

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
W280EM, Chicago, IL)	
Facility ID No. 140763)	LMS Application File No. 0000119009
Renewal Application)	
)	
Informal Objection of Albert David)	LMS Pleading File No. 0000124015
)	

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

OPPOSITION

Windy City Broadcasting, LLC (“Windy City”), by its attorney, submits its Opposition to the October 5, 2020 Letter Objection to the above-referenced renewal. In support, Windy City respectfully submits the following:

The Letter Objection is signed by Albert David (“David”) (Attachment A). Mr. David’s objection is predicated on errors contained in the application. Specifically, the on-air status and identification of which station was being rebroadcast.

At the outset, it should be noted that there are several procedural deficiencies with respect to Mr. David’s submission. Mr. David’s submission is violative to Section 1.47 of the Commission’s rules. That Section provides, *inter alia*, the following:

“(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed.

(d)...documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or mailing a copy to the last known address. *See* § 1.736. Documents that are required

to be served must be served in paper form, even if documents are filed in electronic form with the Commission, unless the party to be served agrees to accept service in some other form.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served;...

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission..."

The Letter bears no certificate of service nor other indicia that the submission was served on Windy City or its counsel. In point of fact, undersigned counsel only received the letter pursuant to transmission by Bureau counsel. Furthermore, Windy City did not receive a copy of the submission.

Section 1.52 of the Commission's rules states, *inter alia*, the following:

"A party who is not represented by an attorney shall sign and verify the document and state his address."

Mr. David, presumably not an attorney,¹ did not verify the submission.

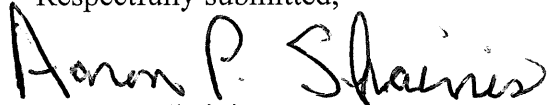
From the foregoing, it is clear that the Letter Objection is deficient. Thus, it should be summarily dismissed. However, should the Commission choose to ignore the procedural infirmities, Windy City submits the following with respect to the substantive arguments.

The station, W280EM, went silent on August 17, 2020. See the attached Notification of Suspension of Operations/Request for Silent Authority STA (Attachment B). The failure to timely submit the request was inadvertent. In addition, the pending renewal has been amended to reflect the silent status (Attachment C). It should also be noted that the station was

¹ There is no indication on the face of the document that Mr. David is an attorney.

rebroadcasting the signal of WLEY, not WTMX.² The aforementioned errors were inadvertent and have been addressed by way of filing an amendment. These deficiencies should not result in a denial of renewal. Thus, it is urged that the Letter Objection be denied and the W280EM renewal be granted.

Respectfully submitted,

A handwritten signature in black ink that reads "Aaron P. Shainis". The signature is written in a cursive, flowing style.

Aaron P. Shainis
Counsel for
Windy City Broadcasting, LLC

Shainis & Peltzman, Chartered
1850 M Street NW
Suite 240
Washington, DC 20036
(ph) 202-293-0011

December 29, 2020

² At one time, the station was rebroadcasting WTMX.

ATTACHMENT A

Albert David
2632 Kenilworth Ave., Berwyn, IL. 60402
708-921-8091

October 5, 2020

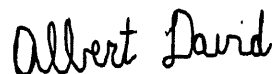
Federal Communications Commission
Washington D.C. 20554

Re: W208EM, Chicago, IL
File No. 0000119009
Facility ID No. 140763
Informal Objection

Good evening,

I am writing to file an informal objection to the renewal application of W208EM, Chicago, IL, File No. 0000119009, Facility ID No. 140763, as the licensee certified two claims in their renewal application which are falsehoods. In their renewal application the licensee, Windy City Broadcasting, LLC, certified that the station is currently on the air. This is incorrect, as the station is currently off the air, and has been off the air since at least May of 2020, without having been granted an STA to remain silent. Additionally, the licensee certified that the station rebroadcasts WTMX. While this translator did at one time rebroadcast WTMX HD-2, for the last several years prior to going silent it rebroadcast WLEY-FM HD-2. In light of these two false claims on the station's renewal application, I feel that its application should be denied.

Sincerely

A handwritten signature in cursive script that reads "Albert David".

Albert David

ATTACHMENT B

Federal Communications Commission

FCC MB - CDBS Electronic Filing
Account number: 751603

Description: W280EM NOTIFICATION OF SUSPENSION & REQUEST FOR STA
Application Reference Number: 20201228AAI
Successfully filed at Dec 28 2020 2:24PM

Based on the information supplied, no fee is required.

[Informal Menu](#)

[Logout](#)

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations / Request for Silent STA		FOR COMMISSION USE ONLY FILE NO. - 20201228AAI
Read Instructions/FAQ before filling out form		

Section I - General Information

1.	Legal Name of the Applicant WINDY CITY BROADCASTING, LLC	
	Mailing Address C/O SHAINIS & PELTZMAN, CHARTERED 1850 M STREET, NW, SUITE 240	
	City WASHINGTON	State or Country (if foreign address) DC
	Zip Code 20036 -	
	Telephone Number (include area code) 2022930011	E-Mail Address (if available) AARON@S-PLAW.COM
	FCC Registration No 0023928856	Call Sign W280EM
	Facility ID Number 140763	
2.	Contact Representative (if other than licensee/permittee) AARON P. SHAINIS	Firm or Company Name SHAINIS & PELTZMAN, CHARTERED
	Mailing Address 1850 M STREET SUITE 240	
	City WASHINGTON	State or Country (if foreign address) DC
	Zip Code 20036 -	
	Telephone Number (include area code) 2022930011	E-Mail Address (if available) AARON@S-PLAW.COM
3.	Purpose:	
	<input type="radio"/> Notification of Suspension of Operations	
	<input checked="" type="radio"/> Notification of Suspension of Operations and Request for Silent STA	
	<input type="radio"/> Request for Silent STA	
	<input type="radio"/> Request to Extend STA	
	<input type="radio"/> Resumption of Operations	
4.	Community of License: City: CHICAGO State: IL	
5.	Reason for going silent:	
	<input type="radio"/> Technical <input type="radio"/> Financing <input type="radio"/> Staffing	
	<input checked="" type="radio"/> Program Source <input type="radio"/> Other	
6.	Please provide a justification for the request	[Exhibit 1]
7.	Date Station has gone / will go silent: 8/17/2020 (mm/dd/yyyy)	
8.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing JOHN BRIDGE	Typed or Printed Title of Person Signing MANAGER
--	---

Signature

Date (mm/dd/yyyy)
12/28/2020

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits**Exhibit 1****Description:** REASON FOR REQUEST

TRANSLATOR W280EM IS SILENT DUE TO A PROGRAMMING INTERRUPTION.

Attachment 1

ATTACHMENT C



(<http://www.fcc.gov>)

Licensing and Management System

FRN: 0023928856 | [Search \(/dataentry/public/tv/...](#) [Log Out \(/dataentry/j_spring_security_logout\)](#)

[Applications \(/dataentry/secure/applications.html\)](#)

[Authorizations \(/dataentry/secure/authorizations.html\)](#)

[Facilities \(/dataentry/secure/facilities.html\)](#)

Approved by OMB (Office of Management and Budget) | OMB Control Number 3060-0110

Amendment to Renewal of License Application Submitted

LMS HELP CENTER

(<https://www.fcc.gov/media/radio/lms-help-center>)

Form Instructions

(<https://www.fcc.gov/sites/default/files/lms-303s-renewal-instructions.pdf>)

[Download Reference Copy \(.../api/download/draftcopy/FX/25076f917679172c0176ae45727dc\)](#)

Your application has been submitted for processing.

- Use the assigned **File Number** when referencing this application in the future.
- The progress of this application can be tracked on the **Applications** page.

Application Summary

File Number: 0000119009
Application Purpose: Renewal of License
Amendment
Status: Review
Date Submitted: 12/29/2020

Applicant Information

Name: WINDY CITY BROADCASTING, LLC
Title:
Address: C/O SHAINIS & PELTZMAN, CHARTERED
1850 M STREET, NW, SUITE 240
WASHINGTON, DC 20036
United States
Phone: +1 (202) 293-0567
Email: AARON@S-PLAW.COM

Fees, Waivers, and Exemptions

Exempt from FCC Application Fees? No

Exempt from FCC Regulatory Fees? No

[View Submitted Applications](#)

Technical problems or trouble accessing the system? [Submit Help Request \(https://esupport.fcc.gov/request.htm\)](https://esupport.fcc.gov/request.htm) or [Contact \(877\) 480-3201](tel:8774803201) TTY: (717) 338-2824

Federal Communications Commission
45 L Street NE
Washington, DC 20554

Phone: 1-888-225-5322
TTY: 1-888-835-5322
Fax: 1-866-418-0232
[Contact Us \(http://www.fcc.gov/contact-us\)](http://www.fcc.gov/contact-us)

Website Policies & Notices
(<https://www.fcc.gov/general/website-notice>)
Privacy Policy
(<https://www.fcc.gov/general/privacy-policy>)
FOIA (<https://www.fcc.gov/general/foia-0>)
No Fear Act Data
(<https://www.fcc.gov/general/no-fear-act-data>)
FCC Digital Strategy
(<https://www.fcc.gov/digitalstrategy>)
Open Government Directive
(<https://www.fcc.gov/general/open->

About the FCC
(<https://www.fcc.gov/about/overview>)
Proceedings & Actions
(<https://www.fcc.gov/proceedings-actions>)
Licensing & Databases
(<https://www.fcc.gov/licensing>)
Reports & Research
(<https://www.fcc.gov/reports-research>)
News & Events (<https://www.fcc.gov/news-events>)
For Consumers
(<https://www.fcc.gov/consumers>)

Consumer (<https://www.fcc.gov/consumer-and-governmental-affairs>)
Enforcement
(<https://www.fcc.gov/enforcement>)
Inspector General
(<https://www.fcc.gov/inspector-general>)
International
(<https://www.fcc.gov/international>)
Media (<https://www.fcc.gov/media>)
Public Safety (<https://www.fcc.gov/public-safety-and-homeland-security>)
Wireless (<https://www.fcc.gov/wireless-telecommunications>)



(REFERENCE COPY - Not for submission)

Amendment to Renewal of License

File Number: **0000119009** | Submit Date: **12/29/2020** | Call Sign: **W280EM** | Facility ID: **140763** | FRN: **0023928856** |
State: **Illinois** | City: **CHICAGO**
Service: **FX** | Purpose: **Renewal of License Amendment** | Status: **Review** | Status Date: **12/29/2020** | Filing Status:
Active

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
	Is the applicant exempt from FCC regulatory Fees?	No
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	

**Applicant
Information**

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
WINDY CITY BROADCASTING, LLC	C/O SHAINIS & PELTZMAN, CHARTERED 1850 M STREET, NW, SUITE 240 WASHINGTON, DC 20036 United States	+1 (202) 293- 0567	AARON@S- PLAW.COM	Limited Liability Company

**Contact
Representatives
(1)**

Contact Name	Address	Phone	Email	Contact Type
Aaron P Shainis	1850 M STREET	+1 (202) 293-	AARON@S-PLAW.	Legal
<i>FCC Legal Counsel</i>	SUITE 240	0567	COM	Representative
SHAINIS & PELTZMAN,	WASHINGTON, DC			
CHARTERED	20036			
	United States			

**Renewal
Certification**

Section	Question	Response
Character Issues	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, any broadcast application in any proceeding where character issues were left unresolved, or were resolved adversely against the applicant or any party to the application;	Yes
	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, any pending broadcast application in which character issues have been raised..	Yes
Adverse Findings	Licensee certifies that, with respect to the licensee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
FCC Violations during the Preceding License Term	Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If "No", the licensee must submit an explanatory exhibit providing complete descriptions of all violations.	Yes
Ownership	The licensee certifies that, with respect to the station(s) for which renewal is requested, it complied with 47 CFR Section 73.3555.	Yes
Alien Ownership and Control	Licensee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	Yes
Non-Discriminatory Advertising Sales Agreements	Commercial licensee certifies that its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain non-discrimination clauses. Noncommercial licensees should select "not applicable."	N/A

**Other BroadCast
Certifications**

Section	Question	Response
Other BroadCast Certifications	Does this application include one or more FM translator station(s) or TV translator station(s) or LPTV station(s), in addition to the station listed at the top of this section?	No

**FM Translator
Certifications (1)**

Call Sign: W280EM

Section	Question	Response
Operational Status	Silent Stations Licensee certifies that the station is currently on the air.	No
	Rebroadcast Status Licensee certifies that the station is currently rebroadcasting the signal of an FM, AM, or LPFM station.	No
	Rebroadcast Consent Licensee certifies that it has obtained written authority from the licensee of the primary station identified above for retransmitting the primary station's programming	No
Licensee Compliance	Licensee certifies that it is in compliance with 47 C.F.R. Section 74.1232(d), which prohibits the common ownership of: (1) a commercial primary FM station and a FM translator station whose coverage contour extends beyond the protected contour of the commercial FM primary station being broadcast, and (2) a commercial primary AM Station and a FM translator station whose 60 dBu contour exceeds the greater of either: (a) the 2 mV/m daytime contour of the commercial AM primary station being rebroadcast, or (b) a 25-mile radius centered at the transmitter site of the commercial primary AM station being rebroadcast. This restriction also applies to any person or entity having any interest in, or any connection with, the primary FM station or primary AM station.	Yes
	Licensee certifies that it is in compliance with 47 C.F.R. Section 74.1232(e) which prohibits: (1) a FM translator station whose coverage contour extends beyond the protected contour of the commercial FM primary station being rebroadcast, and (2) a FM translator station whose 60 dBu contour exceeds the greater of: (a) the 2 mV/m daytime contour of the commercial AM primary station being broadcast, or (b) a 25-mile radius centered at the transmitter site of the commercial primary AM station being rebroadcast, from receiving support (except for specified technical assistance), before, during, or after construction, directly or indirectly, from the primary station, or any person or entity having any interest in, or any connection with, the primary station.	Yes
Environmental Effects	Licensee certifies that the specified facility complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments.	Yes

Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	I certify that this application includes all required and relevant attachments.	Yes
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	<p>John Bridge <i>Manager</i></p> <p>12/29/2020</p>

Attachments

File Name	Uploaded By	Attachment Type	Description
<u>Amendment.pdf</u>	Applicant	Amendment	Amendment
<u>Silent Station, Rebroadcast Status and Rebroadcast Consent Exhibit.pdf</u>	Applicant	All Purpose	Silent Station, Rebroadcast Status and Rebroadcast Consent Exhibit

AMENDMENT

The answers to the following three questions under the Operational Status section of the FM Translator Certifications have been changed from "Yes" to "No":

- **Silent Station** Licensee certifies that the station is currently on the air. **No**
- **Rebroadcast Status** Licensee certifies that the station is currently rebroadcasting the signal of an FM, AM, or LPFM station. **No**
- **Rebroadcast Consent** Licensee certifies that it has obtained written authority from the licensee of the primary station identified above for retransmitting the primary station's programming. **No**

These answers have been changed from "Yes" to "No" because Station W280EM is off the air.

SILENT STATION, REBROADCAST STATUS, AND REBROADCAST CONSENT EXHIBIT

Station W280EM is off the air and not broadcasting.

CERTIFICATE OF SERVICE

I, Malinda Markland, hereby certify that I have sent, this 29th day of December, 2020, copies of the foregoing OPPOSITION to the following:

Albert David
2632 Kenilworth Ave.
Berwyn, IL 60402
(albert.a.david@hotmail.com)

Albert Shuldiner*
Chief, Audio Division, Media Bureau
Federal Communications Commission
45 L Street NE
Washington, DC 20554
(albert.shuldiner@fcc.gov)

Nazifa Sawez*
Federal Communications Commission
45 L Street NE
Washington, DC 20554
(nazifa.sawez@fcc.gov)

**sent via email only*


Malinda Markland