Geneva

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):

February or March 2018

3. The interference is occurring when I try to listen to WMHR (give location)

anywhere between Dundee + Geneva (driving on I-19)

4. The interfering station was playing (describe programming):

Couldn't tell, both stations coming in at same time

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: Please get this resolved. I have really  
missed being able to listen to WMHR. Thank you!

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Katherine M. Lewis DATE 8-4-18



## INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME SANDRA MILLER  
ADDRESS 457 Buck Hill Rd S.  
CITY Trumansburg STATE N.Y. ZIP CODE 14882  
EMAIL ADDRESS none  
TELEPHONE NUMBER \_\_\_\_\_

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home ☒ ;

In my office \_\_\_\_\_  
which is located at \_\_\_\_\_;

In my vehicle ☒, typically while traveling in the vicinity of  
Mecklenburg → Dundee → Penfan, Mecklenburg → Interlaken → Rosulus

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):  
? MAY

3. The interference is occurring when I try to listen to WMHR (give location)  
SPK AS above when driving my car some times at home.

4. The interfering station was playing (describe programming):  
Rap music, constant static 457 Buck Hill Rd S, T-burg

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I do miss getting to hear WMHR programs especially messages from may pastors throughout the day. On Sunday morning I leave at 8am for Penfan & miss all the speakers.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED

Sandra Miller

DATE

7/31/18



## INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Raymond + Debra Smith  
ADDRESS 449 Peelle Road  
CITY Rock Stream STATE NY ZIP CODE 14878  
EMAIL ADDRESS pantydog.smith@gmail.com  
TELEPHONE NUMBER 607 243 8098

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home X ;

In my office \_\_\_\_\_  
which is located at \_\_\_\_\_

In my vehicle X , typically while traveling in the vicinity of  
Watkins Glen, Elmira

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):  
spring, 2018

3. The interference is occurring when I try to listen to WMHR (give location)  
Watkins Glen, Rock Stream - Elmira

4. The interfering station was playing (describe programming):  
horrible 'music'

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: It is sad & annoying as we love  
MARS Hill & we hope something will be done to remedy  
this.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED

Debra Smith

DATE

July 31, 2018



## INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

**RECEIVED** AUG 6 8 2018

NAME Don Switzer  
ADDRESS P.O. Box 91 (97 Pre-Emption Rd)  
CITY Bellona STATE NY ZIP CODE 14415  
EMAIL ADDRESS \_\_\_\_\_  
TELEPHONE NUMBER 585-526-4483

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home X ;

In my office \_\_\_\_\_  
which is located at \_\_\_\_\_;

In my vehicle X, typically while traveling in the vicinity of  
→ Bellona to Geneva & Canandaigua

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):

May - June

3. The interference is occurring when I try to listen to WMHR (give location)

4. The interfering station was playing (describe programming):

VARIOUS programs during the day

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: Very much enjoy all the programming!!

Thank you

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Don Switzer DATE 7-31-18



## INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Norva Wood

ADDRESS 1309 Rice Rd

CITY Himrod STATE NY ZIP CODE 14842

EMAIL ADDRESS \_\_\_\_\_

TELEPHONE NUMBER 315 536 7069

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

At my home ☒ : seems to be ok

In my office \_\_\_\_\_  
which is located at \_\_\_\_\_

In my vehicle ☒ , typically while traveling in the vicinity of  
Dundee - Himrod

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):

May / June

3. The interference is occurring when I try to listen to WMHR (give location)

In Dundee and out side of both

4. The interfering station was playing (describe programming):

Music I don't like

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I have quit listening in the car because it is so annoying. So I can't really remember where and if it worked in other areas. Thank you contacting me!

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Norva Wood DATE 7/31/18

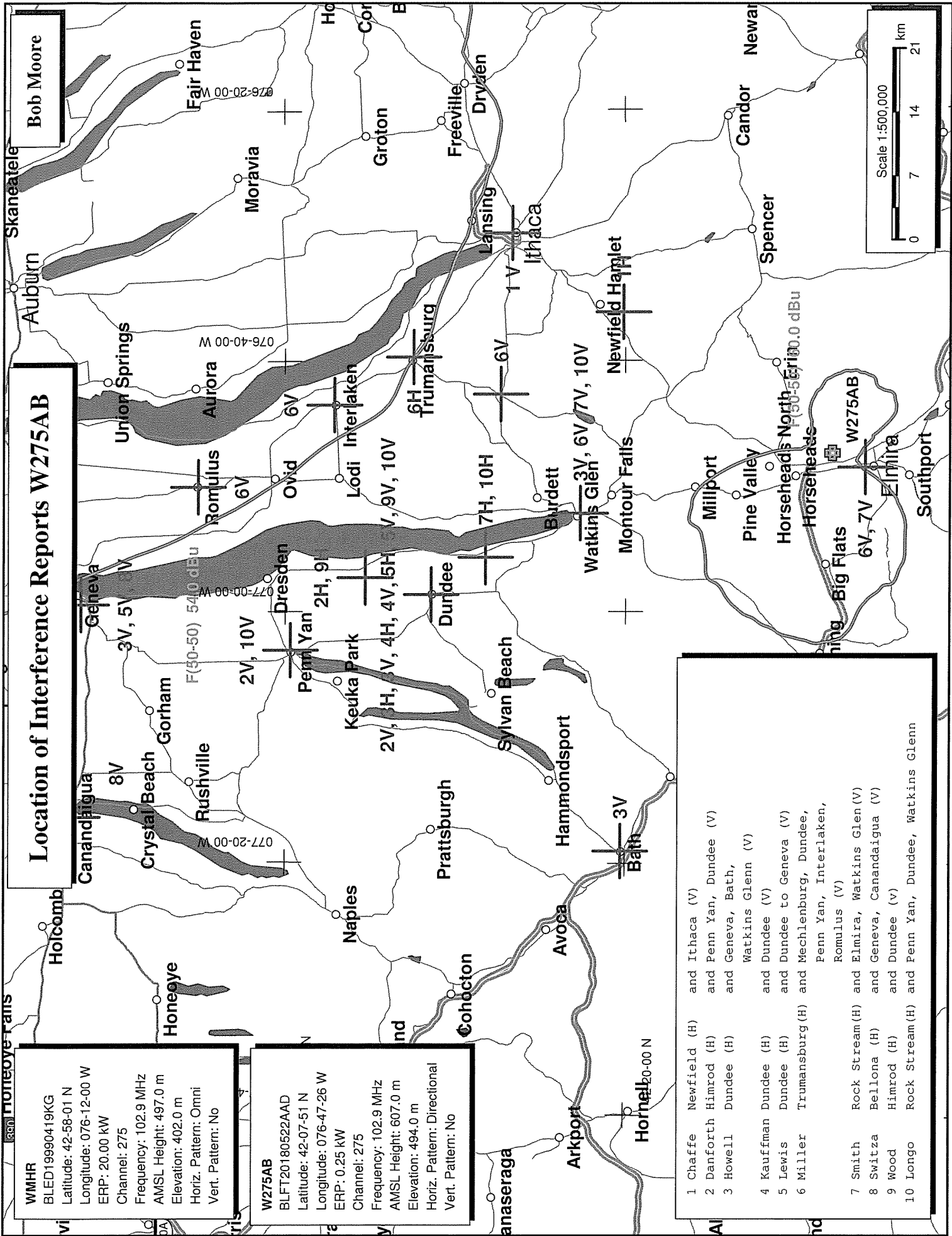
P.S. I enclosed my pledge check for this year please get it where it needs to go!



**Exhibit B**

**Map Prepared by Robert Moore**







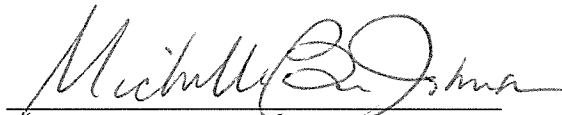
**CERTIFICATE OF SERVICE**

I, Michelle Brown Johnson, of Fletcher, Heald & Hildreth, PLC, hereby certify that a true copy of the foregoing Interference Complaint to be sent this 22nd day of August, 2018, via U.S. First Class Mail, postage prepaid, and via email, where indicated, to the following individuals:

John Joseph McVeigh, Esq.\*  
16230 Falls Road  
P.O. Box 128  
Butler, MD 21023-0128  
kd4vs@comcast.net

Kevin M. Fitzgerald, General Partner  
Europa Communications, Inc.  
734 Chemung Street  
Horseheads, NY 14845

\* via email

  
Michelle Brown Johnson