

# FEDERAL COMMUNICATIONS COMMISSION

445 12<sup>th</sup> Street, SW  
Washington, DC 20554

MEDIA BUREAU  
AUDIO DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2730

PROCESSING ENGINEER: ROBERT GATES  
TELEPHONE: (202) 418-0986  
FACSIMILE: (202) 418-1410  
INTERNET ADDRESS: Robert.Gates@fcc.gov

MAR 25 2015

Capstar TX, LLC  
2625 S. Memorial Drive  
Suite A  
Tulsa, OK 74129

In Re: W271BW, Milbrook, CT  
Facility ID # 139897  
BLFT-20141223ABN

Dear Licensee:

This refers to interference complaints filed by Saga Communications of New England, LLC filed January 9, 2015 and all related pleadings. There are a total of twenty-two listener complaints must be resolved. Listener complaints can be filed at any time. The complaints allege that W271BW is interfering with the reception of WAQY(FM), Springfield, Massachusetts.

Pursuant to 47 C.F.R. § 74.1203, W271BW is required to eliminate any actual interference it causes. Therefore, it is necessary for W271BW to submit a detailed report on the attached complaint even if the complainant might have been addressed in a previous proceeding. For the complaint, the report must include: (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 W271BW for each device allegedly receiving the interference and whether such interference persists. Each of the complaints must be addressed individually.

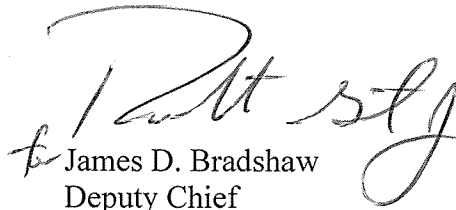
The Commission's Rules regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3) states that an FM translator station will not be permitted to continue to operate if it causes any actual radio signal interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station.<sup>1</sup> Actual interference is based on listener complaints indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. Section 74.1203(b) states that if the

---

<sup>1</sup> An FM translator station creating actual radio signal interference to any authorized broadcast station is obligated to eliminate the interference, regardless of the location where the impaired signal reception occurs.

interference cannot be properly eliminated by the application of suitable techniques, the operation of the offending FM translator station shall be suspended and shall not be resumed until the interference has been eliminated.

Within thirty days of this letter, W271BW must take appropriate actions required by the provisions of 47 C.F.R. § 74.1203 to resolve all complaints of interference to fulfill its obligations. Further action on this complaint will be withheld for a period of thirty days from the date of this letter to provide W271BW an opportunity to respond. Failure to correct all complaints within this time may require W271BW to suspend operation pursuant to 47 C.F.R. §§ 74.1203(e) and 74.1232(h).

  
James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )

CAPSTAR TX, LLC )

Application for License )

FM Translator W271BW,  
Milbrook, CT )

File No. BLFT-20141223ABN

Facility ID Number: 139897

RECEIVED - FCC

To: The Office of Secretary

Attn: Chief, Audio Division, Media Bureau

JAN - 9 2015

Federal Communications Commission  
Bureau / Office

**INFORMAL OBJECTION**

Saga Communications of New England, LLC ("Saga"), licensee of commercial FM station WAQY, Springfield, Massachusetts, by its attorney, pursuant to Section 73.3587 of the Commission's Rules, hereby files this informal objection to the above-captioned application (BLFT-20141223ABN) of Capstar TX LLC for a license to cover Construction Permit No. BMPFT-20140919AAM ("CP"). The CP was issued in connection with FM Translator Station W271BW, Milbrook, CT. Action on the captioned application should be deferred because the secondary facility covered by the application is causing destructive interference to the reception of primary FM station WAQY.

WAQY operates on FM Channel 271B at Springfield, Massachusetts, and has a co-channel relationship to W271BW. The application for license covers a permit for the operation of the translator on channel 271 with 0.250 kW (250 Watts) effective radiated power with an antenna center of radiation at 53 meters above ground. Due to the proximity of the WAQY and W271BW transmitter sites and the fact that the stations are on co-channels, there is now

intolerable interference to the reception of WAQY. Attachment 1 is an Engineering Statement, incorporated herein by reference, which supports this Informal Objection.

Just since December 26, 2014, the approximate date on which W271BW commenced program tests pursuant to the facilities set forth in the CP, Saga has received complaints from listeners regarding interference from W271BW. These complaints are *prima facie* evidence that the operations of Capstar's translator operating on Channel 271 are causing impaired reception to the regularly used signal of WAQY. Pursuant to Section 74.1203(a) of the Commission's Rules,<sup>1</sup> Capstar's FM translator on Channel 271 at Millbrook must not offer any interference to the direct reception of WAQY, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.

Saga is in the process of preparing a complaint, to be transmitted to counsel for Capstar, which will set forth each complainant's contact information so that Capstar can investigate the complaints and attempt to resolve them.

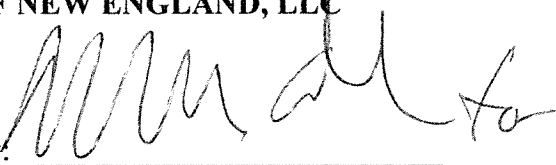
---

<sup>1</sup> Section 74.1203(a) provides in pertinent part: "An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to: \*\*\* (3) The direct reception by the public of off-the-air signals of any authorized broadcast station...Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted."

Because Saga has shown that interference is occurring to the reception of WAQY, Saga requests that the Commission defer action on the pending application for license to cover the CP until all listener complaints can be resolved. Should Capstar be unable to resolve the complaints, the Commission should order Capstar to suspend operations and dismiss the captioned application for license.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, LLC**

By: 

Gary S. Smithwick  
Its Attorney

**Smithwick & Belendiuk, P.C.**  
5028 Wisconsin Avenue, NW  
Suite 301  
Washington, DC 20016  
202-363-4560

January 9, 2015

## ATTACHMENT 1 – ENGINEERING STATEMENT

# ENGINEERING STATEMENT TO SUPPORT AN INFORMAL OBJECTION

BLFT-20141223ABN  
W231BW – Milbrook, CT  
Channel 271D – 102.1 MHz  
(Facility ID No. 139897)

"§74.1203(a)(1) Interference Complaint(s)"

January 2015

## CERTIFICATION OF ENGINEERS

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 385 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of the laws of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

January 9, 2015

**MUNN-REESE, INC.**  
385 Airport Drive, PO Box 220  
Coldwater, Michigan 49036

Telephone: 517-278-7339

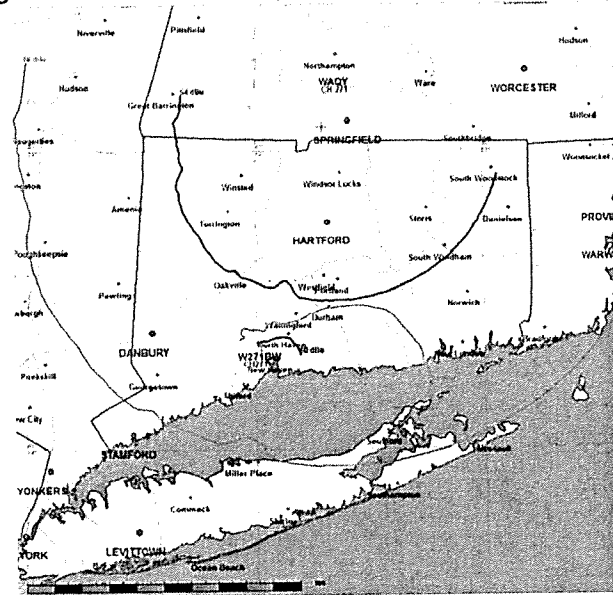
By Wayne S. Reese  
Wayne S. Reese, President

By Justin W. Asher  
Justin W. Asher, Project Engineer

# ENGINEERING STATEMENT

This Engineering Statement is being filed to support an *Informal Objection* filed by Saga Communication of New England, LLC ("Saga"), licensee of WAQY(FM) – Springfield, IL (Facility ID No. 58551). This *Informal Objection* is being filed against co-channel FM Translator W271BW – Milbrook, CT (Facility ID No. 139897), pending License Application BLFT-20141223ABN. W271BW is owned by Capstar TX, LLC ("Capstar").

The basis for this *Informal Objection* centers around preliminary listener based interference complaints received by Saga station WAQY(FM) – Springfield, IL. WAQY(FM) operates on CH271B (102.1 MHz) or co-channel to the W271BW – Milbrook, CT (102.1 MHz) FM Translator in question. WAQY(FM) is located 84.5 km north of W271BW on a bearing of 015.4°T. At present, the preliminary interference complaints place the service area in question in or around Wallingford, CT. Wallingford, CT resides directly outside of the WAQY(FM) Class B 54 dBμ F(50:50) service contour and directly outside of the W271BW 34 dBμ F(50:10) interference contour. This relationship and contour placement is consistent with fringe (extended) coverage to be expected for WAQY(FM) and also consistent with fringe (extended) interference anticipated from W271BW. In addition, preliminary interference complaints were received by WAQY(FM) beginning the week of January 1, 2015 or roughly less than one (1) week after the December 26, 2014 commencement of W271BW. WAQY(FM) has not reported any deviation or variance in operation which would nominally affect WAQY(FM) reception.



In light of these factors, interference from the recently commenced Capstar Translator is highly suspect. Therefore, a sixty (60) day processing hold on pending License Application BLFT-20141223ABN is requested until this §74.1203(a)(1) interference situation can be assessed. Saga acknowledges Capstar and W271BW remain fully entitled to the remedial interference elimination due process as afforded by §74.1203(b). Therefore cessation of the W271BW signal is not requested nor warranted at this time. At this time Saga simply requests processing of pending W271BW License Application BLFT-20141223ABN be withheld until this interference situation can be assessed.



## CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Informal Objection" was mailed this 9<sup>th</sup> day of January, 2015, by First Class, U.S. Mail, postage prepaid, to the following:


Peter H. Doyle, Esq.  
Chief  
Audio Division  
Media Bureau  
Federal Communications Commission  
Washington, DC 20554 (by hand and electronic mail)

Mr. James D. Bradshaw  
Assistant Chief  
Audio Division  
Media Bureau  
Federal Communications Commission  
Washington, DC 20554 (by hand and electronic mail)

Mr. Robert Gates  
Engineer  
Media Bureau  
Federal Communications Commission  
Washington, DC 20554 (by hand and electronic mail)

Marissa G. Repp, Esq.  
Repp Law Firm  
1629 K Street, NW  
Suite 300  
Washington, DC 20006  
(also by electronic mail to [marissa@repplawfirm.com](mailto:marissa@repplawfirm.com))

Mr. Troy Langham  
Clear Channel  
2625 S. Memorial Drive, Suite A  
Tulsa, OK 74129

  
\_\_\_\_\_  
Sherry L. Schunemann

## Robert Gates

---

**From:** Mark Denbo <mdenbo@fccworld.com>  
**Sent:** Wednesday, March 04, 2015 9:28 AM  
**To:** Robert Gates  
**Cc:** Marissa Repp; Gary Smithwick  
**Subject:** Interference Complaint Against FM Translator W271BW, Milbrook, CT - License Application No. BLFT-20141223ABN

Dear Mr. Gates,

Saga Communications of New England, LLC ("Saga"), licensee of commercial FM station WAQY, Springfield, Massachusetts, filed an Interference Complaint on January 14, 2015, concerning interference to the reception of regularly used signals of WAQY by FM Translator W271BW, Milbrook, Connecticut. The January 14 pleading included complaints from 11 listeners. Since that time, Saga has received complaints from an additional 22 listeners. Below is a summary of those 22 new complaints, gleaned from WAQY's Facebook page or from summaries of voice mails received. Saga requests that the Commission take the steps necessary to ensure that the Translator's licensee (Capstar TX, LLC) eliminates the interference.

If you request, Saga will file a more formal pleading with the Commission's Secretary. Please let me know if that is necessary. Thank you for your consideration of this matter.

- Mark

- Kristine Scheyd
  - o (860) 212-4475
  - o [klscheyd@gmail.com](mailto:klscheyd@gmail.com)
  - o Reports that she lives at 699 Lower Lane, Berlin, CT and works at 925 Sherman Ave in Hamden, CT. She travels Rt 15 south on her commute. She used to be able to hear WAQY the whole way and now loses WAQY about 1 mile north of the North Haven service plaza on Rt 15.
- Brian Barletta
  - o (203) 500-7328
  - o [bbarletta@cox.net](mailto:bbarletta@cox.net)
  - o He used to be able to hear WAQY on his commute between Cheshire, CT down Rt. 10 to Whitney Ave in Hamden, CT (but for in the shadow of Sleeping Giant State Park). He now picks up a new station on 102.1 at around Sleeping Giant State Park and Quinnipiac College and it carries the rest of the way.
- Joe Barile
  - o (203) 234-2651
  - o [jbardbar@att.net](mailto:jbardbar@att.net)
  - o He says that he can no longer hear WAQY anywhere south of Meriden, CT but instead hears a different station on 102.1.
- Gregory Narajka
  - o (203) 567-6296 x2937
  - o [Gregory.narajka@sikorsky.com](mailto:Gregory.narajka@sikorsky.com)

- o He says that he can no longer hear WAQY in Wallingford, CT (in the 06492 area code) and instead hears a different station on 102.1 (which he says mentioned they were an “iHeart” station).
- Laura Markowicz
  - o [Lmarkowicz1@hotmail.com](mailto:Lmarkowicz1@hotmail.com)
  - o She complains that she is having difficulty receiving WAQY in the Meriden, CT area (along Crown St) and in Wallingford, CT (along Research Parkway).
- Kris Akerley
  - o [kakerley@sbcglobal.net](mailto:kakerley@sbcglobal.net)
  - o He lives in Branford, CT on Long Island Sound. He used to be able to get WAQY at home but now gets another station on 102.1. He says this experience continues until he goes north of Exit 13 on I-91 North where he starts to hear WAQY again.
- Kevin Welch
  - o [Kwelch01@sbcglobal.net](mailto:Kwelch01@sbcglobal.net)
  - o He lives in Wallingford, CT and could get WAQY at his home until late December, 2014. He now no longer can.
- Maria Van
  - o [mariavans@gmail.com](mailto:mariavans@gmail.com)
  - o She lives in central CT. In many parts of Middlesex and New Haven counties, as well as her home in Kensington, CT, she can no longer hear WAQY.
- Kerry Card
  - o [Raveangelx79@gmail.com](mailto:Raveangelx79@gmail.com)
  - o She commutes from Hartford, CT to New Haven, CT and finds that the WAQY signal now cuts out at Wallingford CT (on I-91 south) where she used to be able to hear it on the whole commute.
- Cara Gibilisco
  - o (203) 440-0081
  - o [C\\_gibilisco@hotmail.com](mailto:C_gibilisco@hotmail.com)
  - o She lives in Meriden, CT and commutes south to New Haven, CT on I-91. For the past few months, she loses WAQY at Wallingford, CT (Exit 14) and picks up another station on 102.1 about ½ mile later.
- Dean Baruffi
  - o (203) 436-4972
  - o [Dean.baruffi@yale.edu](mailto:Dean.baruffi@yale.edu)
  - o He commutes from Berlin, CT to New Haven, CT. For the past several months he hears a different station on 102.1 where he used to hear WAQY. His commute takes Rt 15 to I-91 south at Exit 16 and then south on I-91 to New Haven. He says he starts to lose WAQY at Exit 14 (Wallingford, CT) and it is completely lost by Exit 13. He used to be able to hear WAQY on the whole commute.
- Ray Goulet
  - o (860) 634-3021
  - o On I-91 south to New Haven, he reports he loses WAQY by Exit 17.

- Scott Hotaling
  - o (413) 575-1787
  - o He reports that he can no longer hear WAQY in the New Haven area. While driving south, he loses it at around North Haven, CT on either Rt 15 or I-91.
- Ryan Gombar
  - o (860) 680-6361
  - o He reports that he used to be able to hear WAQY on his commute to Shelton, CT (Rt 15) but that he now loses it anywhere south of Wallingford, CT.
- Dana Barnes
  - o (860) 930-1933
  - o He lives in Simsbury, CT and works in East Hamden, CT. He used to be able to hear WAQY but no longer can.
- William Tolento
  - o (203) 668-5063
  - o He lives in Guilford, CT and used to be able to hear WAQY at home and in the New Haven area but now no longer can.
- Stephanie Walker
  - o (860) 508-2490
  - o She commutes to Stratford, CT on I-95. She used to be able to hear WAQY on her commute but now cannot hear WAQY anywhere further south of the Wallingford, CT area (Exits 13/14) on I-91 South.
- Wayne Maciejko
  - o (860) 331-9648
  - o He lives in Meriden, CT. On recent trips to Yale/New Haven Hospital, he finds that he now loses WAQY at about Exit 14 on I-91 South (Wallingford, CT) and picks up a different station on 102.1 where this had not previously been the case.
- Greg Vincek
  - o (860) 550-3032
  - o [gvincek@comcast.net](mailto:gvincek@comcast.net)
  - o He lives in Eastern Ct. When he travels to the New Haven area he loses WAQY on I-91 south around Wallingford, CT and starts hearing a different station on 102.1. He said that had not previously been the case and the issue started about three months ago.
- Joshua King
  - o (860) 608-0692
  - o He reports that he can no longer hear WAQY in the I-95 corridor on Long Island Sound. He reports he used to be able to hear WAQY as far northeast as Old Lyme, CT. He now hears a different station on 102.1.
- Andrew Pack
  - o (413) 627-0235
  - o He reports that he uses to be able to hear WAQY on his commute to the New Haven area but now loses the signal on I-91 south at Wallingford, CT

- Craig Sylvia
  - o (860) 682-7304
  - o He reports that he loses WAQY south of Meriden, CT and gets a different station on 102.1. He experiences this problem on I-91 South, losing the signal at Wallingford, CT

Mark B. Denbo

**Smithwick & Belendiuk, P.C.**

5028 Wisconsin Avenue, N.W., Suite 301

Washington, DC 20016

(202) 350-9656 *office*

(202) 365-8070 *mobile*

[mdenbo@fccworld.com](mailto:mdenbo@fccworld.com)