

# Kyle Magrill, Broadcast Technical Consultant

2805 NW 6<sup>th</sup> Street, Gainesville, FL. 32609

(352) 246-7680 / (fax) 380-0230

e-mail: [cwerkes@gmail.com](mailto:cwerkes@gmail.com)

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

Re: Opposition to Informal Objection  
Re: FCC Letter 1800B3-KV

W248CA, St. Petersburg, FL Fac ID # 156011

2019 DEC -9 PM 2:13

Dear Ms. Dortch:

Please find the attached pleading directed to the Media Bureau, Audio Division, FM Branch.

Respectfully submitted,



Kyle Magrill  
Technical Consultant

Encl.(1)

Received & Inspected

DEC 09 2019

FCC Mailroom

2019 DEC -9 PM 2:18

DEC 09 2019

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

FCC Mallroom

In the Matter of	)	
FM Translator W248CA	)	
Channel 248, St Petersburg, FL	)	FCC File nos. BLFT-20170815AAH
	)	BPFT-20180117ACJ &
Informal Objection of Hall Communications,	)	BPFT-20180517AEU
Inc.	)	FCC Letter 1800B3-KV
On behalf of WPCV, Winter Haven, FL.	)	

**Engineering Assessment in Support of Opposition to  
Informal Objection filed by Hall Communications, Inc.**

**I. INTRODUCTION**

Hall Communications, Inc., licensee of WPCV, has filed an informal objection against the license grant of FM translator W248CA (FID# 156011), owned by NIA Broadcasting, Inc. (NIA) in St. Petersburg, FL. Hall has also objected to a pending application for a minor modification to W248CA's facilities. To support their original objection from 2017, Hall Communications, Inc. (Hall or WPCV), had submitted five listener complaints, claiming interference allegedly caused by the operation of W248CA to listeners of WPCV (FID# 25872) in various areas in and around Tampa, FL. Hall has asked the FCC to order W248CA to cease operations.

Under the new translator interference rules the FCC has asked Hall to resubmit its complaints in compliance with the new 74.1204 rules. Hall has not done this. Instead of submitting listener complaints as the FCC letter directed them to do, Hall has submitted locations where listeners have reported that they listen to WPCV. Hall does not discuss

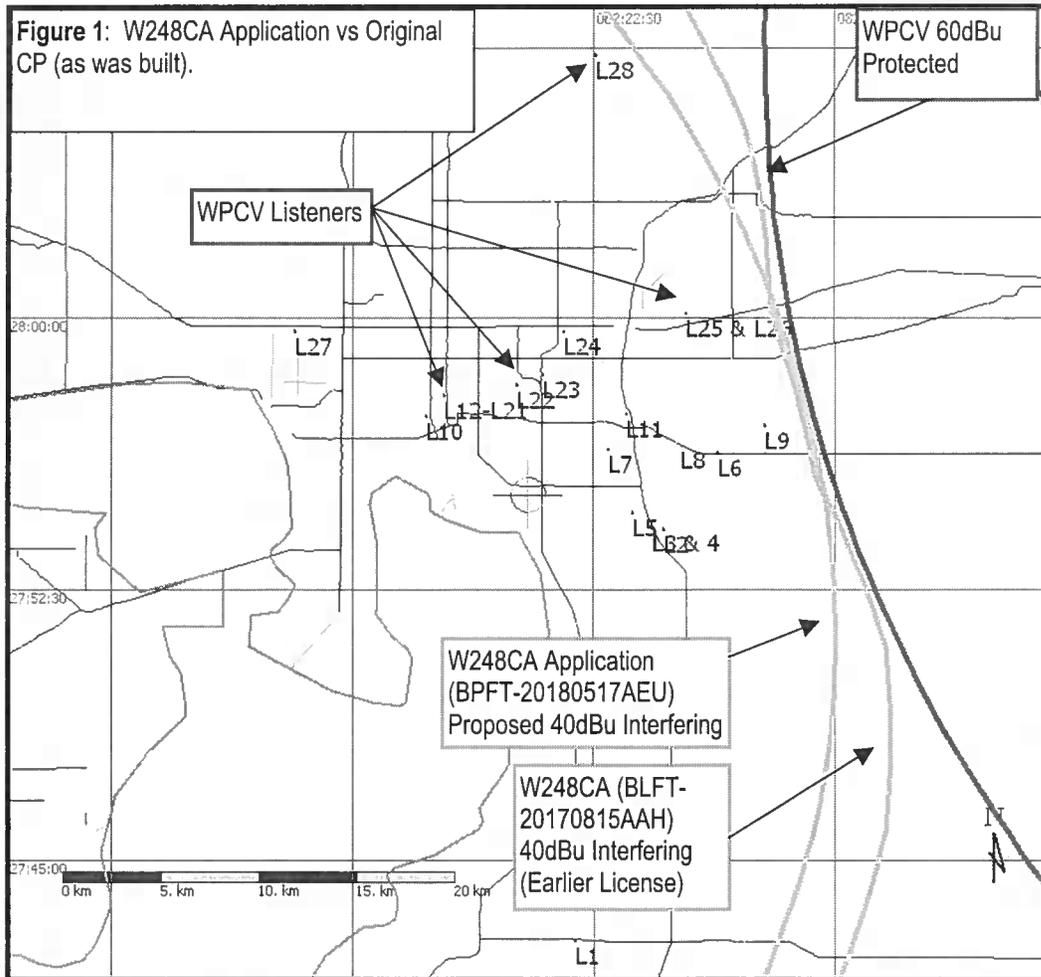
the currently licensed facilities that were approved for application # BPFT-20180117ACJ and licensed under application # BLFT-20180328AAW. Hall raises no complaint to this facility. Therefore, there is no further need to discuss the licensed W248CA facilities.

Hall's objection is based on a theoretical possible showing of interference from the proposed new facilities specified in BPFT-20180517AEU, as amended. Hall makes this objection under 47CFR 74.1204(f) and presents evidence that up to 28 listeners may experience interference within the WPCV predicted 45dBu contour.

## II. DISCUSSION

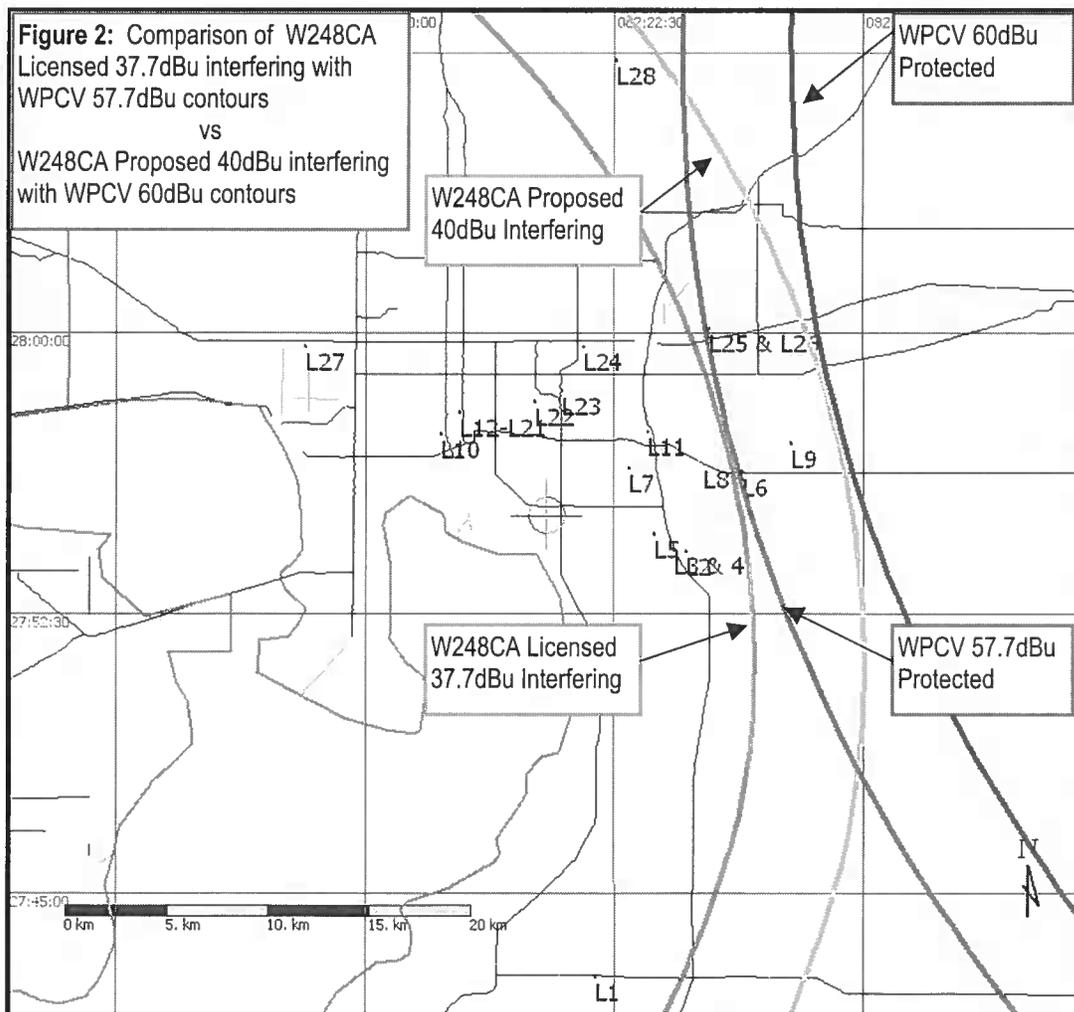
WPCV presents one engineering model showing the locations of 28 reported listeners of WPCV. The objection's engineering does not explain or address the fact that W248CA was previously licensed with greater facilities (see BLFT-20170815AAH) than are now requested. Although Hall objected to these facilities under the old rules, they were only able to gather five complaints. Of those, only three would have met the criteria under the new rules, which would have been insufficient to be considered actionable under the current rules.

1. The presently requested facilities are inferior to those originally authorized, as shown in Figure 1. Figure 1 shows a comparison of the interfering contour of the originally licensed signal with the proposed interfering contour. All 28 of the WPCV listeners were completely contained within the originally licensed interfering contour. Since this, earlier licensed, superior, W248CA signal was insufficient to generate even five valid complaints, there's very strong empirical evidence that no real interference would be produced by a grant of BPFT-20180517AEU, despite what the Hall model might indicate.

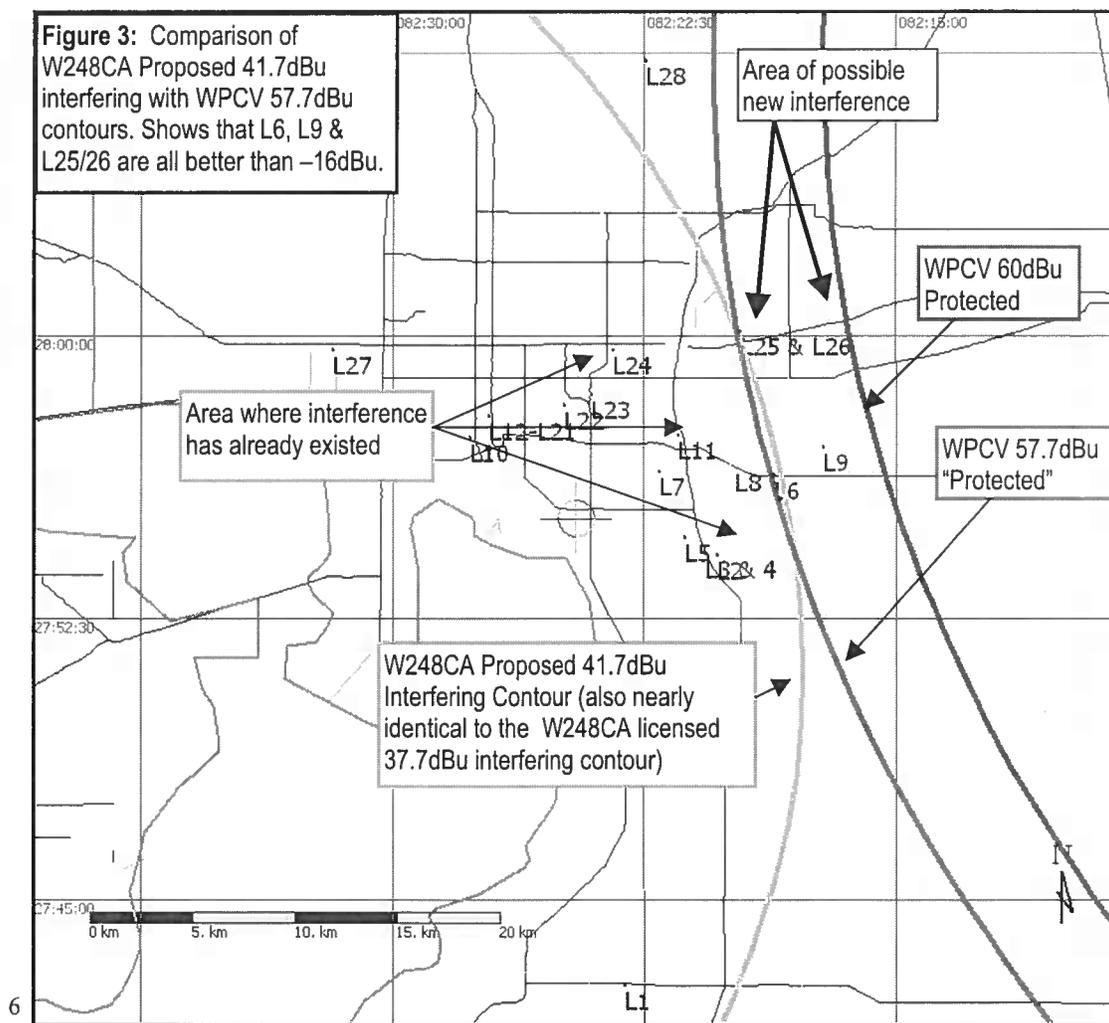


Hall claims that they were prevented from gathering additional complaints against the original maximized facility because NIA Broadcasting cooperated with Hall and voluntarily reduced the W248CA coverage when NIA was notified of the so-called interference. In fact, as discussed in detail further down, Hall only managed to find two valid affected listeners to support the original interference complaint. While Hall may believe that those two listeners were only the tip of a huge iceberg, Hall would have submitted more complaints in the beginning, if anyone else would have really been affected. Further, as demonstrated below in this report, W248CA's licensed facility causes substantially similar interference areas to WPCV as compared to the maximized facilities, if there were actual WPCV listeners in the area. The fact that Hall was unable to find more than two actually affected listeners despite W248CA having operated for more than two years shows that Hall's belief in a large pool of potentially affected listeners is without merit.

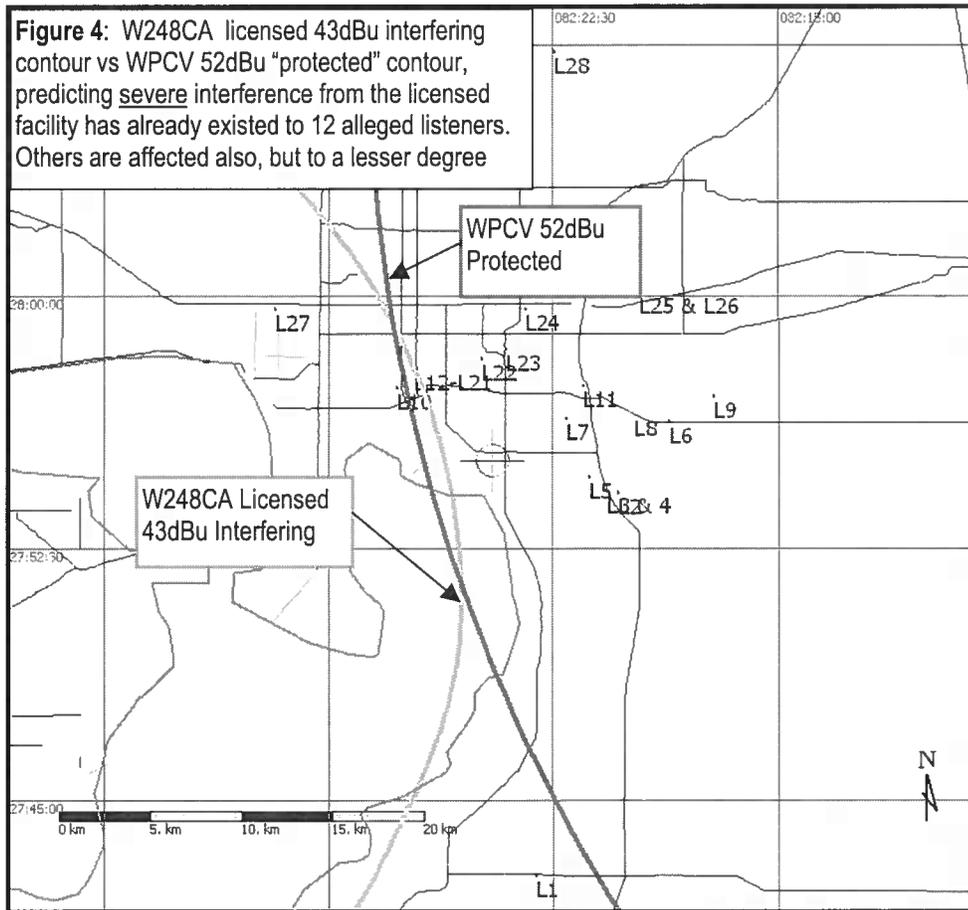
2. A comparison of the W248CA licensed facility (BLFT-20180328AAW) with the proposed facility (application BPFT-20180517AEU, as amended) shows that there is very little difference in the relative interference zones between the two (Fig 2). The map shows where a ratio of  $-20\text{dBu}$  exists between the two facilities. The licensed and proposed facilities are shown together for comparison. The distance between the two sets of arcs is only 5.5km. Twenty-three of the twenty-eight listeners are within the predicted interference zone of the currently licensed facility. Only five are outside of the predicted interference from the W248CA licensed facility. Although the other twenty-three are predicted to already receive interference, no objection has been filed on their behalf.



3. There are only five new listeners (at four locations) that would be predicted to potentially receive new interference. Since five listeners could potentially receive new interference, we tested to see how badly the affected listeners might be impacted. The W248CA licensed 37.7dBu interfering contour is approximately the same size and shape as the proposed 41.7dBu interfering contour. All of the listeners are mobile and four of the five are in areas where the signal ratio is still about  $-16$ dBu, or better (figure 3). The final location (L28) is at  $-15$ dBu. Empirical tests using the existing licensed facility indicate that, in a mobile environment, it is extremely unlikely that real world interference could even be detected, much less be objectionable.



4. Many of the WPCV “listeners” report regularly listening to WPCV in locations that should receive moderate to severe interference from the licensed W248CA facility. Eleven of the listeners are within the W248CA (Licensed) 43dBu interfering contour and are within, or near, the WPCV 52dBu contour. This -9dBu difference would make listening to WPCV very unlikely since it would be severely disrupted by W248CA’s licensed signal that has been on the air for more than 18 months. A twelfth listener, L27, reports listening regularly at a location within the W248CA 45.5dBu interfering contour and the WPCV 49dBu service contour. The probability of this happening is incredibly low. This situation leads to the question of whether these people truly are listening at the locations that they say they are listening.



Driving tests conducted by NIA in the areas of “Listeners” L10, L12-21 and 27 indicate that there would be significant difficulties receiving WPCV at these locations. In the case of Listener 10 and 27, W248CA could be heard at these locations. At the L12-21 location near the intersection of Interstate 275 and Interstate 4, W248CA could not be heard, but WPCV’s signal was weak with significant static and fading. Additionally, as drivers passed south of the I-4 and I-275 interchange, WPCV fades out and W248CA can be heard along I-275, very near to the intersection where the listeners state that they are listening regularly. Further north along I-75, WPCV fades out and W248CA can be heard in several places. Given the disrupted WPCV signal at and very near to these reported listener locations, it’s likely that these listeners have misreported the locations. These listeners may not be deceptive, but simply remembering faulty locations. Attached as Exhibit 1 is a statement from Howard Word of NIA Broadcasting and two others, made under oath, attesting to the results of the drive test. Based on their own drive tests, NIA contests the veracity of the listening claims made by these people, despite their having made them under oath.

5. There are not enough affected locations to meet the definition of bona-fide interference.

The Report & Order that changed the FM Translator interference rules, MB Docket No. 19-40, Released: May 9, 2019, states in paragraph 15, in part:

.... 'Based upon the record, we are persuaded that translator interference claims must be based on “separate receivers at separate locations” and that multiple listener complaints from a single building (e.g., complaints from multiple dwellers of an apartment building or house) or workplace will not count beyond the first complaint toward the six-complaint minimum.'

The instant objection describes the listening locations of 28 listeners, but describes only 17 unique places, thus fails the requirements for unique locations, as stated in MB Docket # 19-40.

6. Several of the listener reported locations would fail the specificity test.

In MB Docket No. 19-40, Released: May 9, 2019, footnote 65 states:

“Appropriate descriptions include map coordinates, street addresses, street intersections, or other descriptions such as “along Route XX near mile marker XX” or “between Exits 1 and 2 on Route XX.” Unacceptable descriptions would include “on my way to work” or “downtown,” as they do not inform the complaining station of whether the location is within its 45 dBU contour or provide the translator information with sufficient information to resolve the complaint.”

At least nine reports, and possibly more, lack sufficient detail of where interference would occur to demonstrate if the interference is likely real or if remedial steps could be effective.

For example, Listener #1 states “I drive all over Hillsborough County for Work – I-4, I-75, Plant City, Ruskin, New Tampa, Etc. “ This listener literally says that she drives everywhere, so we have no idea if there would be interference or not and if there was interference, if that interference was actionable or not. The information in this listener statement is worthless.

Listener #3 states that they listen on I-75 from Riverview to Ocala and Plant City to Madera Beach. Riverview to Ocala is a distance of 104 highway miles and most of it is

beyond the WPCV 45dBu contour. The path between Plant City and Madiera Beach is 56 miles and passes beyond the WPCV 45dBu contour. Further, Madiera Beach is well within the licensed 60dBu service contour (and partially within the 70dBu contour) of W248CA, making it impossible to receive W248CA as indicated by the listener. No statement from Listener #3 can be relied upon.

Listener 7 says that they listen to WPCV on I-4. They do provide a work address, but do not state that they actually listen there.

Listener # 15 states that she listens to WPCV at Ulmerton Road in Largo, Fl. This is well within the 60dBu contour of W248CA, as licensed. It is impossible for this listener to be hearing WPCV at the location he has specified.

Listeners #16, 17 & 19 +20 give no definitive mile markers or cross streets.

Listener #18 lives in the Orlando area and simply says that they listen on I-75. This report is of no value.

In all, at least nine listener affidavits are too vague to be useful. Several others are questionable. This leaves WPCV with no more than 19 valid listener reports, and probably even fewer.

### III. CONCLUSION

WPCV's informal objection makes unsupported claims and draws conclusions that are not in keeping with the facts. Although WPCV does place a 45dBu contour over part of the Tampa market, we have shown that the model predicts that interference should already be occurring to the WPCV signal from the licensed W248CA facility, yet has not been reported in significant numbers. According to the model, interference in several locations should be quite severe, yet there are far too few complaints to be actionable. Either WPCV doesn't have as many listeners as they claim, or the interference is far less than predicted, or both.

The use of a  $-20\text{dBu}$  threshold ratio may be appropriate when listening to an unmodulated carrier for the presence of an interfering co-channel signal, but it is unrealistic in a real world test. In the real world, most carriers contain highly processed audio that completely masks minor interference, rendering such interference undetectable. The capture effect of FM detectors make interference audible mainly at locations where the interfering and protected signals are very close in amplitude and where the interfering signal is sometimes able to capture the receiver's detector for periods of time. Such a zone certainly does exist, but it is smaller and less dramatic than the model predicts. Increasing the coverage area of W248CA will increase the interference zone, but not very significantly, as shown in figure 2. Most of the listeners already live or commute through the interference zone, yet there were obviously not enough affected listeners for WPCV to submit an official complaint of interference.

The predicted signal strength ratios and the fact that most of the “would-be” affected listeners are listening close to the WPCV 60dBu protected contour make it very unlikely that the minor change in interference caused by the upgraded W248CA will be noticeable to the WPCV listeners.

However, the most telling test is that W248CA has already operated in the past with more upgraded facilities than they are now requesting. Although Hall Communications did file a complaint about those facilities, their most recent objection incorrectly claims that the original facilities “created significant interference to the reception of Hall’s station, WPCV”. Actually, no operation of W248CA ever produced anywhere close to the number of reported complaints necessary to be actionable under the current rules.

Officially, there were only five actual listener complaints and two unofficial ones. Of the five official complaints, two were outside of the WPCV 45dBu contour. One of the three remaining complaints was inside of the 45dBu contour and worked in radio and claimed that he heard the translator’s primary station ID itself as WWBA when the translator had never broadcast WWBA. It is obvious that this alleged “listener” did not hear, and could never have heard, what he claimed that he heard. In the end, only two listeners were potentially legitimately affected. Of the unofficial complaints, one was the weather man for WPCV and the other lived well past the WPCV 45dBu contour. In short, despite the maximized W248CA facilities that were originally built in 2017, only two complaints could be mustered, a far cry from the 28 listeners that WPCV claims will be affected by authorizing inferior facilities to those that were built in 2017.

NIA recognizes that it is its responsibility to correct interference that could arise from a grant of its application, if the interference reaches the threshold that the FCC has set forth in 47cfr74.1204. NIA will willingly participate in any remediation efforts, if such interference does occur.

Because of the technical problems with the WPCV informal objection and the empirical tests done around the alleged interference areas that demonstrate that WPCV receives little or no interference from either the licensed facility nor did it receive any significant interference from the maximized facility that was constructed in 2017, NIA Broadcasting has shown that no significant increase in interference has existed, or will exist, as a result of a grant of the instant application. Therefore, the Hall objection should be dismissed and the NIA application should be granted as soon as possible.

Respectfully Submitted,

/s/ Kyle Magrill

Kyle Magrill  
Technical Consultant to  
NIA Broadcasting, Inc.

**Exhibit 1 Declarations**

NIA BROADCASTING  
2005 PAN AM CIRCLE SUITE 250  
Tampa FL 33604  
813.259.9867

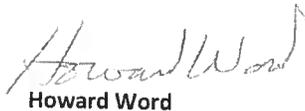
November 19, 2019

I affirm that the information herein supplied by me is true and correct to the best of my knowledge under penalty of perjury.

My name is Howard Word, I am the General Manager of WTMP Radio.

I was asked to test drive the WPCV signal and report where it was strong and where it was weak, as well as to report places where the W248CA translator caused interference to WPCV. I undertook this task on the afternoon of Nov 19, 2019.

WPCV was spotty at I-4 and I-275 and I couldn't hear WTMP. On N Florida Ave one block South of I-275 we had a some interference and I could actually here our programming that was on. On Franklin which is the street that runs parallel to Florida that is West of it was choppy with a little bleed over . I drove I-275 south from Florida Ave to the 3rd location on Hillsborough Ave North of the Airport and we had significant interference the whole drive. Once I turned East on Hillsborough Ave we still had strong interference, about 50/50 as far as the signals coming in. I turned Southbound onto Air Cargo Road and drove it all the way to Dale Mabry to HCC and Raymond James Stadium and could still here our programming bleeding in.



Howard Word

813.409.4793

NIA BROADCASTING

2005 Pan Am Circle Suite 250

Tampa, FL 33604

I affirm that the information herein supplied by me is true and correct to the best of my knowledge under penalty of perjury.

My name is Anthony Williams, I am a regular listener to WTMP. I won tickets to see Fantasia on the radio and when I went to pick them up, I was asked to do A survey while driving listening to 97.5fm and to see if I heard WPCV or WTMP. I was asked asked to report places where the WTMP 97.5FM caused interference to WPCV 97.5FM. I did this on Nov 19, 2019.

On Hillsborough Ave I could hear both stations going in and out at times and I could understand both of them. On Florida South of I-275 I WPCV 97.5FM was playing with another station coming in but I couldn't hear it clear enough to understand it. Right at I-4 & I-275 junction I could hear WPCV 97.5FM clearly with no static or interruption.



Anthony Williams

(813)516-0632

NIA BROADCASTING

2005 Pan Am Circle Suite 250

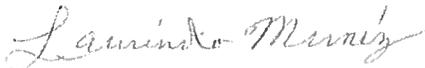
Tampa, FL 33604

I affirm that the information herein supplied by me is true and correct to the best of my knowledge under penalty of perjury.

My name is Laurindo Muniz, I am an account executive at WTMP Radio.

I test drove some areas and I am reporting where the WPCV signal is strong and weak, as well as to report places where the WTMP 97.5FM translator caused interference to WPCV. I did this on the morning of Nov 19, 2019.

WPCV was a little spotty at 275 and I4 in my car and at 275 and Florida Avenue again was spotty with some bleed over from another station though I couldn't make out the other programming. On Columbus next to the airport I didn't hear WPCV at all and WTMP was fairly clear.



Laurindo Muniz

(386) 682-0758

**CERTIFICATE OF SERVICE**

I, Kyle Magrill, Technical Consultant to NIA Broadcasting, Inc., do hereby certify that copies of the “Engineering Assessment in Support of Opposition to Informal Objection filed by Hall Communications, Inc.” have been sent *via* E-mail only, this 4<sup>th</sup> day of December 2019, to the following:

James D. Bradshaw, Senior Deputy Chief\*  
Robert Gates, Engineer\*  
Kim Varner, Attorney\*  
Audio Division, Media Bureau  
Federal Communications Commission  
445-12th St., S.W.  
Room 2-A360  
Washington, DC 20554

Susan A. Marshall, Esq.\*  
Anne Goodwin Crump, Esq.\*  
Fletcher, Heald & Hildreth, L.L.C.  
1300 N. 17<sup>th</sup> Street – 11<sup>th</sup> Floor  
Arlington VA 22209

  
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Kyle Magrill

\*By E-mail Only