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**REDACTED – FOR PUBLIC  
INSPECTION**

October 23, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Attn: James Bradshaw  
Deputy Chief, Media Bureau  
Federal Communications Commission

**RE: Sun Broadcasting Inc.  
FM Translator W231DC(FX), Fort Myers, Florida  
FCC File No. BLFT-20161024ADG  
Request for Confidential Treatment – Cover Letter**

Dear Ms. Dortch:

On behalf of Sun Broadcasting Inc. ("Sun"), licensee of FM translator W231DC(FX), Fort Myers, Florida (the "Translator"), attached please find a redacted version of the Response of Sun Broadcasting to Bureau Letter. Confidential unredacted versions of the attached documents were filed under separate cover in FCC File No. BLFT-20161024ADG. Pursuant to Sections 0.457(d) and (f) and 0.459(a) of the Commission's rules, Sun hereby requests that the Commission withhold from public inspection, and accord confidential treatment to, the confidential unredacted documents.

The confidential unredacted documents include sensitive commercial information regarding the financial terms related to programming and employee contractual information. Such information falls squarely within Sections 0.457(d) of the Commission's rules, as well as Exemption 4 of the Freedom of Information Act ("FOIA"),<sup>1</sup> and thus should not routinely be made available for public inspection. Exemption 4 of FOIA provides that the statute's public disclosure requirement "does not apply to matters that are (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential."<sup>2</sup> The attached information should be afforded confidentiality under Exemption 4 because it is sensitive commercial information that is confidential in nature. Such material customarily would not be released to the public by the Translator, and its release would cause substantial harm to Station's competitive position.

While Sun believes that the confidential nature of the financial information included in the attached documents automatically qualifies this submission as the type of record not routinely

<sup>1</sup> See 5 U.S.C. § 552(b)(4).

<sup>2</sup> *Id.* The Commission's rules mirror this language. See 47 C.F.R. § 0.457(d).

Marlene H. Dortch  
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available for public inspection under Section 0.457(d) of the FCC's rules, Sun out of an abundance of caution also alternatively requests that the confidential unredacted material be withheld from public inspection pursuant to Section 0.459(a), although by the terms of that rule, such a request should be "unnecessary." Translator seeks confidential treatment for the confidential unredacted commercially sensitive information. This information is being provided to the Commission only for purposes of the Opposition to Interference Complaint, and Sun has taken tremendous care to prevent its unauthorized disclosure to unaffiliated third parties. None of the redacted information included in the confidential unredacted documents currently is available to the public, and the information is not disclosed to third parties in the ordinary course of business.

Please contact me if you have any questions about this matter.

Very truly yours,



Jason E. Rademacher

Enclosure

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

In the Matter of )  
)  
**SUN BROADCASTING INC.** ) FCC File No. BLFT-2016124ADG  
)  
FM Translator W231DC )  
Facility ID No. 138791 )  
Channel 231, 9.1 MHz, Fort Myers, Florida )  
(Input Channel WFSX(AM), Fort Myers, Florida )

To: Secretary, Federal Communications Commission  
Attention: Chief, Audio Division, Media Bureau

**RESPONSE OF SUN BROADCASTING TO BUREAU LETTER**

Jason E. Rademacher  
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Its Attorneys

October 23, 2017

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- C. Certified Declaration of Michael E. Mayne, dated October 17, 2017
- D. Certified Declaration of Timothy J. White, dated October 17, 2017
- E. Correspondence sent October 3, 2017, via email to Complainant No. 3
- F. Correspondence sent October 3, 2017, via email to Complainant No. 1 and response sent via email from Complainant No. 1 to Sun on October 3, 2017.

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

In the Matter of )  
 )  
**SUN BROADCASTING INC.** ) FCC File No. BLFT-2016124ADG  
 )  
FM Translator W231DC )  
Facility ID No. 138791 )  
Channel 231, 9.1 MHz, Fort Myers, Florida )  
(Input Channel WFSX(AM), Fort Myers, Florida )

To: Secretary, Federal Communications Commission  
Attention: Chief, Audio Division, Media Bureau

**RESPONSE OF SUN BROADCASTING TO BUREAU LETTER**

Sun Broadcasting Inc. (“Sun”), licensee of FM translator W231DC(FX), Fort Myers, Florida, Channel 231, Fac. ID No. 138791 (the “Translator”), by its attorneys, hereby responds to the Media Bureau’s letter dated September 21, 2017, in the above-captioned proceeding. In the letter (the “Bureau Letter”), the Bureau stated that it would withhold for a period of thirty (30) days action on the Interference Complaint filed April 12, 2017, by WDAS License Limited Partnership (“Beasley”), licensee of full-power radio station WLLD(FM), Lakeland, Florida, Channel 231, Fac. ID No. 51987 (“WLLD”) to provide Sun with an opportunity to report on the resolution of the interference complaints that Sun was still seeking to resolve on May 12, 2017, when its response to Beasley’s Interference Complaint was due.

**I. INTRODUCTION AND SUMMARY**

As the Bureau Letter acknowledged, Beasley’s filing included complaints ostensibly from seven persons. Sun reported on the resolution of four of those complaints in its May 12, 2017, response, acknowledging that its efforts to resolve three of the complaints were still pending. The Bureau Letter asked Sun to submit a detailed report addressing individually each of

the complaints it was still seeking to resolve as of its May 12, 2017 filing, and to include for each report:

(1) the name and address of the complainant; (2) specific devices receiving the interference (i.e. type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by W231DC for each device allegedly receiving the interference and whether such interference persists.

Bureau Letter at 2.

The three complaints unresolved at the time Sun responded to the Beasley complaint were those of:

- [BEGIN CONFIDENTIAL] [END CONFIDENTIAL]  
("Complainant No. 1"), who orally agreed to a settlement with Sun but then subsequently reneged, declining to accept the agreed consideration or to confirm his oral pledge in writing;
- [BEGIN CONFIDENTIAL] [END CONFIDENTIAL]  
("Complainant No. 2"), whom Sun was still attempting to contact at the time it filed its response to Beasley's April 12, 2017, filing; and
- [BEGIN CONFIDENTIAL] [END CONFIDENTIAL]  
("Complainant No. 3"), whom Sun was still attempting to contact at the time it filed its response to Beasley's April 12, 2017, filing.

*See* Bureau Letter at 1 (citing Redacted Opposition at 5 and Note 12-13). As explained below, Complainant No. 2 and Complainant No. 3 have not responded to Sun's efforts to contact them about their complaints. Complainant No. 1 not only has declined to provide the basic information requested by the Commission that would allow Sun to assess and respond to his complaint, he has requested that Sun not attempt to contact him again. Thus, despite its persistent efforts, Sun has no confirmed and definitive information about these complainants or the nature of any interference they may have experienced other than the names and information Beasley provided. Accordingly, Sun requests a Commission determination that these last three

complaints are fully and finally resolved to the best of Sun's ability and that Sun's related remediation obligation (if any) is fulfilled.

**II. SUN HAS BEEN UNABLE TO CONTACT COMPLAINANT NO. 2, BUT SUN'S INDEPENDENT INVESTIGATION CONFIRMS THAT COMPLAINANT NO. 2 CAN RECEIVE AN INTERFERENCE-FREE SIGNAL FROM WLLD AT THE BEST ADDRESS PROVIDED TO SUN.**

**A. Sun Has Received No Responses to Its Repeated Efforts to Contact Complainant No. 2.**

In response to Complainant No. 2's original complaint and other complaints bundled and presented by Beasley following the commencement of service on the Translator at its original site, Sun requested silent authority from the Commission to investigate potential interference and to seek solutions. See FCC File No. BLSTA-20160729ABF (requesting silent authority to investigate interference complaints). Sun ultimately determined that the surest way to avoid interference was to modify the facilities of the Translator to a location from which its consulting engineers concluded there could be no interference to the Beasley signal from the Translator, thus resolving the complaints of Complainant No. 2 and others whom Beasley identified as having reception difficulties supposedly attributable to the Translator.

Sun then modified its facilities by moving the Translator to a new location to the south and west of the prior location, such that the Translator's 40 dBu contour is 4.6 km from the closest point of the WLLD 60 dBu contour. See FCC File No. BPFT-20160915AAL (requesting modification of the FM translator to the new location). This modification was designed to take care of any interference to regular listeners of WLLD. The Translator resumed operation with its new facilities in late November 2016.

Nevertheless, Sun subsequently received, again only through Beasley, seven complaints of interference supposedly caused by the relocated Translator. Sun again took the Translator silent while it addressed these complaints. Sun resumed operations with the Translator's

modified facilities in March 2017, having received no further complaint from Complainant No. 2.

In March 2017, immediately after Sun had begun operating the Translator with its modified facilities, Beasley told Sun that Complainant No. 2, whose complaint Sun had attempted to resolve but with no reply, was again experiencing interference to the signal of Beasley's WLLD.

Complainant No. 2 had not been in touch with Sun and had not replied to any email or registered letter correspondence sent by Sun.<sup>1</sup> Sun still was seeking to reach Complainant No. 2 at the time its response to the Beasley filing was due. On multiple occasions, Sun has emailed Complainant No. 2 at the email address provided by Beasley.<sup>2</sup> Sun has received no response. Sun also sent a registered letter to the address provided by Beasley for Complainant No. 2, but the letter was returned to sender, unclaimed and unable to forward, indicating either that the address did not belong to Complainant No. 2 or that Complainant No. 2 declined to receive the letter. *See Attachment A.*

After receiving the Commission's September 21, 2017, letter, Sun again emailed Complainant No. 2 at the email address that Beasley originally provided. The correspondence sent to Complainant No. 2, a copy of which is attached as Attachment B, requested the information that the Bureau sought in its September 21, 2017, letter. Sun also requested Complainant No. 2's telephone number "so that we can follow up with you as we seek to resolve

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<sup>1</sup> Beasley did not supply a telephone number for Complainant No. 2.

<sup>2</sup> Sun sent emails to Complainant No. 2 on May 12, 2017, May 19, 2017, June 3, 2017, June 14, 2017, June 27, 2017, July 14, 2017, August 4, 2017, and August 29, 2017, but received no reply to any of them.

your interference concerns.” Sun also offered to assist Complainant No. 2 in identifying the manufacturer or serial number of any of her affected devices. Sun encouraged Complainant No. 2 to contact Sun manager Jim Schwartzel directly, assuring her that, if she continued to experience interference from W231DC, “we stand ready to seek a solution that will work for you.”

Despite Sun’s repeated efforts to reach Complainant No. 2, she has not responded and has not provided Sun with any additional means to reach her or any of the information requested by the Commission, which is necessary to ascertain and remedy any interference she might have experienced. Thus, Sun cannot assess the nature of any interference that Complainant No. 2 may experience, nor can it formulate or test a solution that might resolve any remaining interference problems Complainant No. 2 may be experiencing.

**B. Sun’s Independent Investigation Confirms That Complainant No. 2 Can Receive an Interference-Free Signal from WLLD at the Only Address Provided to Sun.**

Sun nonetheless has continued to investigate the alleged interference to Complainant No. 2. As detailed in the certified statements included as Attachments C and D (collectively, the “Engineering Statements”), Sun’s engineers visited an address supplied by Beasley for Complainant No. 2 for purposes of conducting interference testing. At these locations, the engineers easily tuned in an interference-free signal from WLLD on an FM receiver with a simple directional antenna. Given Complainant No. 2’s refusal to cooperate with Sun in any way, Sun cannot assess why Complainant No. 2 would not have obtained the same result. Sun stands ready to provide Complainant No. 2 with the antenna used in this investigation for her use to receive WLLD.

**III. SUN HAS BEEN UNABLE TO CONTACT COMPLAINANT NO. 3, BUT SUN'S INDEPENDENT INVESTIGATION CONFIRMS THAT SHE CAN RECEIVE AN INTERFERENCE-FREE SIGNAL FROM WLLD AT THE BEST ADDRESS PROVIDED TO SUN.**

**A. Despite Good Faith Efforts, Sun Likewise Has Not Been Able to Contact Complainant No. 3.**

Following its May 12, 2017, response, Sun also continued to seek to contact complainant Complainant No. 3. As the Bureau Letter instructed, Sun is addressing Complainant No. 3's complaint separately, although the circumstances of her complaint and of Complainant No. 2's complaint are similar.<sup>3</sup>

Complainant No. 3 was among the original group of complainants submitted to Sun by Beasley. As indicated in its May 12, 2017, response, Complainant No. 3 could not be located at either the address or telephone number provided by Beasley. Having heard nothing from Complainant No. 3 despite repeated outreach attempts, Sun believed that Complainant No. 3's complaint had been resolved by its choice to move the Translator in 2016. In March 2017, however, after Sun began operating the Translator with its modified facilities, Beasley informed Sun that Complainant No. 3 was experiencing interference to the signal of Beasley's WLLD. Sun again commenced efforts to contact Complainant No. 3 to verify and resolve her complaint.

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<sup>3</sup> The Bureau Letter appeared to describe the complaint of Complainant No. 2 as unresolved at the time of Sun's May 12, 2017, with the complaint of Complainant No. 3 no longer pending because of repeated failure to respond, and with Complainant No. 1's complaint constituting the second of the two complaints that, according to the Bureau Letter, remained unresolved at that time. The Bureau Letter, however, referred to footnote 12 of the Sun response, which included Complainant No. 3's name, rather than footnote 14, which included the name of Complainant No. 2. To ensure completeness, Sun is responding with respect to both Complainant No. 2 and Complainant No. 3, as well as with respect to Complainant No. 1. As indicated below, Sun continued efforts to address the concerns of Complainant No. 3, as well as those of Complainant No. 2 and Complainant No. 1 both before and after its May 12, 2017, response.

Both before and after Sun filed its response to the Beasley complaint, Sun made repeated efforts to contact Complainant No. 3. Sun attempted to contact Complainant No. 3 by phone, with the phone number provided by Beasley, and was told by the person answering that Sun had the “wrong number.” On multiple occasions, Sun emailed Complainant No. 3 at the email address provided by Beasley.<sup>4</sup> Sun has received no response. Sun also sent registered letters to Complainant No. 3 at the addresses provided by Beasley, including a registered letter to Complainant No. 3 on May 16, 2017, just after Sun filed its response to Beasley. The letter was returned to sender, unclaimed and unable to forward, indicating either that the address did not belong to Complainant No. 3 or that Complainant No. 3 had declined to receive the letter. *See* Attachment A. Since it filed its May 12, 2017 response, Complainant No. 3 has not responded to any of Sun’s repeated efforts to contact her by email or registered letter.

After receiving the Commission’s September 21, 2017, letter, Sun again emailed Complainant No. 3 at the email address Beasley originally provided. The correspondence sent to Complainant No. 3, a copy of which is attached as Attachment E, requested the information that the Bureau sought in its September 21, 2017, letter. Sun also requested Complainant No. 3’s telephone number “so that we can follow up with you as we seek to resolve your interference concerns.” Sun also offered to assist Complainant No. 3 in identifying the manufacturer or serial number of any of her affected devices. Sun encouraged Complainant No. 3 to contact Sun manager Jim Schwartzel directly, assuring her that, if she continued to experience interference from W231DC, “we stand ready to seek a solution that will work for you.”

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<sup>4</sup> Sun sent emails to Complainant No. 3 on May 12, 2017, May 19, 2017, June 3, 2017, June 14, 2017, June 27, 2017, July 14, 2017, August 4, 2017, and August 29, 2017, receiving no reply to any of them.

Like Complainant No. 2, Complainant No. 3 has failed to respond to any of Sun's outreach to her concerning her interference issues. Thus, Sun cannot assess the nature of any interference that Complainant No. 3 may experience, nor can it formulate or test a solution that might resolve any interference issue she might be experiencing.

**B. Sun's Independent Investigation Confirms That Complainant No. 3 Can Receive an Interference-Free Signal from WLLD at the Best Address Provided to Sun.**

Sun had an address previously supplied by Beasley, which could be a location where Complainant No. 3 might listen to WLLD or may have listened at one time. As detailed in the Engineering Statements, Sun's engineers visited the location. There, the engineers easily tuned in an interference-free signal from WLLD on an FM receiver with a simple directional antenna. Given Complainant No. 3's refusal to cooperate with Sun in any way, Sun cannot assess why Complainant No. 3 would not have gotten the same result. Sun stands ready to provide Complainant No. 3 with the antenna used in this exercise for her use to receive WLLD.

**IV. COMPLAINANT NO. 1 REFUSES TO COOPERATE WITH SUN'S EFFORTS TO RESOLVE HIS COMPLAINT, BUT SUN'S INDEPENDENT INVESTIGATION CONFIRMS THAT HIS COMPLAINT COULD EASILY BE REMEDIED.**

**A. Complainant No 1 Has Refused to Provide Information on His Complaint and Has Told Sun to Stop Trying to Contact Him.**

Complainant No. 1 was among those whom Beasley initially presented to Sun as persons receiving interference to the signal of WLLD. In addition to Sun's efforts to remedy this claimed interference by moving the Translator, Sun offered to Complainant No. 1 a settlement agreement to resolve these issues. Despite Complainant No. 1's oral agreement on January 19, 2017, to the settlement, however, Complainant No. 1 ultimately refused to accept the settlement

document despite repeated reminders. This was apparently due to intervention by Beasley, which advised him not to settle his claims against Sun.<sup>5</sup>

Following receipt of the Commission's letter dated September 21, 2017, Sun again reached out to Complainant No. 1 by email. A copy of the correspondence is attached as Attachment F. Sun did not have Complainant No. 1's street address from either Beasley or from Complainant No. 1.

The correspondence sent to Complainant No. 1 requested the information that the FCC, in its September 21, 2017, which is described above. *See Attachment F.* In that correspondence, Sun offered to assist Complainant No. 1 in identifying the manufacturer or serial number of any of his affected devices. Sun encouraged Complainant No. 1 to call directly to Sun manager Jim Schwartzel, assuring him that, if he continued to experience interference from W231DC, "we stand ready to seek a solution that will work for you."

Complainant No. 1 responded within an hour by email. A copy of his response is attached as Attachment F. Complainant No. 1 asserted that he continued to receive interference, but he declined to provide his address, any other means to reach him, or any specific information about the devices and specific locations at which he believes he has experienced interference to his reception of WLLD from the Translator. He insisted in his email that his interference issues could be resolved only by Sun's ceasing to operate the Translator. With the email, Complainant No. 1 ended communications with Sun, stating, "I don't want to receive another email from you, nor anyone working for your company."

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<sup>5</sup> *See* Correspondence from Steve Wright, Director of Engineering, Beasley Media Group, Inc., to Complainant No. 1 dated January 23, 2017 (advising Complainant No. 1, with regard to the settlement consideration, "I wouldn't accept it at this point"), included in Interference Complaint, Attachment B, as filed by Beasley on April 12, 2017.

Without communications with Complainant No. 1 or the basic information that Complainant No. 1 refused to provide, Sun cannot assess his complaint or seek to provide a solution for any interference from the Translator that Complainant No. 1 may experience to his reception of WLLD.

**B. Sun's Independent Investigation Confirms That Complainant No. 1 Can Receive an Interference-Free Signal from WLLD at the Best Address Available to Sun.**

Notwithstanding Complainant No. 1's refusal to provide an address, Sun was able to identify from public records three addresses in Cape Coral, Florida for persons named Complainant No. 1, including an address for Complainant No. 1 and a person with the same last name in Cape Coral, Florida, from the Lee County School District and Lee County Property Appraiser. These three addresses likely include one or more locations where Complainant No. 1 might listen to WLLD.

As detailed in the Engineering Statements,<sup>6</sup> Sun's engineers visited each of the three locations. At each location, the engineers easily tuned in an interference-free signal from WLLD on a standard FM receiver with a simple directional antenna. Given Complainant No. 1's refusal to cooperate with Sun in any way, Sun cannot assess why Complainant No. 1 would not have gotten the same result. Sun stands ready to provide Complainant No. 1 with the antenna used in this exercise for his use to receive WLLD.

**V. SUN HAS FULFILLED ITS REMEDIATION OBLIGATIONS WITH RESPECT TO EACH COMPLAINT OF INTERFERENCE TO WLLD FROM THE TRANSLATOR.**

In addressing complaints about alleged interference to full-service stations from FM translators, the Bureau routinely has required a complainant to provide his name, address,

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<sup>6</sup> See Attachments C and D.

location(s) at which FM translator interference occurs, and a statement that the complainant is, in fact, a listener of the affected station. Moreover, the Bureau generally considers only those complaints of FM translator interference where the complainant cooperates in efforts to identify the source of interference and accepts reasonable corrective measures.

Here, the absence of cooperation by the remaining complainants has thwarted Sun's efforts to provide or confirm a resolution of the interference complaint. With the complainants having declined or failed to provide an interference address, neither Sun nor the Bureau can confirm whether any or all of Complainant No. 2, Complainant No. 3, or Complainant No. 1 are *bona fide* listeners to WLLD or, indeed, whether any of them still lives at a location at which he or she could be a "regular listener" of WLLD. The possible addresses Sun determined for these alleged listeners all appear to lie well outside the 60 dBu contour of WLLD, raising questions about whether the Translator necessarily is the source of any difficulties the complainants may have had.

As detailed above, moreover, Sun has taken substantial steps for remediation of any interference that Complainant No. 1, Complainant No. 2 or Complainant No. 3 may have experienced, and these three complainants have themselves blocked any further progress by their refusal to cooperate in even rudimentary ways with Sun's efforts to address their concerns. Sun undertook the burdensome and expensive task of physically relocating the translator in response to the initial complaints of Complainant No. 2, Complainant No. 3 and Complainant No. 1. Sun believed that its relocation of the Translator should have solved all questions of interference to WLLD for Complainant No. 2 and Complainant No. 3 as well.

Nonetheless, when Beasley forwarded additional complaints from these listeners, Sun renewed its efforts to contact them and resolve their complaints. In each case, the non-

cooperation or non-reply of Complainant No. 1, Complainant No. 3, and Complainant No. 2 have denied Sun the basic information that the Bureau itself recognized as necessary to assess and address their complaint. Sun has done all it can to analyze and resolve the complaints at issue in the Bureau Letter.

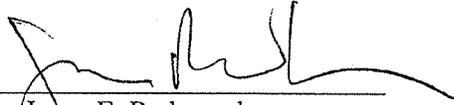
The best evidence currently in the record indicates that a WLLD signal without noticeable interference is available to Complainant No. 3, Complainant No. 2, and Complainant No. 1. On this record, the Bureau must find that Sun has satisfied all duties it owes these listeners under the Commission's rules and that no credible allegations of interference have been demonstrated in the record. Absent such interference, the Bureau should confirm that operation of the Translator at its current licensed facilities satisfies the Commission's rules.

## VI. CONCLUSION

For the foregoing reasons, Sun requests that the FCC declare that Sun has met its remediation obligations to these three remaining complainants and dismiss the Interference Complaint.

Respectfully submitted,

**SUN BROADCASTING INC.**

By 

Jason E. Rademacher

John S. Logan

Cooley LLP

1299 Pennsylvania Avenue, NW

Suite 700

Washington, DC 20004

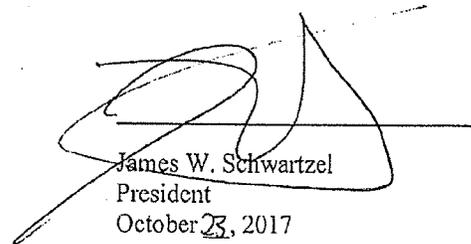
(202) 776-2370

Its Attorneys

October 23, 2017

DECLARATION OF JAMES W. SCHWARTZEL

1. My name is James W. Schwartzel and I am President of Sun Broadcasting Inc.
2. I have read the foregoing Response of Sun Broadcasting to Bureau Letter and believe it to be true and correct to the best of my knowledge, information, and belief formed after reasonable inquiry.



James W. Schwartzel  
President  
October 23, 2017

ATTACHMENT A



7013 0600 0000 2275 6678

**SENDER:**  
 Complete items 1 and/or 2 for additional services.  
 Complete items 3, 4a, and 4b.  
 Print your name and address on the reverse of this form so that we can return this card to you.  
 Attach this form to the front of the mailpiece, or on the back if space does not permit.  
 Write "Return Receipt Requestor" on the mailpiece below the article number.  
 The Return Receipt will show to whom the article was delivered and the date delivered.

Is your RETURN ADDRESS completed on the reverse side?

3. Article Addressed to:  
 [Redacted]

4a. Article Number  
 7013060000002275

4b. Service Type  
 Registered  
 Certified  
 Express Mail  
 Return Receipt for Merchandise  
 COD

7. Date of Delivery

5. Received By: (Print Name)  
 [Redacted]

6. Signature: (Addressee or Agent)  
 [Redacted]

8. Addressee's Address (Only if requested and fee is paid)  
 [Redacted]

Thank you for using Return Receipt Service.

I also wish to receive the following services (for an extra fee):  
 1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

PS Form 3811, December 1994 102595-99-9-0225 Domestic Return Receipt

Thank you for using Return Receipt Service.

**SENDER:**  
 Complete items 1 and/or 2 for additional services.  
 Complete items 3, 4a, and 4b.  
 Print your name and address on the reverse of this form so that we can return this card to you.  
 Attach this form to the front of the mailpiece, or on the back if space does not permit.  
 Write "Return Receipt Requestor" on the mailpiece below the article number.  
 The Return Receipt will show to whom the article was delivered and the date delivered.

Is your RETURN ADDRESS completed on the reverse side?

3. Article Addressed to:  
 [Redacted]

4a. Article Number  
 7013 0600 0000 2275 6685

4b. Service Type  
 Registered  
 Certified  
 Express Mail  
 Return Receipt for Merchandise  
 COD

7. Date of Delivery

5. Received By: (Print Name)  
 [Redacted]

6. Signature: (Addressee or Agent)  
 X  
 [Redacted]

8. Addressee's Address (Only if requested and fee is paid)  
 [Redacted]

I also wish to receive the following services (for an extra fee):  
 1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

PS Form 3811, December 1994 102595-99-9-0225 Domestic Return Receipt

ATTACHMENT B

Via Email

Tuesday, October 3, 2017

Dear [REDACTED]

I am writing again to follow up on your earlier complaint to the Federal Communications Commission that, as a listener to radio station WLLD(FM), Lakeland, Florida, you received interference to the WLLD(FM) signal from FM translator W231DC in Fort Myers, Florida.

Are you still experiencing interference to your reception of WLLD(FM) from FM translator station W231DC? Please let us know. If you are, we stand ready to seek a solution that will work for you.

To address your complaint effectively, however, we need the following information:

- (1) Your legal name and your residence address (At present, we have only your email address.) [REDACTED]
- (2) The specific reception device or devices receiving interference, including for each device
  - (a) the type of device (e.g., table radio, portable radio);
  - (b) the manufacturer's name;
  - (c) the model number; and
  - (d) the serial number.

We would also appreciate having your telephone number so that we can follow up with you as we seek to resolve your interference concerns. If you should have difficulty identifying the manufacturer, model number, or serial number of your device, please call Jim Schwartzel at [REDACTED] so that we can assist you.

Please let us hear from you at your earliest convenience.

Best regards,

Jim Schwartzel  
President  
Sun Broadcasting, Inc.

ATTACHMENT C

Declaration of Michael Mayne

1. I, Michael E. Mayne, am employed by Fort Myers Broadcasting Company as a broadcast engineer and provide Engineering Services to Sun Broadcasting, Inc. I have been in broadcasting since 1984. Engineer at Fort Myers Broadcasting 1990-1999, Senior broadcast engineer at WFTX 1999-2006, Chief engineer at WFTX 2006-2016, Assistant chief engineer/acting chief engineer at Fort Myers Broadcasting 2016-present. Education includes associates degree from Cleveland Institute of Electronics, Microsoft network training and Comark transmitter school. I have taken numerous courses, classes and other training during my 33 years of broadcast engineering in television and radio.
2. On October, 11, 2017 and October 18, 2017 at the request of James Schwartzel, President of Sun Broadcasting, I visited the following locations along with Timothy White, who also is employed as a broadcast engineer at Fort Myers Broadcasting Company which provides Engineering Services to Sun Broadcasting, Inc., to assess whether, at each such location, a radio listener could tune in and listen to the signal of WLLD(FM), Lakeland, Florida (94.1 MHz, Channel 231, FCC ID No. 51987, without objectionable interference:

- A. [REDACTED]
- B. [REDACTED]
- C. [REDACTED]
- D. [REDACTED]
- E. [REDACTED]

3. Locations A, B, C, are believed, based on public records, to be a location at which [REDACTED] could have occasion to seek to tune in WLLD (FM). According to the Lee County Property Appraisers website there are two (2) residences owned by someone with the last name [REDACTED] and [REDACTED]. The [REDACTED] address is that of [REDACTED] which as of January 30, 2017, lists a [REDACTED] employed as a [REDACTED]. Location D. is the residential address of [REDACTED] according to information provided by Beasley Broadcasting. Location E. is the residential address of [REDACTED] according to information provided by Beasley Broadcasting.
4. For purposes of this test, a DEVA Broadcast Radio Explorer 2, manufactured by DEVA Broadcast, model number Radio Explorer 2, serial number RE2FBE84 FM receiver. Utilizing an external directional receive antenna, manufactured by Stellar Labs and distributed by MCM Electronics. This antenna was chosen because of its 10 to 15 dB front to back ratio therefore excellent rejection of the signal behind. The antenna was mounted for horizontal reception on an 8 foot piece of PVC pipe and rotated toward WLLD until maximum signal with RDS reception visible.
5. No modifications were made to the Receiver or to the associated antenna for the tests conducted. The antenna is readily available for around \$29.00 through Newark Electronics. The receiver used is available from Broadcast Supply Worldwide for approximately \$3,000.00. It is not believed a tuner of this type is necessary. It is simply what we have on hand. Any reasonably priced and known selective radio with an input for a 75 ohm connector and the antenna mentioned, would probably suffice for reception, if the concerned desires to hear this out of market broadcast station, WLLD (FM).
6. At each location, during the following time periods, we sought to tune in the signal of WLLD(FM):

- |    |            |            |          |
|----|------------|------------|----------|
| A. | [REDACTED] | 10/11/2017 | 12:02 PM |
| B. | [REDACTED] | 10/11/2017 | 12:32 PM |
| C. | [REDACTED] | 10/11/2017 | 1:14 PM  |
| D. | [REDACTED] | 10/18/2017 | 3:41 PM  |
| E. | [REDACTED] | 10/18/2017 | 4:35 PM  |

7. In each instance, by aiming the receive antenna mentioned, we were able to tune in the WLLD (FM) signal with the receiver without interference. We have confirmed that during the time that we conducted each of the tests, as described above, FM broadcast translator station W231DC was operating normally within its authorized parameters.

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

Executed on October 19, 2017.

(Signature) Michael E. Mayne

(Name): Michael E. Mayne

ATTACHMENT D

Declaration of Timothy J White

1. I, Timothy J White, am employed by Fort Myers Broadcasting Company as a broadcast engineer and provide Engineering Services to Sun Broadcasting, Inc. I have been continuously employed since 1978 as a broadcast engineer, radio and television transmitter engineer, and a portion of time as a two way radio technician. My background includes Chief Engineer of Entercom in Gainesville, Florida and University of Florida's WRUF. Market Director of Engineering for Radio One in Washington, DC. Market director of Engineering for and IT for Curtis Media Group in Raleigh, North Carolina. Market director of Engineering and IT and Engineering for Clear Channel Radio in Sarasota, Florida. RF Manager for Fine Tuning Associates in Virginia, Beach, Virginia. RF Transmission specialist for Broadcast Technical Consultants in Raleigh North Carolina. Motorola 2 way repeater repair for Piedmont 2 Way radio in Durham, North Carolina. RF service engineer for Broadcast Electronics in Quincy Illinois. And Radio and Television Transmitter service engineer for Harris Corporation and subsequently GatesAir in Quincy, Illinois. Studies and certification includes Flexiva Transmitter, 3DX AM, HD Radio and Sigma Television Transmitter with Harris Corporation. "RF 101" with Broadcast Electronics. 8VSB for ATSC digital modulation technique. And: Senior Level AM Antenna course with Ron Rackley of DuTrell Rackley in Sarasota, Florida. I am a licensed Ham Radio Operator (KG4KQH) and member in good standing of the Society of Broadcast Engineers. I have conducted numerous AM and FM field strength measurements, many a matter of record with the Federal Communication Commission and using different technologies as they have progressed in time over the past 39 years. Have overseen many standard and directional FM and AM antenna installations and commissioned several new transmitter installations and their associated compliance measurements with GatesAir and Broadcast Electronics, Fine Tuning Associates and Broadcast Technical Consultants.
2. On October, 11, 2017 and October 18, 2017 at the request of James Schwartzel, President of Sun Broadcasting, I visited the following locations along with Michael Mayne, who also is employed as a broadcast engineer at Fort Myers Broadcasting Company which provides Engineering Services to Sun Broadcasting, Inc., to assess whether, at each such location, a radio listener could tune in and listen to the signal of WLLD(FM), Lakeland, Florida (94.1 MHz, Channel 231,FCC ID No. 51987, without objectionable interference:
  - A. [REDACTED]
  - B. [REDACTED]
  - C. [REDACTED]
  - D. [REDACTED]
  - E. [REDACTED]
3. Locations A., B., C., are believed, based on public records, to be a location at which [REDACTED] could have occasion to seek to tune in WLLD (FM). According to the Lee County Property Appraisers website there are two (2) residences owned by someone with the last name [REDACTED] and [REDACTED]. The [REDACTED] is that of [REDACTED] which as of January 30, 2017, lists a [REDACTED] employed as a [REDACTED]. Location D. is the residential address of [REDACTED] according to information provided by Beasley Broadcasting. Location E. is the residential address of [REDACTED] according to information provided by Beasley Broadcasting.
4. For purposes of this test, a DEVA Broadcast Radio Explorer 2, manufactured by DEVA Broadcast, model number Radio Explorer 2, serial number RE2FBE84 FM receiver. Utilizing an external directional receive antenna, manufactured by Stellar Labs and distributed by MCM Electronics. This antenna was chosen because of its 10 to 15 dB front to back ratio therefore excellent rejection of the signal behind. The antenna was mounted for horizontal reception on an 8 foot piece of PVC pipe and rotated toward WLLD until maximum signal with RDS reception visible.

5. No modifications were made to the Receiver or to the associated antenna for the tests conducted. The antenna is readily available for around \$29.00 through Newark Electronics. The receiver used is available from Broadcast Supply Worldwide for approximately \$3,000.00. It is not believed a tuner of this type is necessary. It is simply what we have on hand. Any reasonably priced and known selective radio with an input for a 75 ohm connector and the antenna mentioned, would probably suffice for reception, if the concerned desires to hear this out of market broadcast station, WLLD (FM).

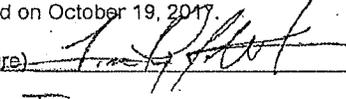
6. At each location, during the following time periods, we sought to tune in the signal of WLLD(FM):

A.	[REDACTED]	10/11/2017	12:02 PM
B.	[REDACTED]	10/11/2017	12:32 PM
C.	[REDACTED]	10/11/2017	1:14 PM
D.	[REDACTED]	10/18/2017	3:41 PM
E.	[REDACTED]	10/18/2017	4:35 PM

7. In each instance, by aiming the receive antenna mentioned, we were able to tune in the WLLD (FM) signal with the receiver without interference. We have confirmed that during the time that we conducted each of the tests, as described above, FM broadcast translator station W231DC was operating normally within its authorized parameters.

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

Executed on October 19, 2017.

(Signature) 

(Name): TIMOTHY J WHITE

ATTACHMENT E

Via Email

Tuesday, October 3, 2017

Dear [REDACTED]:

I am writing again to follow up on your earlier complaint to the Federal Communications Commission that, as a listener to radio station WLLD(FM), Lakeland, Florida, you received interference to the WLLD(FM) signal from FM translator W231DC in Fort Myers, Florida.

Are you still experiencing interference to your reception of WLLD(FM) from FM translator station W231DC? Please let us know. If you are, we stand ready to seek a solution that will work for you.

To address your complaint effectively, however, we need the following information:

- (1) Your legal name and your residence address (At present, we have only your email address) [REDACTED]
- (2) The specific reception device or devices receiving interference, including for each device
  - (a) the type of device (*e.g.*, table radio, portable radio);
  - (b) the manufacturer's name;
  - (c) the model number; and
  - (d) the serial number.

We would also appreciate having your telephone number so that we can follow up with you as we seek to resolve your interference concerns. If you should have difficulty identifying the manufacturer, model number, or serial number of your device, please call Jim Schwartzel at [REDACTED] so that we can assist you.

Please let us hear from you at your earliest convenience.

Best regards,

Jim Schwartzel  
President  
Sun Broadcasting, Inc.

ATTACHMENT F

From: [REDACTED]

Date: Tuesday, October 3, 2017 at 11:44 AM

To: Jim Schwartzel [REDACTED]

Subject: Re: Interference Complaint

I thought my last email was pretty straightforward.

Here is a quote from my last email:

"I am genuinely confused how you could desire to resolve my 'interference' complaint, while simultaneously broadcasting and advertising the station you are interfering with."

You are playing games calling it an interference when you were & are PURPOSELY broadcasting on 94.1.

You were/are locally advertising on billboards that 94.1 belongs to you, and advertising on your website [foxsportsfm.com](http://foxsportsfm.com) that 94.1 belongs to you.

During the power outage from hurricane Irma, 94.1 WLLD came in crystal clear while your station was down.

The model of whatever radio does not matter. I have tried in 5 different cars, and several different portable radios. I have used these in Cape Coral, Fort Myers, and Lehigh Acres, all with the same results. Literally take any radio and tune into 94.1 and you will hear Fox Sports.

Now, explain the charades of PRETENDING to want to resolve an issue that is pretty clear cut.

You KNOW you are broadcasting over 94.1. Want to solve the issue? Stop broadcasting over 94.1.

Not to mention, during this whole debacle you happen to launch your own rap station. Pretty sneaky... broadcast over a popular rap station (WLLD), then launch your own to make up for the vacuum.

You have EVERYTHING you need to know.

I don't want to receive another email from you, nor anyone working for your company.

On October 3, 2017 11:14:56 AM EDT, Jim Schwartzel [REDACTED] wrote:

Dear [REDACTED]

I am writing again to follow up on your earlier complaint to the Federal Communications Commission that, as a listener to radio station WLLD(FM), Lakeland, Florida, you received interference to the WLLD(FM) signal from FM translator W231DC in Fort Myers, Florida.

Are you still experiencing interference to your reception of WLLD(FM) from FM translator station W231DC? Please let us know. If you are, we stand ready to seek a solution that will work for you.

To address your complaint effectively, however, we need the following information:

- (1) Your legal name and your residence address (At present, we have only your email address.) [REDACTED]
- (2) The specific reception device or devices receiving interference, including for each device
  - (a) the type of device (*e.g.*, table radio, portable radio);
  - (b) the manufacturer's name;
  - (c) the model number; and
  - (d) the serial number.

We would also appreciate having your telephone number so that we can follow up with you as we seek to resolve your interference concerns. If you should have difficulty identifying the manufacturer, model number, or serial number of your device, please call Jim Schwartzel at [REDACTED] so that we can assist you.

Please let us hear from you at your earliest convenience.

Best regards,

Jim Schwartzel  
President  
Sun Broadcasting, Inc.

CERTIFICATE OF SERVICE

I, Rayya Khalaf, hereby certify that on this 23d day of October, 2017, I caused a true and correct copy of this Opposition to Interference Complaint to be served on the following by first class mail and e-mail:

James D. Bradshaw  
Deputy Chief, Audio Division  
Media Bureau  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554  
[James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov)

Sally A. Buckman  
Laura M. Berman  
Lerman Senter PLLC  
2001 L Street, NW  
Suite 400  
Washington, DC 20036  
[sbuckman@lermansenter.com](mailto:sbuckman@lermansenter.com)

  
Rayya Khalaf

