



Federal Communications Commission
Washington, D.C. 20554

August 27, 2019

In Reply Refer to:
1800B3-KV

Delmar Communications, Inc.
c/o Cary S. Tepper, Esq.
Tepper Law Firm, LLC
4900 Auburn Avenue
Suite 100
Bethesda, MD 20814-2632

In Re: W236CZ, Columbus, OH
North American Broadcasting Company, Inc.
Facility ID No. 142835
File No. BLFT-20170608AAP

Inference Complaints

Dear Counsel:

This letter refers to the following pending filings regarding the referenced covering license application for FM Translator Station W236CZ, Columbus, Ohio (Translator): (1) the "Consolidated Petition to Deny Pending License Application & Request for Immediate Revocation of Operating Authority" (Petition-Complaint) filed on September 7, 2017, by Delmar Communications, Inc., licensee of Station WVXG(FM), Mount Gilead, Ohio (Delmar or Complaining Station); (2) the September 27, 2017, "Reply to Opposition to Consolidated Petition to Deny Pending License Application & Request for Immediate Revocation of Operating Authority" (Reply); (3) the October 17, 2017, "Supplement to Consolidated Petition to Deny Pending License Application & Request for Immediate Revocation of Operating Authority" (First Supplement); (4) the November 16, 2017, "Second Supplement to Consolidated Petition to Deny Pending License Application & Request for Immediate Revocation of Operating Authority" (Second Supplement); (5) the November 22, 2017, "Third Supplement to Consolidated Petition to Deny Pending License Application & Request for Immediate Revocation of Operating Authority" (Third Supplement); (6) the December 12, 2017, "Opposition to Response to 30-Day Letter" (Fourth Supplement); and (7) the January 2, 2018, "Opposition to Supplement to Response to 30-Day Letter" (Fifth Supplement).¹ These filings allege continuing interference to Complaining Station

¹ Collectively, the Petition-Complaint, Reply, and First, Second, Third, Fourth, and Fifth Supplement will be referred to as the Complaints.

from the Translator , which is licensed to North American Broadcasting Company, Inc. (North American).²

Recently, the Commission adopted certain changes to the FCC's rules (Rules) relating to the translator interference complaint resolution process.³ The Commission stated that, once effective, all pending complaints would be decided under the new Rules. The Commission further stated that parties involved in pending proceedings would be given an opportunity to submit supplemental material to address the changes.⁴

Our initial review of the Complaints under the revised interference standards reveals that additional information is required. Specifically, in order to continue processing the Complaints the items marked below must be submitted:⁵

1. Listener Complaints:

 X Detailed information on the Complaining Station's protected contour and the population located therein;

 X Minimum Number of Listener Complaints as determined by the population located within the Complaining Station's protected contour;⁶

² On July 17, 2017, the Bureau rescinded the grant of covering license for W236CZ; the Translator remains licensed as W230AR, Muncie, Indiana, however, our review herein concerns Delmar's allegations of interference under its operations as W236CZ.

³ See *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, FCC 19-40, 34 FCC Rcd ____ (2019) (*Translator Interference Order*).

⁴ *Id.* at ¶ 49.

⁵ An item will be marked as missing the required information if it is missing from one or more listener complaints.

⁶ See 47 CFR § 74.1203 Table 1.

Population within Protected Contour	Minimum Listener Complaints Required for Interference Claim
1-199,999	6
200,000-299,999	7
300,000-399,999	8
400,000-499,999	9
500,000-999,999	10
1,000,000-1,499,999	15
1,500,000-1,999,999	20
2,000,000 or more	25
LPFM stations with fewer than 5,000	3

- X Signed and dated (within one year of Complaint and all other listener complaints) by Listener;
- X Listener's full name, address and phone number;
- X Clear, concise, and accurate description of the location where interference is alleged;⁷
- X Statement that Listener listens over-the-air to the desired station at least twice a month;
- X Statement that Listener has no legal, financial, employment, or familial affiliation or relationship with desired station.

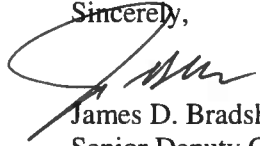
2. Technical Interference Showing:

- X Map plotting the specific location of the alleged interference in relation to the Complaining Station's 45 dB μ contour;
- X Statement that the Complaining Station is operating within its licensed parameters;
- Statement that the Complaining Station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution;
- X Undesired/Desired data demonstrating that at each listener location the ratio of undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third- adjacent channel situations, calculated using the Commission's standard contour prediction methodology.

⁷ In the *Translator Interference Order*, the Commission noted that "[a]ppropriate descriptions include map coordinates, street addresses, street intersections, or other descriptions such as 'along Route XX near mile marker XX' or 'between Exits 1 and 2 on Route XX.' Unacceptable descriptions would include 'on my way to work' or 'downtown,' as they do not inform . . . [if] within its 45 dBu contour or . . . provide sufficient information to resolve the complaint." *Id.* at note 65.

Within thirty (30) days of this letter, Delmar must submit the above information and any other information not referenced above that might be required by the Rules. Further action on the Complaints will be withheld for a period of 30 days from the date of this letter to provide Delmar an opportunity to respond. Failure to submit the required information will result in the dismissal of the Complaints.⁸

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bradshaw', is written over the printed name.

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: North American Broadcasting Company, Inc. (by email)

⁸ This action is without prejudice to any other issues raised in the Petition-Complaint as supplemented by Delmar.