

2018 DEC 10 PM 2:06

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**James A. Koerner**

December 7, 2018

Accepted / Filed

**jkoerner.law@comcast.net**  
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DEC - 7 2018

\*not admitted in MD

**Federal Communications Commission  
Office of the Secretary**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, DC 20554

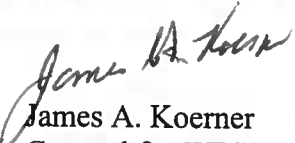
Re: W279DD, Hudson, WI  
File No. BLFT-20180801ABO  
Facility ID No. 141819

Dear Ms. Dortch:

On behalf of WRPX, Inc., licensee of FM Translator Station W279DD, there are transmitted herewith an original and two (2) copies of its Response to the Renewed Interference Complaint filed October 31, 2018 by Stewards of Sound, Inc. with respect to the referenced station.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,

  
James A. Koerner  
Counsel for WRPX, Inc.

ORIGINAL

2018 DEC 10 PM 2: 06

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
 )  
WRPX, INC. ) Facility ID No. 141819  
 )  
FM Translator Station W279DD )  
Hudson, WI )

Accepted / Filed

DEC - 7 2018

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

Federal Communications Commission  
Office of the Secretary

**RESPONSE TO RENEWED INTERFERENCE COMPLAINT**

WRPX, Inc., licensee of Radio Station WDGY and FM Translator Station W279DD, Hudson, Wisconsin, by its attorneys, hereby responds to the Renewed Interference Complaint filed by Stewards of Sound, Inc. ("Stewards"), licensee of Radio Station WWIB, Hallie, Wisconsin on October 31, 2018. Pursuant to the FCC Staff's Interference Complaint Letter, dated November 7, 2018, this Response is timely filed.

It is clear that Stewards intended its Renewed Complaint to be applicable only to those listeners within Station WWIB's 54dBu contour.<sup>1</sup> However, Stewards deliberately failed to specify the calculation of that contour. Attached is an Engineering Exhibit demonstrating that the contour claimed by Stewards was the F(50,10) field intensity curve used to calculate interference, not the F(50,50) service contour. Using the protected service contour, only two of the listeners (Adams and Bartz) are within that area.

Claiming that the complaining listeners are "within the WWIB 54 dBu contour" without disclosing that this is not the service contour is, at best, misleading and, at worst,

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<sup>1</sup> Renewed Interference Complaint at ¶ 5.

a deliberate misrepresentation designed to maximize the number of affected complainants. In either case, the *bona fides* of WWIB representations must be questioned.

Gregory O. Borgen, President of WDGY, reached out to Karen Adams, one of the listeners within the 54 dBu service contour. However, Ms. Adams refused to allow Mr. Borgen to visit her to investigate the complaint. Accordingly, pursuant to Section 74.1203(b)<sup>2</sup>, WDGY is absolved of further responsibility for that complaint. Notwithstanding, Mr. Borgen went to the area of her residence, without trespassing, to determine whether there was interference. Attached is Mr. Borgen's Affidavit representing that there was no WDGY interference at that location.

Mr. Borgen also reached out to Barbara Bartz, the other listener within the 54 dBu coverage contour. Mr. Borgen's Affidavit, attached hereto, provides the details of Mr. Borgen's visit with Ms. Bartz. There is no difference in the WWIB signal whether the translator is on or off.

Although, Ms. Kromrey does not live within the 54 dBu contour, Mr. Borgen also reached out to her since her residence is only slightly outside the contour. Mr. Borgen's attached Affidavit and its Attachment show that her complaint was resolved.

Jerry Holman reports that there is little interference in Woodville, but there is also interference in Hammond. However, Mr. Holman lives in Baldwin, and he does not report the situation at that location. However, Baldwin is well outside the 54 dBu protected service contour.

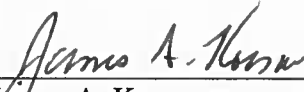
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<sup>2</sup> 47 CFR § 47.1203(b).

Accordingly, it is submitted that WDGY has resolved the legitimate complaints of WWIB's listeners within the WWIB 54 dBu coverage contour.

Respectfully submitted

WRPX, INC.

By   
James A. Koerner  
Its Attorney

Koerner & Olender, P.C.  
7020 Richard Drive  
Bethesda, MD 20817  
(301)468-3336

December 7, 2018

**Engineering Exhibit For  
WRPX, Inc.  
W279DD  
Hudson, Wisconsin  
November 2018**

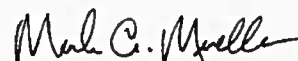
This engineering exhibit was prepared in response to a "renewed interference complaint" ("Complaint") dated October 31, 2018 by Stewards of Sound, Inc. ("WWIB"), licensee of WWIB, Hallie, Wisconsin (FCC Facility ID 63428) alleging interference to the regularly received broadcast signal of WWIB by co-channel FM translator W279DD, Hudson, Wisconsin.

WWIB's solicitation of previously-contacted complaining listeners produced a response from five of the original ten with no new complainants. WWIB then wraps these complaints in the proposed 54 dBu contour limit in an attempt to give them more weight. This attempt falls flat on its face.

The Complaint asserts that W279DD is causing interference within the WWIB 54 dBu service contour, but then misrepresents that contour using the FCC's F(50,10) field intensity curve which is used to calculate interference, not service contours. As can be seen on the attached map, only two of the alleged interference locations (Bartz and Adams) are inside the WWIB F(50,50) 54 dBu service contour. WRPX, Inc. has again reached out to those listeners. Bartz experiences no difference in WWIB reception with the W279DD translator off, and Adams has steadfastly refused to cooperate with any investigation of interference at her location. It should be noted that W279DD's predicted field intensity is at least -31 dB down from the predicted WWIB field intensity at both points and cannot be causing interference.

This exhibit was prepared by me using first-hand information as well as information provided by WRPX, Inc. and is true and correct to the best of my knowledge and belief

November 30, 2018



Mark A. Mueller

**Map Showing WWIB Complaining Listeners and Relevant Contours**  
WRPX, Inc.  
W279DD, Hudson, Wisconsin  
November 2018

**Mueller Broadcast Design**  
613 S. La Grange Road  
La Grange, Illinois 60525  
(708) 352-2166

**Map Details:**  
The map displays the following locations and contours:  
- **WWIB 54 dBu F(50,50)**: Contour line passing through Clear Lake, Deer Park, Stanton, Erin Corner, Boardman, Burkhardt, Somo Junction, Roberts, Glover, River Falls, Morton Corner, Lawton, Baldenville, Centerville, Spring Valley, Knapp, Hersey, Kromray, Woodville, Emerald, Adams, Boyceville, Wheeler, Norton, Colfax, Ridgeland, Graytown, Reeve, and Falls City.  
- **WWIB 54 dBu F(50,10)**: Contour line passing through Stanton, Erin Corner, Boardman, Burkhardt, Somo Junction, Roberts, Glover, River Falls, Morton Corner, Lawton, Baldenville, Centerville, Spring Valley, Knapp, Hersey, Kromray, Woodville, Emerald, Adams, Boyceville, Wheeler, Norton, Colfax, Ridgeland, Graytown, Reeve, and Falls City.  
- **W279DD 34 dBu F(50,10)**: Contour line passing through Stanton, Erin Corner, Boardman, Burkhardt, Somo Junction, Roberts, Glover, River Falls, Morton Corner, Lawton, Baldenville, Centerville, Spring Valley, Knapp, Hersey, Kromray, Woodville, Emerald, Adams, Boyceville, Wheeler, Norton, Colfax, Ridgeland, Graytown, Reeve, and Falls City.  
- **W279DD 40 dBu F(50,10)**: Contour line passing through Stanton, Erin Corner, Boardman, Burkhardt, Somo Junction, Roberts, Glover, River Falls, Morton Corner, Lawton, Baldenville, Centerville, Spring Valley, Knapp, Hersey, Kromray, Woodville, Emerald, Adams, Boyceville, Wheeler, Norton, Colfax, Ridgeland, Graytown, Reeve, and Falls City.

WRPX, Inc.  
W279DD, Hudson, Wisconsin  
November 2018

November 2018

AFFIDAVIT OF GREGORY OBED BORGEN

STATE OF MINNESOTA     )  
  ) SS  
COUNTY OF WASHINGTON )

I, Gregory Obed Borgen, being first duly sworn, upon oath, states:

1. On November 20, 2018 at 2:55p.m. I called Karen Adams to discuss her interference complaint regarding WDGY. I left a voicemail with my contact information. She returned my call at 3:25p.m. on that same date.
2. I discussed with her the purpose of my call. Ms. Adams indicated to me that she does not want me to come and investigate the interference complaint under any circumstance. This ended our phone conversation.
3. I personally investigated her complaint by going to the area by her residence. I was able to verify that WWIB had a good signal with RDS displayed. There was no interference by WDGY.

FURTHER YOUR AFFIANT SAYETH NOT

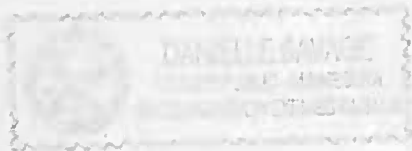
Dated this 5<sup>th</sup> day of December, 2018

  
\_\_\_\_\_  
Gregory Obed Borgen

Sworn to and subscribed before me  
this 5<sup>th</sup> day of December, 2018.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 1-31, 20 19



AFFIDAVIT OF GREGORY OBED BORGEN

STATE OF MINNESOTA     )  
  ) SS  
COUNTY OF WASHINGTON)

I, Gregory Obed Borgen, being first duly sworn, upon oath, states:

1. On November 20, 2018 at 3:10p.m. I called Barbara Bartz. I indicated to her that I was calling to further investigate her interference complaint and that we needed to come to her residence. She requested that I call and come by her residence on Monday, November 26.
2. On November 26, 2018 at approximately 3:00p.m. I went to her residence located at 12199 County Road Q, Downing, Wisconsin 54734. I made contact with Ms. Bartz on her back porch. Ms. Bartz would not allow me in to her home.
3. I had two Insignia Tabletop HD Radios, Model Number NS-HDRAD2 with me. I was able to identify a signal for WWIB as well as the RDS information system. Ms. Bartz and I walked around the residence with both radios with WWIB displayed on the radio without any signal interruptions. Prior to walking around Ms. Bartz's residence the WDGY transmitter had been turned off for a period of ten minutes with no noticeable improvement of the WWIB signal.
4. The WDGY transmitter was turned back on while I was still at Ms. Bartz's residence. There was absolutely no interference from WDGY.
5. Mr. Bartz was provided with one Insignia Tabletop HD Radio, Model Number NS-HDRAD2. The radio and RDS system was locked in to WWIB's signal upon receipt.

FURTHER YOUR AFFIANT SAYETH NOT

Dated this 5<sup>th</sup> day of December, 2018

  
Gregory Obed Borgen

Sworn to and subscribed before me  
this 5<sup>th</sup> day of December, 2018.

  
Notary Public

My Commission Expires: 1-31, 2019



AFFIDAVIT OF GREGORY OBED BORGEN

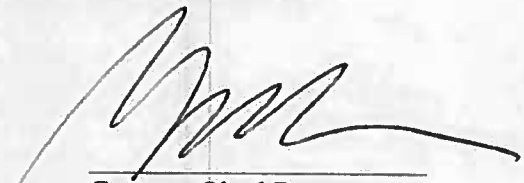
STATE OF MINNESOTA     )  
  ) SS  
COUNTY OF WASHINGTON )

I, Gregory Obed Borgen, being first duly sworn, upon oath, states:

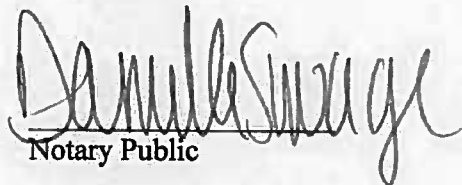
1. On November 26, 2018, I investigated an interference complaint by Fran Kromrey by going to her residence located at 60<sup>th</sup> Avenue, Wilson, Wisconsin 54029.
2. On November 27, 2018, her complaint was resolved (See Attached Exhibit A).

FURTHER YOUR AFFIANT SAYETH NOT

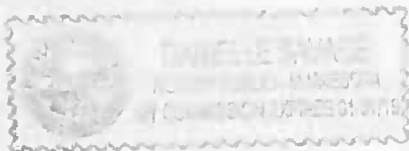
Dated this 5<sup>th</sup> day of December, 2018

  
\_\_\_\_\_  
Gregory Obed Borgen

Sworn to and subscribed before me  
this 5<sup>th</sup> day of December, 2018.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 1-31, 20 19.



EXHIBIT

A

Nov 27, 2018

To Whom this May Concern,

WDGf has satisfied my complaint  
on receiving WWIB.

WDGf has been very responsive to my  
issue in this matter. Thank you.

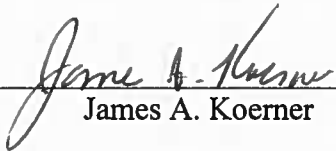
Fran Kromrey  
Wilson Wise.

**CERTIFICATE OF SERVICE**

I, James A. Koerner, do hereby certify that a copy of the foregoing "Response to Renewed Interference Complaint" was served this 7<sup>th</sup> day of December 2018, via first class US mail, postage prepaid (or by email as indicated), upon the following:

Peter Tannenwald, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> Street  
11<sup>th</sup> Floor  
Arlington, VA 22209

Robert Gates (via email)(Robert.Gates@fcc.gov)  
Audio Division  
Media Bureau  
Federal Communications Commission  
Washington, DC 20554

  
\_\_\_\_\_  
James A. Koerner