

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
FM Translator W258BM	)	
Easton, PA	)	FCC File no. BPFT-20170620ABI
	)	
Informal Objection of Radio Sharon, Inc.	)	
on behalf of Radio Sharon, Inc.	)	

**Opposition to Informal Objection filed by Radio Sharon, Inc.**

**I. INTRODUCTION**

WHOL Radio, Inc. operates FM translator facility W258BM (FID: 141564) in the city of Easton, PA. Radio Sharon, Inc., leasee of W221CU, has filed an informal objection (the “Informal Objection”) to a minor change application submitted by W258BM. The minor change application seeks to increase power to 90W (0.09kW) using a multi-bay, directional antenna. Radio Sharon Inc. asserts that FM translator W258BM is currently operating at a power level above its authorized limit of 4 Watts. They make a non-sequitur claim that the request for an increase in authorized power is an admission that the station is operating with higher power than authorized. They base this assertion on the fact that they can “hear” the W258BM signal in an automobile at various locations in Allentown, PA which is beyond the FCC predicted service contour of W258BM. WHOL Radio, Inc will prove that Radio Sharon, Inc. has once again filed a frivolous complaint to use the FCC as a lever to damage an application, and therefore, a competitor. This is merely the latest of four previous complaints made against W258BM for the same incorrect and unsupported claims, all previous of which have been dismissed. [EXHIBIT 2]

Over the past year, Radio Sharon Inc. has exhibited a pattern of abuse by using the FCC in attempts to delay applications. They have plied anti-competitive practices to existing broadcasters in Philadelphia by filing unsupported, frivolous, complaints. Each of these complaints has subsequently been dismissed. [EXHIBIT 3] We would like to request that

the FCC admonish Radio Sharon Inc. from making unsubstantiated allegations in the future. Further, we wonder if frivolously using a government agency to stymie one's competitor might rise to the level of racketeering?

As of this filing date, WHOL Radio Inc., has not received a copy of this complaint via first class mail. Our engineer notified WHOL Radio, Inc of the informal objection and forwarded a copy. Thus the service requirements were not met. We hereby request that the FCC direct Radio Sharon, Inc. to provide proof that our copy of the complaint was mailed on/or about the time of their filing, or simply dismiss this complaint based on the information provided herein.

## **II DISCUSSION**

Radio Sharon Inc's informal objection is only an erroneous and baseless complaint. It does not object to any issue, or technical data submitted for the minor change in application by W258BM.

Radio Sharon Inc's complaint does not allege that any co-channel, first adjacency, or second adjacency channel is being interfered by W258BM. W258BM has been operating in compliance and without incident or complaint since its grant date of July 14<sup>th</sup>, 2008.

Radio Sharon Inc is under the mistaken impression that W258BM's signal is not supposed to exceed its primary service contour. This is an amateur assumption since the propagation of FM signals can vary greatly due to terrain and altitude relative to any given point.

Radio Sharon Inc's ability to receive the W258BM signal at various points throughout the city of Allentown is a prime example of Rayleigh fading caused by multipath reception. In fact, there are many areas that the W258BM signal is not available in the city of Allentown because of wave cancellation effects with respect to elevation and terrain.

Radio Sharon Inc's complaint has no technical merit, no scientific basis, power readings, or engineering data to support their allegations. All they have is supposition. WHOL Radio

Inc., has commissioned an engineering study [EXHIBIT 1] showing a Longley-Rice propagation prediction study. The predicted coverage in Allentown, ranges from greater than 60 dBu to a low of around 30dBu. Most of the city receives signals between 40 and 54dBu with many areas in excess of 50dBu. While not protected or considered part of the translator's coverage area, these are sufficient to be heard in an automotive receiver.

### **III EMPIRICAL OBSERVATIONS**

In drive tests, people associated with W258BM travelled through the city of Allentown and experienced random signal fading in many areas. They established that W258BM experienced considerable interference from co-channel station WJBR 99.5fm (class B) in Wilmington, DE. The drive tests of the W258BM signal clearly establish that the Longley-Rice models are true and correct as evidenced in EXHIBIT 1.

### **IV CONCLUSION**

There are only two issues in the objection. 1) There is the unfounded assertion that W258BM is operating above authorized power simply because it can be heard beyond its predicted 60 dBu limit. 2) W258BM is running over legal limits because the applicant has asked for a higher authorized power. These objections connote a complete lack of understanding of the nature of FM broadcasting.

Basically, the Radio Sharon Inc. objection is unproven and simply wrong. More importantly, Radio Sharon does not express any concerns with the technical merit of the pending W258BM application. Their complaint is solely concerned with perceived misdeeds of the licensed facility, not the application. Therefore, there is nothing to delay processing of our application.

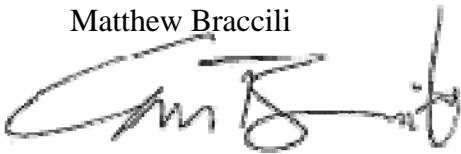
It should be obvious that Radio Sharon Inc. d/b/a W221CA is attempting to diminish competition by interfering with our bona-fide and correctly filed application. Four other times Radio Sharon has tendered objections against competing stations in his respective market. On all occasions his objections were dismissed for lack of supporting evidence. For

the above reasons, WHOL Radio, Inc. requests that the Radio Sharon, Inc.'s informal objection be dismissed immediately and request that the FCC admonish Radio Sharon Inc. from making frivolous complaints in the future.

**VERIFICATION**

The undersigned declares in accordance with the provisions of 28 U.S.C. §1746 under penalty of perjury that the information stated herein above is true and to the best of my personal knowledge, information and behalf.

Respectfully Submitted,  
Matthew Braccili

A handwritten signature in black ink, appearing to read 'Matthew Braccili', written over a horizontal line.

WHOL Radio, Inc. / Consultant  
11 July, 2017

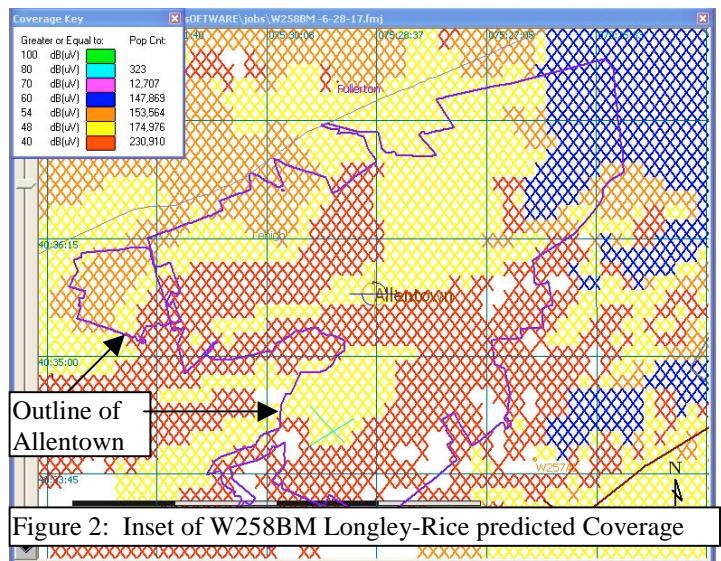
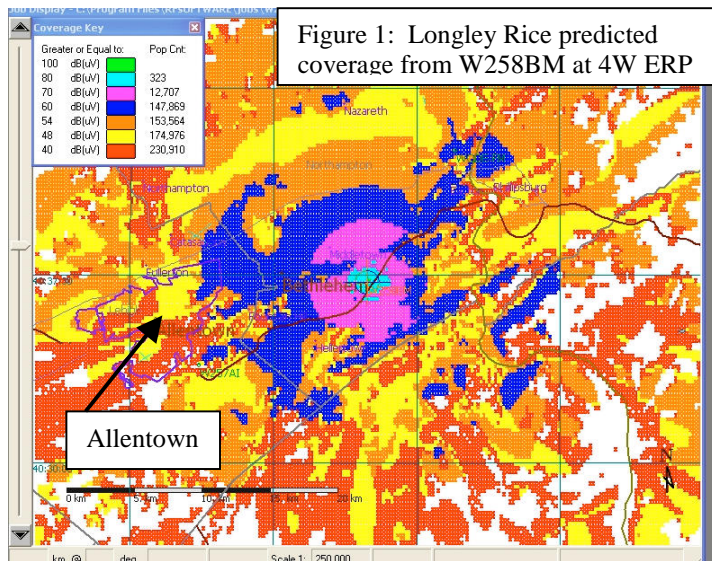
## Exhibit 1:

### Engineering Statement in support of Opposition/Reply to Informal Objection of Radio Sharon, Inc. against FM Translator W258BM Application for Minor Change

W258BM operates with a licensed power of 4W ERP. It protects first adjacent translator W257AI, co-channel class B stations WJBR and WBAI and co channel class A station WUSR.

Radio Sharon, Inc. has filed an informal objection to a minor change application submitted by W258BM. The minor change application seeks to increase power to 90W (0.09kW) using a multi-bay, directional antenna. Radio Sharon incomprehensibly asserts that the minor change application proves that W258BM is currently operating at a power level above the authorized limit of 4Watts. They further base this assertion on the fact that they can hear the W258BM signal at various locations in Allentown, PA which is beyond the FCC predicted service contour of W258BM. The licensee of W258BM has stated that they operate at their legally authorized power level and not beyond. We have been contracted by the licensee to show why the W258BM translator signal can be heard in some Allentown locations.

In rough terrain, a Longley-Rice propagation prediction is generally considered to be more accurate than the standard FCC method. A Longley-Rice coverage prediction map was created for W258BM as seen in Figures 1 and 2 below.



The predicted coverage in Allentown Ranges from better than 60dBu to a low of around 30dBu. Most of the city receives signals between 40 and 54dBu. Most areas are in excess of 50dBu. While not protected or considered part of the translator's coverage area, these are sufficient to be heard in an automotive receiver. In particular, areas in yellow range from 48dbu to 54dbu which may be adequate to be received, with minimal fading, in an automotive setting and may be received on some more inferior receivers. Being able to receive a signal in a particular location or city does not prove anything about the operating power of the subject facility. Only a free space measurement made by calibrated measuring equipment in proximity to the antenna is useful to demonstrate the actual operating power. No such measurement was made in the Radio Sharon Informal Objection. Therefore, their objection must be considered defective.

It should be noted that W258BM operates at 4W, primarily to protect 1<sup>st</sup> adjacent translator W257AI. No reports of interference to W257AI have been received. This lack of interference demonstrates that W258BM is operating with parameters as specified in their license.

Respectfully submitted

/s/  
Kyle Magrill, Consultant  
30 June, 2017

2805 NW 6<sup>th</sup> Street  
Gainesville, FL 32609  
352-335-6555

## EXHIBIT 2



### Federal Communications Commission Washington, D.C. 20554

June 12, 2017

*In Reply Refer to:*  
1800B3-ATS

Mr. Quilvio N. Perdomo  
Radio Sharon Foundation  
115 Calla Street  
Providence, RI 02905

In re: WHOL Radio Inc.  
FM Translator W258BM, Easton, PA  
Facility ID No. 141564  
File No. BLFT-20160909AAR

#### **Applications for Review**

Dear Mr. Perdomo:

We have before us four pleadings filed by Radio Sharon Foundation (RSF) as Applications for Review (collectively, Pleadings).<sup>1</sup> The Pleadings argue that FM Translator Station W258BM, Easton, Pennsylvania (Translator), which is licensed to WHOL Radio Inc., is operating in excess of its authorized effective radiated power.

The Pleadings were electronically filed as Applications for Review through the Commission's broadcast licensing database, CDBS. However, they do not seek Commission review of an action taken by the Media Bureau (Bureau) pursuant to delegated authority.<sup>2</sup> Additionally, although they are addressed to the Chief, Audio Division, Media Bureau, they do not seek Bureau reconsideration of any action taken pursuant to delegated authority.<sup>3</sup> Thus, the Pleadings are defective as both Applications for Review and Petitions for Reconsideration and will be dismissed. If RSF believes that the Translator is operating in violation of the FCC's Rules (Rules), RSF should instead submit a complaint to the Enforcement Bureau.

Moreover, were we to consider the Pleadings as either Applications for Review or Petitions for Reconsideration, we would dismiss them as untimely. The last action taken by the Bureau regarding the Translator was the grant of the covering license application for the Translator (License Application) on September 19, 2016,<sup>4</sup> and the Public Notice announcing that action was issued on September 22, 2016.<sup>5</sup> Section 1.115(d) of the Rules states that an "application for review and any supplemental thereto shall be filed within 30 days of public notice of such action"<sup>6</sup> and Section 1.106(d) of the Rules states that "[t]he petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of

<sup>1</sup> The Pleadings are as follows: "Illegal Radio Power Operation" filed on May 12, 2017; "Application for Review / Additional Proves" filed on May 23, 2017; "Regular Radiate Power Operation" filed on May 30, 2017; and "Illegal Radiate Power Operation" filed on May 30, 2017.

<sup>2</sup> 47 CFR 1.115(a) ("Any person aggrieved by any action taken pursuant to delegated authority may file an application requesting review of that action by the Commission.").

<sup>3</sup> 47 CFR 1.106(a)(1) ("Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission.").

<sup>4</sup> File No. BLFT-20160909AAR.

<sup>5</sup> *Broadcast Actions*, Public Notice, Report No. 48825 (MB Sep. 22, 2016). See also 47 CFR § 1.4(b)(4).

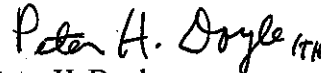
<sup>6</sup> 47 CFR § 1.115(d).

public notice of the final Commission action.”<sup>7</sup> The deadline for filing an application for review or a petition for reconsideration was thus Monday, October 24, 2016, 30 days after the issuance of the Public Notice. However, RSF filed the first of the Pleadings on May 12, 2017, seven months after the 30-day deadline. Therefore, we would dismiss the Pleadings as untimely applications for review<sup>8</sup> or as untimely petitions for reconsideration.<sup>9</sup>

Finally, RSF did not participate previously in the proceeding by objecting to the License Application before the Bureau granted it. Section 1.115(a) states that “any person filing an application for review who has not previously participated in the proceeding shall include with his application a statement describing with particularity the manner in which he is aggrieved by the action taken and showing good reason why it was not possible for him to participate in the earlier stages of the proceeding. Any application for review which fails to make an adequate showing in this respect will be dismissed.”<sup>10</sup> Similarly, Section 1.106(a) states that a petitioner who is not a party to the proceeding also must state with particularity the manner in which its interests are adversely affected by the action taken, and show good reason why it was not possible to participate in the earlier stages of the proceeding.<sup>11</sup> RSF did not participate previously in the proceeding and has not demonstrated that it was unable to do so earlier. Accordingly, we would dismiss the Pleadings were we to treat them as applications for review<sup>12</sup> or petitions for reconsideration<sup>13</sup> on this basis.

**Conclusion/Action.** Accordingly, IT IS ORDERED that the pleadings styled “Illegal Radio Power Operation” filed on May 12, 2017; “Application for Review / Additional Proves” filed on May 23, 2017; “Regular Radiate Power Operation” filed on May 30, 2017; and “Illegal Radiate Power Operation” filed on May 30, 2017 by Radio Sharon Foundation ARE DISMISSED, pursuant to 47 CFR §§ 1.106(a)(1), 1.106(b)(1), 1.106(f), 1.115(a), and 1.115(d).

Sincerely,



Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Mr. Matthew Braccili  
WHOL Radio Inc.  
1125 Colorado Street  
Allentown, PA 18103

<sup>7</sup> 47 CFR 1.106(f). See also 47 U.S.C. § 405(a) (30 day statutory deadline for filing petitions for reconsideration).

<sup>8</sup> See *Garnerlynn Commc'n*, Memorandum Opinion and Order, 99 FCC 2d 1176, 1177 n.2 (1984) (staff may dismiss untimely application for review); *Hurricane Bible Church*, Letter Order, 21 FCC Rcd 1425 (MB 2006) (untimely application for review dismissed by the Bureau staff).

<sup>9</sup> See also *Reuters Ltd. v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986) (express statutory limitations barred the Commission from acting on a petition for reconsideration that was filed after the due date).

<sup>10</sup> 47 CFR § 1.115(a).

<sup>11</sup> 47 CFR § 1.106(b)(1).

<sup>12</sup> *Citicasters Co.*, Memorandum Opinion and Order, 16 FCC Rcd 14137 (2001) (dismissing application for review where party did not participate earlier in the proceeding).

<sup>13</sup> *Revival Christian Ministries*, Letter Order, 28 FCC Rcd 2041 (MB 2014) (dismissing petition for reconsideration because petitioner had failed to file an objection to the application prior to its grant).

# EXHIBIT 3



**Federal Communications Commission  
Washington, D.C. 20554**

May 1, 2017

*In Reply Refer to:*  
1800B3-SS

Erwin G. Krasnow, Esq.  
Garvey Schubert Barer  
1000 Potomac St., N.W., Suite 200  
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John F. Garziglia, Esq.  
Womble Carlyle Sandridge & Rice, L.L.P.  
1200 19<sup>th</sup> St., N.W., Suite 500  
Washington, DC 20036

Radio Sharon Broadcasting, LLC  
c/o Mr. Merkys Perdomo  
115 Calla Street  
Providence, RI 02905

In re: **W221DS, Philadelphia, Pennsylvania**  
Facility ID No. 151789  
Aztec Capital Partners, Inc.

File No. BMPFT-20160129ALD  
**Petition for Reconsideration**

File No. BMPFT-20160728AAW  
**Informal Objection**

File No. BMPFT-20170410AAD  
**Informal Objection**

Dear Counsel and Mr. Perdomo:

The Media Bureau (Bureau) has before it: (1) Clear Communications, Inc.'s (CCI) February 26, 2016, Petition for Reconsideration (Petition)<sup>1</sup> of the Bureau staff's grant of an uncontested application (January Modification Application) for minor modification of facilities for FM translator Station W221DS,<sup>2</sup> Philadelphia, Pennsylvania (Translator); (2) CCI's November 23, 2016, Informal Objection (November Objection) to Aztec Capital Partners, Inc.'s (Aztec) referenced amended application

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<sup>1</sup> Aztec filed an Opposition to the Petition on March 10, 2016, to which CCI replied on March 22, 2016. In addition, Aztec filed a Supplement to its Opposition on April 14, 2016, to which CCI filed a Motion to Strike Supplement on April 29, 2016. On May 2, 2016, CCI filed a Motion for Leave to File Supplement and a Supplement to its Petition.

<sup>2</sup> Formerly W273CM.



(Amended July Modification Application)<sup>3</sup> for a further minor modification of the facilities of the Translator;<sup>4</sup> and (3) responsive pleadings related to the November Objection.<sup>5</sup> We also have before us an April 11, 2017, Informal Objection to a further application (April Modification Application) for minor modification of the facilities of the Translator, filed by Merkys Perdomo (Perdomo Objection). For the reasons discussed below, we dismiss the Petition and the August and November Objections as moot and we dismiss the Amended July Modification Application. We also deny the Perdomo Objection, and we grant the April Modification Application.

**Background.** The Translator's original construction permit authorized operation on Channel 273 (102.5 MHz) at Clayton, New Jersey, to rebroadcast noncommercial educational station WYRS(FM), Manahawkin, New Jersey.<sup>6</sup> On January 29, 2016, WYRS Broadcasting<sup>7</sup> filed the January Modification Application during the authorized filing window for FM translator modification applications,<sup>8</sup> seeking to relocate the Translator to Philadelphia, Pennsylvania, change its frequency to Channel 221 (92.1 MHz), and operate as a "fill-in" translator for Aztec's commercial Station WHAT(AM), Philadelphia, Pennsylvania. The staff released a *Public Notice* announcing the acceptance of the January Modification Application on February 1, 2016,<sup>9</sup> and granted it on February 18, 2016.<sup>10</sup> CCI timely sought reconsideration on February 26, 2016.

In the Petition, CCI argues that the proposed modified facilities will cause interference to 711,773 persons in the area where its co-channel Station WVLT(FM), Vineland, New Jersey, can be heard, in violation of Section 74.1204(f) of the Rules<sup>11</sup> and that because it could not participate as a party earlier in the proceeding, due to the "magnitude of the interference," it has standing to file the Petition as "a party whose interests will be adversely affected," under Section 1.106(b)(1) and for "good cause," pursuant to Section 1.106(b)(1) of the Rules.<sup>12</sup>

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<sup>3</sup> File No. BMPFT-20160728AAW.

<sup>4</sup> CCI also filed an August 8, 2016, Informal Objection to the Amended July Modification Application (August Objection), which Aztec opposed on August 20, 2016, to which CCI replied on August 31, 2016. Aztec also filed an "Opposition to Supplemental Objection" on October 14, 2016.

<sup>5</sup> Aztec filed an Opposition to the Objection on November 30, 2016 (Opposition), to which CCI replied on December 15, 2016 (Reply).

<sup>6</sup> See Permit No. BNPFT-200130826ADZ.

<sup>7</sup> On April 1, 2016, the staff granted an application (File No. BAPFT-20160205ADQ) for consent to assign the Translator from WYRS Broadcasting to Aztec. The parties consummated the assignment on April 13, 2016.

<sup>8</sup> See *Media Bureau Announces Filing Dates and Procedures for AM Station Filing Window for FM Translator Modifications and Availability of FM Translator Technical Tools*, Public Notice, 30 FCC Rcd 14690-1 (MB 2015); see also *Revitalization of the AM Radio Service*, Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 30 FCC Rcd 12145, 12150 para. 12 (2015), 81 Fed. Reg. 2751-01 (Jan. 19, 2016) (*AM Revitalization Order*) (AM licensee seeking to rebroadcast on an FM translator may acquire and relocate one and only one authorized non-reserved band FM translator station up to 250 miles).

<sup>9</sup> See *Broadcast Applications*, Public Notice, Report No. 28663 (rel. Feb. 3, 2016), p.101.

<sup>10</sup> See *Broadcast Actions*, Public Notice, Report No. 48676, (rel. Feb. 23, 2016), p.11. The construction permit issued pursuant to grant of the January Modification Application specified an Effective Radiated Power (ERP) of 0.07 kW with an antenna radiation center height above ground level of 166 meters, at a location of 39° 57' 05" NL, 75° 09' 38" WL. See Permit No. BMPFT-20160129ALD.

<sup>11</sup> 47 CFR § 74.1204(f). Petition at 3.

<sup>12</sup> *Id.* at 3-5; see also 47 CFR §§ 1.106(b)(1) and 1.105(b)(1).

Thereafter, on July 28, 2016, Aztec filed the July Modification Application to further modify the Translator's authorization, by changing location, Effective Radiated Power (ERP), and antenna height.<sup>13</sup> On August 8, 2016, CCI filed the August Objection to that proposal, again challenging the proposal under Section 74.1204(f) of the Rules<sup>14</sup> and, after a round of pleadings, Aztec amended that application on November 9, 2016, to change the antenna specified and lower the antenna height above ground level from 69 meters to 58 meters.<sup>15</sup> CCI then, on November 23, 2016, filed the November Objection against the Amended July Modification Application.

In the November Objection, CCI argues that the Translator's most recently proposed modified facilities will still cause "prohibited" interference to areas where its Station WVLT(FM) can be heard, in violation of Section 74.1204(f) of the Rules.<sup>16</sup> CCI again attaches statements, made under penalty of perjury, from 30 WVLT(FM) listeners along with contour maps identifying the locations of these listeners within the 60 dB $\mu$  (1mV/m) signal proposed in the Amended July Modification Application, and calculations of the undesired-to-desired signal strength ratios (U/D ratios) at these locations with respect to the facilities authorized in the modified permit.<sup>17</sup>

On April 10, 2017, Aztec filed the April Modification Application to further modify the Translator's authorization by changing its frequency to Channel 260D (99.9 MHz) and specifying an ERP of 250 watts at the same antenna site as the Amended July Modification Application. It also requested that the Commission dismiss the Amended July Modification Application upon the grant of the April Modification Application.<sup>18</sup>

On April 11, 2017, Merkys Perdomo filed the Perdomo Objection challenging the proposal alleging that he intended to file for the same channel. Perdomo argues that the April Modification Application should be dismissed because Perdomo alleges that he contacted engineering consultant Charles M. Anderson (Anderson) on April 3, 2017, for the purpose of filing a modification application to move Perdomo's FM translator station W230AA (93.9 MHz), Atlantic City, New Jersey, to Channel 260D, but Anderson "used" that information instead to file Aztec's April Modification Application.<sup>19</sup> Perdomo therefore argues that Anderson provided a "false statement" in the April Modification Application, pursuant to Section 312(a)(1) of the Communications Act of 1934, as amended (Act).<sup>20</sup>

**Discussion. Procedural Issue.** The Petition and the August and November Objections allege violations of Section 74.1204(f) of the Rules. In light of the fact that the April Modification Application specifies different technical facilities, and a different channel, than were proposed in the January Modification Application or the Amended July Modification Application, we dismiss as moot in this

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<sup>13</sup> The July Modification Application originally proposed an ERP of 0.099 kW at an antenna radiation center height above ground level of 69 meters, at a location of 40° 0' 57" NL, 75° 6' 39" WL.

<sup>14</sup> CCI noted that, of the 217 WVLT(FM) listeners who submitted declarations in support of the Petition, many (ultimately determined to be 35) would still be affected by the Translator's facilities under the July Modification Application. See August Objection, Engineering Statement at 1; Reply to Opposition to (August) Informal Objection at 3 and at Attachment ((August) Further Engineering Statement).

<sup>15</sup> See Amended July Modification Application, Section III-A, Items 4-8.

<sup>16</sup> November Objection at 1-3.

<sup>17</sup> *Id.* at 3 and at Attachment ((November) Further Engineering Statement) and at Appendix 1, Attachment A (Listener Declarations).

<sup>18</sup> April Modification Application at Exhibit 1.

<sup>19</sup> Perdomo Objection at 7, 9-10.

<sup>20</sup> 47 U.S.C § 312(a)(1).

proceeding the Petition. Additionally, in light of our action below granting the April Modification Application, we will dismiss the Amended July Modification Application and dismiss as moot the August and November Objections. We thus will address only Perdomo's contentions regarding the facility that Aztec currently proposes in the April Modification Application.

*Substantive Issues.* Under Section 309(d) of the Act,<sup>21</sup> informal objections, like petitions to deny, must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest, convenience and necessity.<sup>22</sup>

Unlike CCI, Perdomo has not challenged Aztec's April Modification Application under Section 74.1204(f) of the Rules. Regarding Perdomo's allegations that, Anderson, Aztec's consulting engineer, provided false statements to the Commission, we find that these unsupported allegations are too vague to be actionable. He points to no specific representation in the April Modification Application that allegedly is false or misleading. Moreover, to the extent that Perdomo is arguing that Anderson breached a contractual obligation by Anderson in allegedly taking the engineering data obtained for Perdomo and using it to support Aztec's April Modification Application, such disputes are within the province of a local court of competent jurisdiction, not the Commission.<sup>23</sup> Therefore, Perdomo's general and unsupported allegations alone do not warrant further inquiry. Accordingly, we reject these arguments on the basis of lack of evidence.<sup>24</sup>

We have examined the April Modification Application and find that it fully complies with all pertinent statutory and regulatory requirements and that its grant will further the public interest, convenience, and necessity.

**Conclusion/Actions.** Accordingly, in light of the above discussion, IT IS ORDERED, that the Petition for Reconsideration filed by Clear Communications, Inc., on February 26, 2016, seeking reconsideration of the grant of the Modification Application (File No. BMPFT-20160129ALD), IS DISMISSED as moot.

IT IS FURTHER ORDERED, that the Application (File No. BMPFT-20160728AAW) of Aztec Capital Partners for minor modification of the facilities of FM translator station W221DS, IS DISMISSED.

IT IS FURTHER ORDERED, that the Informal Objection filed by Clear Communications, Inc., on August 8, 2016, IS DISMISSED as moot.

IT IS FURTHER ORDERED, that the Informal Objection filed by Clear Communications, Inc., on November 23, 2016, IS DISMISSED as moot.

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<sup>21</sup> 47 U.S.C. § 309(d).

<sup>22</sup> See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff'd sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *reh'g denied* (Sep. 10, 1993); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested).

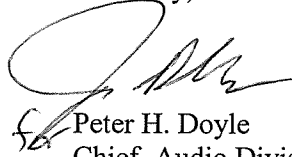
<sup>23</sup> See, e.g., *A.L.Z. Broad., Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 23200, 23201, para. 3 (2000).

<sup>24</sup> See *Area Christian Television, Inc.*, *supra*, 60 RR 2d at 864, para. 6 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested); see also *Ithaca Cmty. Radio, Inc.*, Letter, 24 FCC Rcd 363, 364 n.5 (MB 2009) citing *William L. Zawila, Esq. and Sandra Soho*, Letter, Ref. No. 1800B3 (MMB rel. Feb. 4, 1999) (staff denied informal objection due to lack of evidence).

IT IS FURTHER ORDERED, that the Informal Objection filed by Merkys Perdomo on April 11, 2017, IS DENIED.

IT IS FURTHER ORDERED, that the Application (File No. BMPFT-20170410AAD) of Aztec Capital Partners for minor modification of the facilities of FM translator station W221DS IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", is written over a horizontal line.

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Clear Communications, Inc.  
Aztec Capital Partners, Inc.