

SUPPLEMENT TO REQUEST FOR WAIVER OF 47 C.F.R. § 74.1203(A)(3)

Hispanos Communications LLC (“Hispanos”), licensee of FM translator station W254DV, Miramar, Florida (Facility ID 202998) (the “Station”), hereby supplements its request, filed July 21, 2023, for the Federal Communications Commission (“FCC” or “Commission”) to waive Section 74.1203(a)(3) of its rules pertaining to interference from FM translator stations (the “Waiver Request”). As demonstrated herein, Hispanos now believes in good faith that—despite representations to the contrary made by its licensee to the Commission—WQNB-LP (“WQNB”), Miami, Florida (Facility ID 196346), has been silent for more than twelve consecutive months and its license has expired as a matter of law under 47 U.S.C. § 312(g), which provides that “[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary”¹

The Waiver Request accompanied an application for a minor modification of the Station’s licensed facilities seeking Commission consent to change the Station’s frequency to a non-adjacent channel on a displacement basis as well as to modify the Station’s directional antenna pattern and effective radiated power (the “Modification Application”).² The purpose of this supplement is to make the Commission aware of certain factual developments that have transpired since Hispanos filed the Modification Application and request that, in light of these developments, the Commission’s Media Bureau, Audio Division (the “Division”) delete WQNB, thereby rendering the Waiver Request moot and enabling the immediate grant of the

¹ 47 U.S.C. § 312(g).

² See FCC File No. 0000218218.

Modification Application. In the alternative, Hispanos respectfully requests that, given the additional information provided in this supplement, the Division grant both the Waiver Request and the Modification Application.

I. BACKGROUND

As detailed in the Waiver Request and the Modification Application, the Station serves as a fill-in translator for full power AM station WRHC(AM), Coral Gables, Florida (Facility ID 73945). The Station has been receiving significant interference from full power FM station WKGR(FM), Wellington, Florida (Facility ID 1245) and, as a result, Hispanos is seeking consent to change the Station's frequency to 100.3 MHz. However, the proposed modification would result in interference to the direct reception of co-channel low power FM station WQNB, licensed to BEWARE, Inc. ("BEWARE"). WQNB, however, has been silent for many months and the facts belie BEWARE's claims that the station has resumed operations.

As detailed in the Waiver Request, WQNB went dark on October 3, 2022. BEWARE did not file an application asking for extension of its Special Temporary Authority ("STA") to remain silent, which expired in April 2023. Moreover, Hispanos can find no evidence that WQNB was operational at any time after October 3, 2022.

II. SUPPLEMENT TO THE WAIVER REQUEST

Having failed to renew its STA in April 2023, on September 25, 2023, BEWARE filed a second STA (the "Second STA") requesting "temporary authorization to operate with reduced power at a temporary facility, pending resumption of operations at a new permanent location[,]" using a 15-meter tall, one bay, omni-directional antenna.³ The coordinates provided for this

³ See FCC File No. 0000221443.

temporary facility are 25 54 55.74 N, 80 11 13.67 W,⁴ which are the coordinates for the Ola Condominium complex at 15225 NE 6th Avenue, Miami, Florida 33162.

The Division granted the Second STA the next day.⁵ In doing so, the Division instructed BEWARE to file a Notice of Resumption of Operations once operations pursuant to the Second STA had commenced, and reminded BEWARE that, under Section 312(g), WQNB's "license will expire as a matter of law upon twelve consecutive months of silence [ending October 3, 2023], notwithstanding grant of the present STA."⁶

On October 3, 2023, BEWARE submitted a Notice of Resumption of Operations for WQNB simply stating "[o]perations resumed on 10/3/23 as authorized by" the Second STA."⁷ As explained in the Declarations contained in Attachment 1 hereto, on October 4, 2023—one day after the date on which WQNB was required to resume operations or forfeit its license—the Station Engineer for the Hispanos Miami market visited the Ola Condominiums. From the parking lot of the complex, the Station Engineer tuned to 100.3 FM but did not detect a signal from WQNB.⁸ The Station Engineer also observed that there were no antennas on any of the buildings in the complex.

In addition, on October 4, 2023, Hispanos' General Manager spoke via phone with an individual in the management office at the Ola Condominium. This individual explained that the Ola Condominium only permits antennas or similar devices to be attached to balconies of

⁴ *See id.*

⁵ *See* Special Temporary Authority For a Radio Broadcast Station, 0000221443 (Sept. 26, 2023).

⁶ *Id.* (citing 47 U.S.C. § 312(g)).

⁷ *See* FCC File No. 0000221924.

⁸ The Station Engineer took video recordings demonstrating the lack of a signal from WQNB. Hispanos can provide this recording upon request. The only signal detected was that of a radio station transmitting from the Florida Keys.

individual apartment units and that there are no antennas on the roof of the complex. That same day, the Promotions Coordinator for the Hispanos Miami market used a drone to capture aerial photographs of the Ola Condominium. These photographs, contained in Attachment 2 hereto, clearly demonstrate that there are no broadcast antennas matching the description of the antenna in the Second STA on the Ola Condominium's roof.⁹

Hispanos believes in good faith that WQNB failed to resume operations as of October 3, 2023. Hispanos could find no evidence that WQNB is emitting a signal or that BEWARE has constructed facilities that would enable it to do so. As such, BEWARE's license for WQNB has expired as a matter of law.

III. CONCLUSION

For the reasons stated in the Waiver Request and in this supplement thereto, Hispanos respectfully requests that the Division delete WQNB and grant the Modification Application. In the alternative, Hispanos respectfully requests that the Division grant the Waiver Request and, in turn, the Modification Application.

⁹ The Promotions Coordinator also captured video footage of the Ola Condominium, which can be provided upon request.

ATTACHMENT 1: DECLARATIONS

DECLARATION OF MONICA RABASSA

I, Monica Rabassa, declare as follows:

1. Since November 2022 I have been the General Manager of WWFE(AM), Miami, FL (Facility ID 21391); WRHC(AM), Coral Gables, FL (Facility ID 73945); WMYM(AM), Kendall, FL (Facility ID 12833); and their associated FM translators, which are owned and operated by Salem Media Group, Inc. and its subsidiary Hispanos Communications LLC.

2. In that capacity, I am aware of the pending displacement application to change to 100.3 the frequency of the FM translator W254DV, Miramar, FL (Facility ID 202998), which serves as a fill-in for WRHC(AM).

3. I am further aware that the Federal Communications Commission (the "FCC") sent a letter dated October 28, 2022, to BEWARE, Inc. ("BEWARE"), licensee of low power FM station WQNB-LP (the "LPFM") granting BEWARE's request for special temporary authority ("STA") to allow the LPFM to remain silent for a period of 180 days. The FCC's letter stated that the LPFM had been silent since October 3, 2022. The FCC granted the STA request to remain silent through approximately April 2023.

4. On September 25, 2023, BEWARE filed a second STA (the "Second STA") requesting "temporary authorization to operate with reduced power at a temporary facility, pending resumption of operations at a new permanent location[,] using a 15-meter tall, one bay, omni-directional antenna. The coordinates provided for this temporary facility were 25 54 55.74 N, 80 11 13.67 W, which are the coordinates for the Ola Condominium complex at 15225 NE 6th Avenue, Miami, Florida 33162. The FCC's Media Bureau, Audio Division granted the Second STA the next day.

5. On October 3, 2023, BEWARE submitted a Notice of Resumption of Operations for the LPFM stating “[o]perations resumed on 10/3/23 as authorized by” the Second STA.

6. My staff and I have monitored the LPFM’s frequency numerous times over the last several months to determine if the station has gone back on the air. To our knowledge it has not, including as of today.

7. On October 4, 2023, I spoke via phone with an individual in the management office at the Ola Condominium. This individual explained that the Ola Condominium only allows antennas or similar devices to be attached to balconies of individual apartment units and that there are no antennas or similar devices on the roof of the complex.

I hereby declare under penalty of perjury that, to the best of my knowledge, information and belief, the foregoing is true and correct.

Executed in Miami, FL on October 10, 2023.
City, State



Monica Rabassa

DECLARATION OF EDUARDO RODRIGUEZ

I, Eduardo Rodriguez, declare as follows:

1. I am the Station Engineer for WWFE(AM), Miami, FL (Facility ID 21391); WRHC(AM), Coral Gables, FL (Facility ID 73945); WMYM(AM), Kendall, FL (Facility ID 12833); and their associated FM translators, which are owned and operated by Salem Media Group, Inc. and its subsidiary Hispanos Communications LLC.

2. In that capacity, I am aware of the pending displacement application to change to 100.3 the frequency of the FM translator W254DV, Miramar, FL (Facility ID 202998), which serves as a fill-in for WRHC(AM).

3. In connection with the preparation of this application, I have monitored the status of WQNB-LP (the "LPFM"), which went silent on October 3, 2022.

4. Specifically, on October 4, 2023, I visited the coordinates listed in the request for Special Temporary Authority ("STA") filed by BEWARE Inc. ("BEWARE") seeking temporary authorization to operate the LPFM with reduced power at a temporary facility pending resumption of operations at a new permanent location. These coordinates took me to the Ola Condominium complex, located at 15225 NE 6th Avenue, Miami, Florida 33162.

5. While in the parking lot of the Ola Condominium, I tuned to 100.3 FM. However, I was unable to detect a signal from the LPFM. All that I was able to detect was the signal from a radio station transmitting from the Florida Keys. I took video recordings demonstrating the lack of a signal from the LPFM.

6. While visiting the Ola Condominium, I also observed that there were no antennas or similar devices on any of the buildings in the complex matching the description of the antenna included in BEWARE's STA.

I hereby declare under penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

Executed in Miami FLA on October 10, 2023.
City, State



Eduardo Rodriguez

DECLARATION OF JUAN BOHORQUEZ

I, Juan Bohorquez, declare as follows:

1. I am the Promotions Coordinator for WWFE(AM), Miami, FL (Facility ID 21391); WRHC(AM), Coral Gables, FL (Facility ID 73945); WMYM(AM), Kendall, FL (Facility ID 12833); and their associated FM translators, which are owned and operated by Salem Media Group, Inc. and its subsidiary Hispanos Communications LLC (“Hispanos”).

2. In that capacity, I am aware of the pending displacement application to change to 100.3 the frequency of the FM translator W254DV, Miramar, FL (Facility ID 202998), which serves as a fill-in for WRHC(AM).

3. On October 4, 2023, I visited the coordinates listed in the request for Special Temporary Authority (“STA”) filed by BEWARE Inc. (“BEWARE”) seeking temporary authorization to operate WQNB-LP with reduced power at a temporary facility pending resumption of operations at a new permanent location. These coordinates took me to the Ola Condominium complex, located at 15225 NE 6th Avenue, Miami, Florida 33162.

4. While visiting the Ola Condominium, I captured photographs and video footage of the complex—including the complex’s roof—using a drone. These photographs have been provided as Attachment 2 to the foregoing supplement to Hispanos’s July 21, 2023, request that the Federal Communications Commission waive 47 C.F.R. § 74.1203(a)(3) of its rules pertaining to interference from FM translator stations.

5. As the photographs contained in Attachment 2 demonstrate, I did not observe any broadcast antennas or similar devices on the roof of the Ola Condominium matching the description of the antenna included in BEWARE’s STA.

I hereby declare under penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

Executed in miami FL on October 10, 2023.
City, State

Juan B.

Juan Bohorquez

ATTACHMENT 2: PHOTOGRAPHS OF THE OLA CONDOMINIUM















