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April 13, 2018

By Hand

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Attn: Audio Division

Accepted / Filed

APR 13 2018

Federal Communications Commission
Office of the Secretary

Re: **Interference Complaint**
Cumulus Licensing LLC
Station WQKL(FM), Ann Arbor, MI
Facility ID 47117

Dear Ms. Dortch:

Transmitted herewith in triplicate behalf of Cumulus Licensing LLC, licensee of radio station WQKL(FM), Ann Arbor, Michigan, is an Interference Complaint filed against FM translator station W296DY, Detroit, Michigan.

Should any questions arise concerning this matter, please contact the undersigned.

Sincerely,

Andrew S. Kersting
Regulatory Counsel

Enclosures

cc: John Neely, Esq. (w/ encl.)

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

In the matter of

WMUZ RADIO, INC.

FM Translator Station
W296DY, Detroit, MI

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File No. BLFT-20180328AAQ
Facility ID No. 200021

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

Accepted / Filed

APR 13 2018

INTERFERENCE COMPLAINT Federal Communications Commission
Office of the Secretary

Cumulus Licensing LLC (“Cumulus”), licensee of radio station WQKL(FM), Ann Arbor, Michigan (Facility ID 47117) (“WQKL”), pursuant to Section 74.1203 of the Commission’s rules hereby submits this Interference Complaint against co-channel FM translator station W296DY, Detroit, Michigan (Facility ID 200021) (“W296DY”), which is licensed to WMUZ Radio, Inc. (“WRI”). Cumulus requests that, due to the numerous interference complaints that WQKL has received since W296DY recently commenced on air operation, that the Commission issue an order directing W296DY to immediately cease operation until all the interference complaints have been resolved.

I. Background.

WRI filed an application for a new FM translator to serve Detroit, Michigan on December 1, 2017 (File No. BNPFT-20171201AIE).¹ That application was granted on February 23, 2018. Following the grant of the construction permit, WRI filed an application for a

¹ WRI initially filed a short-form application for the new FM translator on July 27, 2017 (File No. BNFPT-20170727AAH).

covering license on March 28, 2018 (File No. BLFT-20180328AAQ).² The license application for W296DY was granted on April 11, 2018.

On April 3, 2018, WQKL began receiving complaints from listeners regarding W296DY. As set forth in the attached declaration of Erik Jones, who is the Chief Engineer and IT Manager for Cumulus' Ann Arbor market, WQKL has received a total of seventeen (17) interference complaints over the period from April 3, 2018 through April 12, 2018. Dave Supplee, who serves as Regional Director of Engineering, Northeast, for Cumulus' ultimate parent entity, Cumulus Media Inc., contacted WRI on April 3, 2018 to inform the licensee of W296DY of the interference complaints because Cumulus received eight (8) complaints that day. After WQKL continued to receive complaints, Mr. Supplee contacted WRI again on April 5, 2018 and requested that W296DY be shut off until the interference could be eliminated.

WRI refused to take W296DY off the air, but instead filed a request on April 5, 2018 for special temporary authority ("STA") to operate with 30 watts, which is 50 percent (50%) of the translator's licensed power (File No. BSTA-20180405AAE). Despite W296DY operating with reduced power, seven (7) of the 17 interference complaints have been filed since the filing of the STA request.

As demonstrated in Exhibit B annexed hereto, nine (9) of the 17 complainants reside approximately within seven (7) miles or less from the W296DY transmitter site, and three (3) of those complainants reside within approximately five (5) miles or less from the transmitter site of the translator. Specifically, those three (3) complainants reside 3.4, 5.3 and 4.5 miles from the W296DY transmitter site.³ Moreover, two of those complaints were filed either on the same date or one week after WRI filed its STA request.

² The filing of the license application appeared on Public Notice on April 2, 2018. Public Notice, Report No. 29205 (April 2, 2018).

³ Those complaints were filed on April 3, 2018, April 5, 2018, and April 12, 2018, respectively.

II. FCC Rules Require that W296DY Suspend Operation Until Interference Is Eliminated.

FCC rules prohibit FM translators from causing interference to full-power FM stations. Specifically, an FM translator operates on a secondary basis and “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” 47 C.F.R. § 74.1203(a). Section 74.1203(a) of the rules further provides:

Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator . . . regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.


47 C.F.R. § 74.1203(a).

As demonstrated by Appendix A to Exhibit A and Exhibit B annexed hereto, there can be no dispute that W296DY is causing impermissible interference to the off-air signal of WQKL. Station WQKL began receiving complaints from bona fide listeners almost as soon as the translator commenced program tests. It should be no surprise because WQKL and W296DY operate on the same channel and, as demonstrated in Exhibit B hereto, many of WQKL’s listeners reside in close proximity to the W296DY transmitter site. As a result, it will be virtually impossible for W296DY to operate without causing interference to the full power station.

WHEREFORE, in view of the foregoing, it is respectfully requested that, in accordance with Section 74.1203(a) of the Commission's rules, the Commission issue an order directing W296DY to immediately cease operation until all interference complaints have been resolved.

Respectfully submitted,

CUMULUS LICENSING LLC

By: 
Andrew S. Kersting

Its Regulatory Counsel

April 13, 2018

EXHIBIT A

Declaration of Erik Jones

DECLARATION

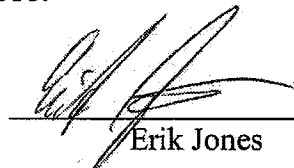
Erik Jones hereby declares as follows:

1. I am Chief Engineer and IT Manager for Cumulus Broadcasting LLC ("CBL"), whose offices are located at 1100 Victors Way, Suite 100, Ann Arbor, Michigan 48108. CBL is the immediate parent company of Cumulus Licensing LLC, the licensee of radio station WQKL(FM), Ann Arbor, Michigan.

2. This Declaration is being provided in support of an Interference Complaint which is being filed with the FCC due to a series of interference complaints which have been received from listeners of WQKL due to the recent commencement of on-air operation of FM translator station W296DY, Detroit, Michigan. Copies of those complaints are appended to this Declaration as Appendix A. I have reviewed the foregoing Interference Complaint, including the attached Exhibits, and all statements of fact contained therein are accurate and complete to the best of my knowledge and belief.

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

Signed and dated this 13 day of April, 2018.



Erik Jones

APPENDIX A

1. Date of Complaint: April 3, 2018
Kerry Zielinski <Zielinski35@yahoo.com>
Address: 44560 White Pine Circle East, Northville, MI 48168
Having issue at home and around town
2. Date of Complaint: April 3, 2018
Keith Butkovich
Address: 4424 2nd Street, Wayne, MI 48184
Saturday - Wayne spotty - further east the worse it gets -
Inkster Rd 50% Dearborn WASHED OUT
3. Date of Complaint: April 3, 2018
Tom LaForte <tjlaforte@yahoo.com>
Address: 7825 Millwood Dr., Westland, MI 48185
I drive daily up Newburg Rd and continue West along Grand River to my job in Novi. The reception used to be almost perfect, but now it gets stepped on or washed over constantly.
4. Date of Complaint: April 3, 2018
Missy Allen DeVries
Address: 24334 Union, Dearborn, MI 48124
At home and around town and also at kids school (Edsel Ford 20601, Rotunda Dr., Dearborn, MI 48124)
Dearborn cross roads west 94 and telegraph. - Heard it on Thursday
5. Date of Complaint: April 3, 2018
Eric Tapler - issue at his house and while he drives around town
Address: 26406 Ann Arbor Tr., Dearborn Heights, MI 48127
Issue bad at home and around town
He discovered the issue on Thursday.
6. Date of Complaint: April 3, 2018
"Aaron Mihalko" <aaron.mihalko@gmail.com>
Address: 1027 Starkweather Street, Apt 6, Plymouth, MI 48170
Getting very weak signal in Plymouth area plus hearing other station mixed in. I first noticed the issue Sunday morning, Easter. I was in my car at the time, and at first thought you guys were airing some kind of Easter prayer thing, which I found odd, so I changed the channel. The reception for the Christian channel was coming in stronger than your signal, it seems. This was right by where I live near Hines Drive and Northville Rd intersection in Plymouth. I tried getting the station to come in again Sunday evening when I was in Farmington Hills near 12 mile and Orchard Lake, and it was mostly fuzz with some cross talk between your channel and this sinister new channel, evidently.

7. Date of Complaint: April 3, 2018
"Martin Maginity" <mmaginit@umich.edu>
Address: 201 South 1st St., Ann Arbor, MI 48104
Loses signal just past US 23 on I-94 east bound
8. Date of Complaint: April 3, 2018
Adam Bernhardt abernha9@hotmail.com
Address: 33605 Michele, Livonia, MI 48150
I experience issues at my home, also in Plymouth, northern Westland, along I-96 in Livonia, etc. Those are the areas I noticed had problems since I noticed the translator came on the air. I used to be able to receive WQKL eastward into Detroit that I couldn't receive today because of the translator's interference.
9. Date of Complaint: April 4, 2018
Mark Jay
Address: 2680 Lookout Circle, Ann Arbor, MI 48104
The other day - I think it was Tuesday at around 2:40 P.M., I switched on 107.1 while driving West on I-96 (near I-275) and was taken aback by what I heard. Instead of my ears being treated to some great tunes (the reason why I listen to 107.1) instead I heard some form of religious sermon. I was very puzzled by this as I thought "is this yet another radio station format change ?" and so I switched-off the station, opting instead to listen to one of the NPR affiliates.
- As I drew nearer to Ann Arbor on M-14 I thought I would give the frequency another try, and yet, I could still only hear the religious broadcast. Finally when I was in Ann Arbor proper I tried one last time, and to my surprise and delight I could once again hear your station. I am assuming that this was due to a competing station's transmitter malfunction (i.e. a secondary antenna going off line affecting the radiation pattern) that allowed said station to 'walk' all over the 107.1 signal. I'm hoping that this was indeed an isolated incident (due to a transmitter issue with the other station having the same carrier frequency) as I have historically been able to get 107.1 Ann Arbor with reasonable quieting almost all of the way to the place where I work (Southfield).
10. Date of Complaint: April 5, 2018
Joe Kamykowski
Address: 8278 Randy, Westland, MI 48185
Email Address: joekamy63@gmail.com
Area where the interference is occurring (please provide cross streets):
Near Metro airport - Middlebelt and Ecorse
11. Date of Complaint: April 6, 2018
Susan McGraw
Address: 32430 Maplewood St., Garden City, MI 48135
Email Address: scmcgraw1@gmail.com
Area where the interference is occurring (please provide cross streets):
Garden City: Warren and Venoy

12. Date of Complaint: April 6, 2018
Tom Gallagher
Address: 60478 Lamplighter Dr, New Hudson, MI 48165
Email Address: TGallagher1028@gmail.com
Area where the interference is occurring (please provide cross streets):
96 West & East - Livonia, MI
Use to get the signal in my car all the time when driving through this area. Now it is unplayable and I have to switch to another station.
13. Date of Complaint: April 7, 2018
Stephanie Belcher
Address: 9928 Melrose
Email Address: stephaniegbelcher@gmail.com
Area where the interference is occurring (please provide cross streets):
Melrose St and Elmira, near Plymouth and Merriman.
14. Date of Complaint: April 9, 2018
Bill Adloch
Address: 36930 Chestnut Dr., Westland, MI 48185
Email Address: badlhoch@hotmail.com
Area where the interference is occurring (please provide cross streets):
I live near Joy and Newburgh in Westland, but the interference starts at Sheldon and M-14. I used to get this station as the way to about I-96 and Southfield freeway with no issue at all.
15. Date of Complaint: April 11, 2018
Vijay Kotha
50409 Amberley Blvd., Canton, MI 48187
Email Address: Kothavi@yahoo.com
Area where the interference is occurring (please provide cross streets):
Westland, Michigan on Cherry Hill Road east of Newburgh Rd.
Taylor, Michigan on Telegraph Rd., between I-94 and Wick Rd.
16. Date of Complaint: April 12, 2018
Mary Floch
3621 Dudley, Dearborn, MI 48124
Email Address: maryafloch@yahoo.com
Area where the interference is occurring (please provide cross streets):
I live west of Outer Drive and south of Michigan Avenue.
17. Date of Complaint: April 12, 2018
Raymond Sock
17718 Indian, Redford, MI 48240

Email Address: rsock@gmail.com

Area where the interference is occurring (please provide cross streets):

Five mile and Inkster Rd in Redford

EXHIBIT B

WQKL Listener Complaint Locations and Distance to W296DY Transmitter Site

1. Date of Complaint: April 3, 2018
Kerry Zielinski
Address: 44560 White Pine Circle East, Northville, MI 48168
Coordinates: North Latitude: 42 24 52.9 West Longitude: 83 29 8.6
Distance to W296DY Transmitter Site: 12.7 miles
2. Date of Complaint: April 3, 2018
Keith Butkovich
Address: 4424 2nd Street, Wayne, MI 48184
Coordinates: North Latitude: 42 16 27.8 West Longitude: 83 22 50.8
Distance to W296DY Transmitter Site: 10.0 miles
3. Date of Complaint: April 3, 2018
Tom LaForte
Address: 7825 Millwood Dr., Westland, MI 48185
Coordinates: North Latitude: 42 20 41.2 West Longitude: 83 22 39.9
Distance to W296DY Transmitter Site: 7.3 miles
4. Date of Complaint: April 3, 2018
Missy Allen DeVries
Address: 24334 Union, Dearborn, MI 48124
Coordinates: North Latitude: 42 17 4.6 West Longitude: 83 16 27.9
Distance to W296DY Transmitter Site: 6.6 miles
5. Date of Complaint: April 3, 2018
Eric Tapler
Address: 26406 Ann Arbor Tr., Dearborn Heights, MI 48127
Coordinates: North Latitude: 42 21 11.5 West Longitude: 83 18 1.6
Distance to W296DY Transmitter Site: 3.4 miles
6. Date of Complaint: April 3, 2018
Aaron Mihalko
Address: 1027 Starkweather Street, Apt 6, Plymouth, MI 48170
Coordinates: North Latitude: 42 22 55.1 West Longitude: 83 27 44.3
Distance to W296DY Transmitter Site: 11.2 miles
7. Date of Complaint: April 3, 2018
Martin Maginity
Address: 201 South 1st St., Ann Arbor, MI 48104
Coordinates: North Latitude: 42 16 48.9 West Longitude: 83 45 2.5
Distance to W296DY Transmitter Site: 26.8 miles

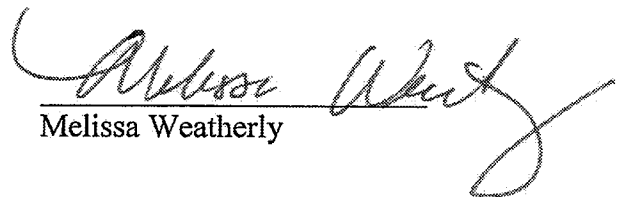
8. Date of Complaint: April 3, 2018
Adam Bernhardt
Address: 33605 Michele, Livonia, MI 48150
Coordinates: North Latitude: 42 21 28.3 West Longitude: 83 22 32.2
Distance to W296DY Transmitter Site: 6.9 miles
9. Date of Complaint: April 4, 2018
Mark Jay
Address: 2680 Lookout Circle, Ann Arbor, MI 48104
Coordinates: North Latitude: 42 21 28.9 West Longitude: 83 22 33.0
Distance to W296DY Transmitter Site: 6.9 miles
10. Date of Complaint: April 5, 2018
Joe Kamykowski
Address: 8278 Randy, Westland, MI
Coordinates: North Latitude: 42 21 1.7 West Longitude: 83 20 23.0
Distance to W296DY Transmitter Site: 5.3 miles
11. Date of Complaint: April 6, 2018
Susan McGraw
Address: 32430 Maplewood St., Garden City, MI 48135
Coordinates: North Latitude: 42 19 54.6 West Longitude: 83 21 41.5
Distance to W296DY Transmitter Site: 6.8 miles
12. Date of Complaint: April 6, 2018
Tom Gallagher
Address: 60478 Lamplighter Dr., New Hudson, MI 48165
Coordinates: North Latitude: 42 30 40.3 West Longitude: 83 38 58.8
Distance to W296DY Transmitter Site: 22.7 miles
13. Date of Complaint: April 7, 2018
Stephanie Belcher (complaint not provide city and state)
Address: 9928 Melrose
Area where the interference is occurring (please provide cross streets):
Melrose St and Elmira, near Plymouth and Merriman.
14. Date of Complaint: April 9, 2018
Bill Adloch
Address: 36930 Chestnut Dr., Westland, MI 48185
Coordinates: North Latitude: 42 20 46.8 West Longitude: 83 24 28.5
Distance to W296DY Transmitter Site: 8.7 miles

15. Date of Complaint: April 11, 2018
Vijay Kotha
Address: 50409 Amberley Blvd., Canton, MI 48187
Coordinates: North Latitude: 42 20 47.0 West Longitude: 83 32 35.7
Distance to W296DY Transmitter Site: 15.5 miles
16. Date of Complaint: April 12, 2018
Mary Floch
Address: 3621 Dudley, Dearborn, MI 48124
Coordinates: North Latitude: 42 17 5.2 West Longitude: 83 14 54.7
Distance to W296DY Transmitter Site: 6.4 miles
17. Date of Complaint: April 12, 2018
Raymond Sock
Address: 17718 Indian, Redford, MI 48240
Coordinates: North Latitude: 42 25 12.4 West Longitude: 83 18 38.9
Distance to W296DY Transmitter Site: 4.5 miles

CERTIFICATE OF SERVICE

I, Melissa Weatherly, a paralegal with Cumulus Media Inc., do hereby certify that a copy of the foregoing "Interference Complaint" was sent this 13th day of April, 2018 via U.S. Mail, postage prepaid, to the following:

John Neely, Esq.
Miller and Neely, P.C.
Suite 203
3750 University Blvd., West
Kensington, MD 20895
(Counsel for WMUZ Radio, Inc.)


Melissa Weatherly