



Federal Communications Commission
Washington, D.C. 20554

October 7, 2019

In Reply Refer to:
1800B3-KV

Marble City Media, LLC
c/o Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, PLC
1300 17th Street North, 11th Floor
Arlington, Virginia 22209

In Re: **W252BE, Tarrant, AL**
Shelby Broadcast Associates, LLC
File Nos. BLFT-20140411AAT, BMLFT-
20140520ALM, BPFT-20170511AAL, and
BLFT-20181016ABE
Facility ID No. 141124

Interference Complaints

Dear Counsel:

This letter refers to the following pleadings filed by Marble City Media, LLC (Marble City), licensee of Station WFXO(FM), Stewartville, Alabama:

- (1) a February 10, 2017, "Complaint Regarding Co-Channel Interference Caused by Transmissions of FM Translator Station W252BE" (Complaint);
- (2) a March 9, 2017, "Addendum to Complaint Regarding Co-Channel Interference Caused by Transmissions of FM Translator Station W252BE" (Addendum);
- (3) a June 1, 2017, "Reply to Response to Interference Complaint and FCC Letter of Inquiry and Opposition to W252BE Modification Application" (First Reply);
- (4) a June 8, 2017 "Request Relating to Interference Complaint, FCC Letter of Inquiry and Opposition to W252BE Modification Application" (Request);
- (5) a July 20, 2018, "Revival of Complaint and Petition for Cancellation of W252BE License" (Complaint Revival-Petition);
- (6) a July 20, 2018, "Supplement to Revival of Complaint and Petition for Cancellation of W252BE License" (Supplement);

(7) an August 15, 2018, "Reply to Opposition to Revival of Complaint and Petition for Cancellation of W252BE License" (Second Reply); and

(8) an October 19, 2018, "Comments on Application for License" (Comments).¹

In the Complaints, Marble City alleges that FM Translator Station W252BE, Tarrant, Alabama (W252BE or Station), currently licensed to Shelby Broadcast Associates, LLC (Shelby or Licensee) is interfering with the reception of WFXO(FM).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 Objection-Complaints under the revised interference standards reveals that additional information is required. Specifically, in order to continue processing the Objection-Complaints the items marked below must be submitted:⁵

1. Listener Complaints:

- Detailed information on the Complaining Station's protected contour and the population located therein;
- Minimum Number of Listener Complaints as determined by the population located within the Complaining Station's protected contour;⁶

¹ Collectively, the Complaint; Addendum; First Reply; Request; Complaint Revival; Supplement; Second Reply; and Comments will be referred to as the Complaints.

² On June 20, 2017, then-licensee Valleydale Broadcasting, LLC (Valleydale), pursuant to a granted application (File No. BALFT-20170406ABE, granted June 20, 2017), assigned the license for W252BE to current licensee Shelby. Additionally, on October 14, 2018, the staff granted an application (BTCFT-20180814AAG) to transfer control of Shelby from Andrea Reynolds to Lee Reynolds, which the parties consummated on October 5, 2018.

Marble City reports interference both before (*see e.g.* "W252BE is causing interference to . . . WFXO(FM) . . . Addendum at 2) and after (*see e.g.* W252BE [is] . . . causing interference to [the] reception . . . of WFXO(FM) Supplement at 3) Shelby acquired the Station. Marble City further opines:

Lee Reynolds is shown as a Member in Shelby . . . and Lyle Reynolds participated in preparing the Shelby response. . . Ownership Reports [of Valleydale and its controlling interest holder R3 Partners LLC] reflect that Lee Reynolds and Lyle Reynolds each have a 25% interest along with Paul Reynolds 25% and Joan Reynolds 25% in R3 Partners LLC. . . .

First Reply at note 1. For convenience purposes, we will refer to the Station's licensee as Shelby.

³ *See Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, FCC 19-40, 34 FCC Rcd 3457(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.

- 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 45dBu contour;
- X Statement that the Complaining Station is operating within its licensed parameters;
- X 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;

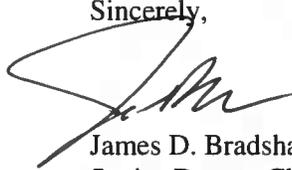
| Population within Protected Contour | Minimum Listener Complaints Required for Interference Claim |
|-------------------------------------|---|
| 1-199,999 | 6 |
| 200,000-299,999 | 7 |
| 300,000-399,999 | 8 |
| 400,000-499,999 | 9 |
| 500,000-999,999 | 10 |
| 1,000,000-1,499,999 | 15 |
| 1,500,000-1,999,999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

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.

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.

Within thirty (30) days of this letter, Marble City 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 Marble City an opportunity to respond. Failure to submit the required information will result in the dismissal of the Complaints.⁸

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: Scott Woodworth, Esq. (by email)

⁸ This action is without prejudice to any other issues raised in the Complaint Revival-Petition.