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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Application of )  
 )  
Hodges Media, LLC )  
 )  
Application for License to Cover )  
W289CU, Channel 289, )  
Knoxville, Tennessee )

Facility ID No. 201183  
File No. BLFT-20181004ABC  
Received-FCC

MAR -7 2019

Bureau / Office

Attn: Chief, Audio Division, Media Bureau

**RESPONSE TO INTERFERENCE COMPLAINT**

Hodges Media, LLC (“Hodges Media”), licensee of FM translator W289CU, Knoxville, Tennessee (Facility ID No. 201183) (“W289CU”), by its undersigned counsel, hereby responds to the Media Bureau – Audio Division’s letter dated February 5, 2019 (1800B3-KV) (“Letter”), in connection with the interference complaint (“Interference Complaint”) filed by 3B Properties, Inc. (“3B Properties”), licensee of FM broadcast station, WIHG, Rockwood, Tennessee (Facility ID No. 51113) (“WIHG”). The Letter requested that Hodges Media respond to each of the 7 actionable listener complaints provided in support of 3B Properties’ Interference Complaint.<sup>1</sup>

For the reasons stated herein, each of the actionable listener complaints are made by complainants which are not bona fide and therefore, the complaints should be dismissed.

Alternatively, to the extent that the Commission deems that complainants Mr. Marino and Ms. Morris remain *bona fide* complainants, Hodges Media will continue its ongoing efforts in resolving their complaints.

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<sup>1</sup> Letter at 5. The 7 actionable listener complainants are: Ms. Farney, Mr. Hubbard, Mr. Marino, Ms. Morris, Mr. Singer, Mr. Rosenbalm, and Ms. Worthington. *See id.* at 4.

**I. FCC INTERFERENCE LETTER AND HODGES MEDIA'S RESPONSE**

The Letter required Hodges Media to include the following information in its Complaint Report:

[f]or each of the seven actionable listener complainants . . . (1) the name and address of each 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 the Station for each device allegedly receiving the interference and whether such interference persists.<sup>2</sup>

Following receipt of the Letter, on February 18, 2019, Hodges Media began contacting each of the 7 actionable listener complainants to resolve their interference complainants – specifically requesting the device information noted in the Letter.<sup>3</sup> As discussed in further detail below, Hodges Media was largely unsuccessful in obtaining this information from the complainants due to their lack of cooperation.<sup>4</sup>

**II. THE SEVEN ACTIONABLE COMPLAINANTS ARE NOT BONA FIDE**

As demonstrated by the Complaint Report attached hereto as Attachment A, the complainants are not *bona fide* due to their lack of cooperation with Hodges Media's complaint resolution efforts. Section 74.1203(a) of the Commission's rules prohibits "actual interference to . . . [t]he direct reception by the public of the off-the-air signals of any authorized broadcast station . . . ." <sup>5</sup> The Commission has interpreted "direct reception by the public" to limit

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<sup>2</sup> *Id.* at 5.

<sup>3</sup> Declaration of Nathan A. Hodges ¶ 3, attached hereto as Attachment C ("Hodges Declaration").

<sup>4</sup> *Id.* at ¶¶ 4-5.

<sup>5</sup> 47 C.F.R. § 74.1203(a).

actionable complaints to those that are made by *bona fide* listeners.<sup>6</sup> The FCC only considers complaints of interference by FM translators where “the complainant *cooperates* in efforts to identify the source of interference.”<sup>7</sup> Accordingly, complaints made by complainants that are not *bona fide* are not actionable by the Commission.<sup>8</sup>

The complainants do not meet the Commission’s criteria for a *bona fide* complainant because they failed to cooperate with Hodges Media’s efforts in resolving their complaints:

<b>Complainant</b>	<b>Reason</b>
Brenda Farney	Refused to provide information about the allegedly interfered with device. <sup>9</sup>
Michael Hubbard	Refused to provide any information beyond the fact the allegedly interfered with was a car factory radio. <sup>10</sup>
Rich Marino	Could not provide the serial number of the allegedly interfered with device. <sup>11</sup>
Renni P. Morris	Could not provide manufacturer, model, or serial number for all of the allegedly interfered with devices. <sup>12</sup>

<sup>6</sup> *Association for Community Education*, Memorandum Opinion and Order, 19 FCC Rcd. 12682, 12688, ¶ 16 (2004) (“*Association for Community Education*”).

<sup>7</sup> *Id.* (emphasis added) (citing *Radio Power, Inc.*, Letter, 26 FCC Rcd. 14385, 14385-86 (MB 2011)).

<sup>8</sup> *See Creation of a Low Power Radio Service*, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd. 15402, 15432, ¶ 83 (2012) (“[W]hen the Commission concludes that a bona fide listener has made an actionable complaint of uncorrected interference from an FM translator, it will notify the station that “interference is being caused” and direct the station to discontinue operations.” (citing first 47 C.F.R. § 74.1203(e); then citing *Amendment of Part 74 of the Commission’s Rules Concerning FM Translator Stations*, Report and Order, 5 FCC Rcd. 7212, 7230, ¶ 131 (1990), *modified*, 6 FCC Rcd. 2334 (1991), *recon. denied*, 8 FCC Rcd. 5093 (1993); and then citing *Association for Community Education*, 19 FCC Rcd. at 12688, ¶ 15)).

<sup>9</sup> Complaint Report at 9, attached hereto as **Attachment A** (“Complaint Report”).

<sup>10</sup> *Id.* at 3.

<sup>11</sup> *Id.* Mr. Marino did provide information regarding the manufacturer and model number of his allegedly interfered-with device. *See id.*

<sup>12</sup> *Id.* at 4. Ms. Morris did provide the serial number for the device in her 2009 Honda Accord allegedly receiving interference. *See id.*

<b>Complainant</b>	<b>Reason</b>
Chris Singer	Stated that the interference was “no longer an issue,” and refused to provide information about the allegedly interfered with device. <sup>13</sup>
Larry Rosenbalm, Jr.	Has not responded to any of Hodges Media’s inquiries to date. <sup>14</sup>
Connie Worthington	Stated that the interference “never was a major issue,” and refused to provide information about the allegedly interfered with device. <sup>15</sup>

Thus, the each of the seven actionable listener complaints filed against W289CU regarding the FM translator’s alleged interference with WIHG’s signal must be deemed non-actionable and rejected by the Commission for failing to be filed by *bona fide* complainants due to the complainants’ lack of cooperation with Hodges Media’s remediation efforts.<sup>16</sup>

### **III. HODGES MEDIA’S ONGOING EFFORTS TO RESOLVE MR. MARINO AND MS. MORRIS’ COMPLAINTS**

If the Commission finds that complainants Mr. Marino and Ms. Morris remain *bona fide* complainants, Hodges Media will continue its efforts to resolve those complaints as its contacts with those complainants remain ongoing. After unsuccessful efforts in attempting to resolve Mr. Marino and Ms. Morris’ individual complaints utilizing FCC-approved suitable techniques,<sup>17</sup> Hodges Media began conducting on/off tests on March 7, 2019 to determine areas

<sup>13</sup> *Id.* at 5.

<sup>14</sup> *Id.* at 6. It is possible that Mr. Rosenbalm failed to respond to Hodges Media’s inquiries because incorrect contact information was provided for the complainant. Accordingly, if true, Mr. Rosenbalm’s complaint should be dismissed for failing to provide accurate contact information. See *Creation of a Low Power Radio Service*, 27 FCC Rcd. at 15432, ¶ 83 (stating that the FCC only considers complaints of interference by FM translators where “[the] complainant [] provide[s] his name, address . . .”).

<sup>15</sup> Complaint Report at 7.

<sup>16</sup> Hodges Declaration ¶¶ 4-5.

<sup>17</sup> *Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, Notice of Proposed Rulemaking, 33 FCC Rcd. 4729, 4733, ¶ 8 (2018) (“*Translator NPRM*”) (stating that “suitable techniques” include “reducing power, changing channels, modifying the antenna’s height or orientation, moving to a new transmitter site, or using a directional

in which WIHG may be experiencing interference from W289CU's signal.<sup>18</sup> As a result of these efforts, Hodges Media wishes to continue conducting on/off testing accompanied by Mr. Marino and Ms. Morris at the locations which they have alleged interference with their reception of WIHG.<sup>19</sup> "On-off" tests may be required on a case-by-case basis to determine whether the translator is the source of the alleged interference."<sup>20</sup> While Mr. Marino and Ms. Morris have agreed to participating with Hodges Media in on/off testing, they are unable to participate in on/off testing until Friday, March, 8, 2019.<sup>21</sup> Both Mr. Marino and Ms. Morris allege interference in areas in which W289CU's signal reaches, therefore such tests should still be conducted.<sup>22</sup>

Should the on/off testing reveal that W289CU is causing interference to WIHG's signal in the areas in which Mr. Marino and Ms. Morris allege interference, Hodges Media proposes modification of W289CU's antenna pattern to eliminate any interference to the west of its transmitter – i.e., in the direction of WIHG's transmitter<sup>23</sup> – by modifying the translator's 60 dBμ service contour as shown in the map prepared by its consulting engineers attached hereto as **Attachment B**.<sup>24</sup> Based on the conclusions of its consulting engineers, Hodges Media

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antenna . . . [or] by replacing, repairing, or adjusting the listener's home or vehicle receiver." (citation omitted)). See also Hodges Declaration ¶ 6 & n.1.

<sup>18</sup> Hodges Declaration ¶ 6.

<sup>19</sup> *Id.*

<sup>20</sup> *Translator NPRM*, 33 FCC Rcd. at 4733, ¶ 7 (citing *Apple 107.1, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd. 15722, 15723, ¶ 4 (MB 2013)).

<sup>21</sup> Hodges Declaration ¶ 6.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at ¶ 7.

<sup>24</sup> *Id.* at ¶ 8. See also Map of W289CU's Proposed 60 dBμ Service Contour, attached hereto as **Attachment B**.

believes that this proposed modification of W289CU's antenna pattern will mitigate any interference caused to WIHG's reception in the western areas of Knoxville, Tennessee, while permitting W289CU to continue providing a viable service to that market.<sup>25</sup>

The proposed modification would also achieve a satisfactory balance between the goals of the Commission's AM Revitalization program, and FM translators' role as a secondary service. The FCC's current rules place no geographic limitation on FM translator interference complaints.<sup>26</sup> One of the reasons asserted for establishing geographic limitations on FM translator interference complaints in the *Translator NPRM* was preventing full-service FM broadcast stations from "'troll[ing] for complaining individuals' so that they can extend their signal out to the 'last gasp of his or her radio signal coming through the FM hash.'"<sup>27</sup> Doing so "would 'protect local radio listeners in the primary station's community of license against a loss of service precipitated by an out-of-market radio station seeking to claim distant radio listeners far outside its service area.'"<sup>28</sup> While the FCC expressed concerns in the *Translator NPRM* that "setting an outer limit for listener interference complaints . . . would be inconsistent with translators' role as a secondary service,"<sup>29</sup> it noted that doing so would support the policies underlying the AM Revitalization program.<sup>30</sup> Although the Bureau elected not to implement the changes proposed in the *Translator NPRM* with respect to Hodges Media's resolution of

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<sup>25</sup> Hodges Declaration ¶ 8. See also *Translator NPRM*, 33 FCC Rcd. at 4733, ¶ 8 (stating that suitable techniques for mitigating interference include "modifying the antenna's height or orientation . . . or using a directional antenna" (citation omitted)).

<sup>26</sup> *Association for Community Education*, 19 FCC Rcd. at 12688, ¶ 16.

<sup>27</sup> *Translator NPRM*, 33 FCC Rcd. at 4740, ¶ 23 (quoting Petition for Rulemaking of Aztec Capital Partners, Inc. at 9 (filed Apr. 7, 2018) ("Aztec Petition")).

<sup>28</sup> *Id.* at 4740, ¶ 24 (quoting Aztec Petition at 3).

<sup>29</sup> *Id.* at 4741, ¶ 26.

<sup>30</sup> See *id.* at 4741-42, ¶¶ 26-27.

3B Properties Interference Complaint,<sup>31</sup> there still remains an inherent conflict between a translators' role as a secondary service and AM Revitalization program's goals with respect to the outcome of this proceeding.

Hodges Media believes that if the FCC orders W289CU to suspend operations without being able to mitigate interference to WIHG's signal through these proposed engineering solutions, Hodges Media will be an *unintended victim* of the gap between the current FM translator interference complaint rules and the FCC's AM Revitalization program's goals for several reasons.<sup>32</sup> *First*, Hodges Media acquired W289CU through the AM Revitalization program.<sup>33</sup> Hodges Media elected to pursue a construction permit on Channel 289/ 105.7 MHz in Knoxville, Tennessee, because the FCC's tools demonstrated little probability for interference – a conclusion verified by its consulting engineers.<sup>34</sup> *Second*, it is highly likely that WIHG could be experiencing interference from operations on 105.7 MHz and 105.9 MHz in the vicinity as well – a possibility indicated by at least one of the complainants.<sup>35</sup> *Third*, based on its efforts to resolve the interference complaints, Hodges Media believes that 3B Properties is very likely “trolling” for interference complaints just to knock W289CU out of the Knoxville market.<sup>36</sup> *Finally*, Hodges Media will be severely financially harmed by the loss of its FM translator

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<sup>31</sup> See Letter at 4.

<sup>32</sup> Hodges Declaration ¶ 9.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* See also Complaint Report at 2-3 (Mr. Hubbard “state[d] that WCRK is why he can’t hear WIHG”).

<sup>36</sup> Hodges Declaration ¶ 9. See also Complaint Report at 7 (Ms. Worthington “then elaborated on how her complaint came about. Ms. Worthington stated, ‘I was calling in to win a prize and I had mentioned Knoxville.’ At some point in the future, Ms. Worthington said that someone at WIHG called her. ‘They reached back out to me.’ Ms. Worthington reiterated that it ‘wasn’t a big issue’ and declined to provide any device information.”).

should it be forced to suspend operations – an outcome contrary to the stated goals of the AM Revitalization program in ensuring the economic viability of the AM service.<sup>37</sup>

Accordingly, permitting Hodges Media to pursue resolution of any alleged interference caused by W289CU through these proposed engineering solutions would ensure that the goals of the FCC's AM Revitalization program are not overlooked here.

### **CONCLUSION**

For the foregoing reasons, 3B Properties' Interference Complaint against W289CU must be denied by the Commission as Hodges Media has met its obligations under Section 74.1203 of the Commission's rules to eliminate any interference allegedly caused by its FM translator's operations. Any further efforts to mitigate interference to WIHG's signal with respect to those complainants who are not *bona fide* should be the responsibility of 3B Properties.

Furthermore, Hodges Media will respond to the 3 additional complaints submitted by 3B Properties on February 27, 2019 by the 30-day deadline of March 29, 2019.<sup>38</sup> In addition to these 3 complaints, Hodges Media is continuing its efforts to resolve Mr. Marino and Ms. Morris' complaints – should the Commission determine that these complainants remain *bona fide* – and to implement the engineering modifications proposed herein if necessary. Accordingly, since Hodges Media's efforts to resolve the interference complaints submitted by 3B Properties remain ongoing, Hodges Media requests that the Commission hold any decision

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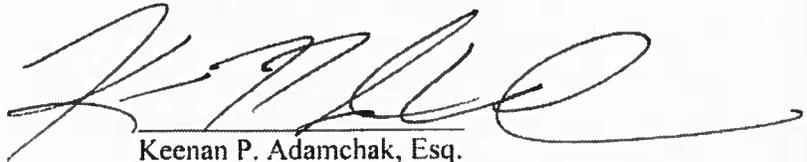
<sup>37</sup> Hodges Declaration ¶ 9. *See also Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 30 FCC Rcd. 12145, 12146-48, ¶¶ 3-6 (2015).

<sup>38</sup> *See* Letter at 5, n.35 (“[T]he obligation to resolve interference complaints is ongoing. Specifically, should any complaints be filed in the future, [Hodges Media] must resolve or address those complaints within 30 days of receipt.”). *See also* Email from James D. Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau, FCC, to Keenan P. Adamchak, Counsel for Hodges Media, and Kirk Tollett, Vice President/General Manager of 3B Properties (Mar. 5, 2019).

regarding any final decision in this proceeding under 73.1203(b) of the Commission's rules until it has had an opportunity to address and resolve *all* interference complaints against its FM translator.<sup>39</sup>

Respectfully submitted,

HODGES MEDIA, LLC

A handwritten signature in black ink, appearing to read 'K. Adamchak', written over a horizontal line.

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Dated: March 7, 2019

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<sup>39</sup> 47 C.F.R. § 73.1203(b). *See also id.* at § 1.3.

**ATTACHMENT A**

**Complaint Report**

W289CU, Knoxville, Tennessee  
 Facility ID No. 201183  
 File No. BLFT-20181004ABC  
 Interference Complaint (1800B3-KV)

Attachment A

**Complaint Report<sup>1</sup>**

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints</u>	<u>Efforts to Resolve Interference</u>
Brenda Farney 106 Turner Drive Harriman, TN 37784	<p><b>Type:</b> Not provided</p> <p><b>Manufacturer:</b> Not provided</p> <p><b>Model Number:</b> Not provided</p> <p><b>Serial Number:</b> Not provided</p>	<p><b>February 18, 2019</b> – 4:16 pm. The call went to voicemail. I left a message for Ms. Farney on the current status directly from the FCC letter and that we were working to resolve complaints of interference. I asked her to return my call with the “specific devices receiving the interference (i.e., type of device, manufacturer’s name, model number, and serial number)” as required for the Interference Response. I left my number. Call length: 01:13 minutes. Ms. Farney did not return my call.</p> <p><b>February 19, 2019</b> – 3B Properties had provided the wrong phone number for Ms. Farney. It was corrected via email at 11:34 am.</p> <p><b>February 21, 2019</b> – Ms. Farney answered the phone. I updated her on the current status directly from the FCC letter and that we were working to resolve complaints of interference. I informed her that the Interference Response is required to include the “specific devices receiving the interference (i.e. type of device, manufacturer’s name, model number, and serial number)” I asked if she could provide the device information. Ms. Farney replied, “Well, I don’t know that.” <b>Ms. Farney then said she was sick and refused to provide information about her device.</b> Call Length: 01:22 minutes.</p> <p><b>Earlier Attempts:</b>            December 11, 2018 – 2:41 pm, Left a voicemail with call back number. No response.            December 17, 2018 – 12:45 pm, Emailed. No response.            December 17, 2018 – 6:08 pm, Left a voicemail with call back number. No response.</p>	<p>Ms. Farney “reports interference from Fox Sports Radio (WKGX) begins at the 140/175 split.” However, an on/off test I performed showed no difference in the reception of WHG at this location regardless of W289CU being on or off. The engineering modification proposed will resolve interference that may persist in other locations provided by Ms. Farney.</p>

<sup>1</sup> Efforts in resolving each interference complaint were made by Nathan Hodges, Owner/GM. All references to “I” are to Nathan Hodges.

**W289CU, Knoxville, Tennessee  
 Facility ID No. 201183  
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 Interference Complaint (1800B3-KV)**

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints</u>	<u>Efforts to Resolve Interference</u>
<p>Michael Hubbard            4413 Mt. Forest Way            Knoxville, TN 37921</p>	<p><b>Type:</b>            Car- Mazda 6 Factory Radio</p> <p><b>Manufacturer:</b>            Not provided</p> <p><b>Model Number:</b> Not provided</p> <p><b>Serial Number:</b> Not provided</p>	<p><b>February 18, 2019</b> – 4:21 pm. The call went to voicemail. I left a message for Mr. Hubbard on the current status directly from the FCC letter and that we were working to resolve complaints of interference. I asked Mr. Hubbard to return my call with the “specific devices receiving the interference (i.e., type of device, manufacturer’s name, model number, and serial number)” as required for the Interference Response. I left my number. Call length: 01:17 minutes.</p> <p><b>February 22, 2019</b> – 4:47 pm. Mr. Hubbard me called back. Mr. Hubbard did not provide any device info. Mr. Hubbard simply asked that I return his call “by 5:30 pm.” I was at an event and unavailable to do so as it was Friday evening.</p> <p><b>February 26, 2019</b> – 9:26 am. Mr. Hubbard called back and left another voicemail somewhat agitated. Mr. Hubbard did not provide any device information. I was on the air at the time and could not answer. I made plans to make sure I could call Mr. Hubbard back early afternoon.</p> <p><b>February 26, 2019</b> – 11:10 am and 11:54 am. Mr. Hubbard called back two more times. Mr. Hubbard has now called 3 times within 3 hours.</p> <p><b>February 26, 2019</b> – 1:18 pm. Mr. Hubbard called back and left another voicemail. Mr. Hubbard still does not provide any device information. Mr. Hubbard has now called 4 times in 4 hours.</p> <p><b>February 26, 2019</b> – 1:43 pm. I return Mr. Hubbard’s call. Mr. Hubbard answers. I attempt to update Mr. Hubbard but am quickly cut off. Mr. Hubbard complains about the “issue with the FCC,” and how he knows that this will all be “recorded call records.” I attempt again to inform him and am cut off again. Mr. Hubbard states that he prefers listening to the format of 93.1 MHz (I assume WNOX, a station not involved here) but every once in a while, they play a song he doesn’t like. When that happens, Mr. Hubbard likes to tune the station. Mr. Hubbard then rants about his dislike for talk radio format “Why do I care about basketball?,” Mr. Hubbard states. “Music should be transmitted wider, I want to hear music.” “I don’t see any reason for you guys to be boosted over what they’re doing,” Mr. Hubbard adds. Mr. Hubbard continues, “that he went to CDs for 6-8 weeks and then came back to radio.” Mr. Hubbard says that he used to hear WHG “almost to Johnson City,” that it was “really static” but “could still pick it up.”</p> <p>I find this interesting because our translator does not broadcast anywhere near Johnson City, TN. I’d like to ask a question, but Mr. Hubbard will not let me speak. A few times I try to turn the conversation back to his device and the information needed but he continues. <b>Mr. Hubbard states that WCRK is why he</b></p>	<p>Mr. Hubbard claims he cannot hear WHG to the east due to WCRK. An on/off test of W289CU I performed confirms that WHG is only received out west of the W289CU location even when it is turned off. The engineering modification proposed will resolve interference that may persist in these locations.</p>

W289CU, Knoxville, Tennessee  
 Facility ID No. 201183  
 File No. BLFT-20181004ABC  
 Interference Complaint (1800B3-KV)

Complainant Name/Address	Device(s) Receiving Interference	Efforts to Resolve Complaints	Efforts to Resolve Interference
<p>Rich Marino            10050 Andrews Pointe Way            Knoxville, TN 37931</p>	<p><b>Type:</b>            Car- 2004 Pontiac GTO</p> <p><b>Manufacturer:</b>            Blaupunkt</p> <p><b>Model Number:</b>            SYS 4-SS US</p> <p><b>Serial Number:</b>            Not provided</p>	<p><b>can't hear WIHG. I try to explain that I do not own and am not affiliate with WCRK.</b> I then realize that WCRK is closer to Johnson City, TN. Mr. Hubbard then states that WIHG's "new transmitter is not as strong" as it's old one and that they "had a severe ice storm that knocked out their old transmitter." "I know one of the DJs" Mr. Hubbard tells me, and "that new transmitter isn't as strong." Mr. Hubbard ask again about his device. Mr. Hubbard goes on another long explanation about not ripping his radio out of his car dash even though I haven't mentioned that at all. <b>Mr. Hubbard slows down and tells me, "this is what you can put in your report: I drive a 2007 Mazda 6 with a factory radio, I can't give you more info than that."</b> I attempt to thank him for his time, and Mr. Hubbard proceeds to repeat most of what he's already said, sometimes more than once. Finally, I wish Mr. Hubbard a nice day. We both hang up. Call length: 17:46 minutes.</p> <p><b>Earlier Attempts:</b>            December 11, 2018 – 2:47 pm. Left a voicemail with call back number. No response.            December 17, 2018 – 12:49 pm. Emailed. No response.            December 17, 2018 – 6:11 pm. Left a voicemail with call back number. No response.</p> <p><b>February 18, 2019</b> – 4:30 pm. The call went to voicemail. I left a message for Mr. Marino on the current status directly from the FCC letter, and that we were working to resolve complaints of interference. I asked Mr. Marino to return my call with the "specific devices receiving the interference (i.e., type of device, manufacturer's name, model number, and serial number)" – as required for the Interference Response. I left my number. Call length: 01:08 minutes. Mr. Marino returned my call the next day.</p> <p><b>February 19, 2019</b> – 2:36 pm. Mr. Marino returned my call. I was unavailable, and the call went to voicemail. Mr. Marino left a message with the type, manufacturer, and model number. <b>Mr. Marino stated that he had "no idea" of the serial number of the device.</b> Call length: 01:04 minutes.</p> <p><b>March 6, 2019</b> – 2:16 pm. I called Mr. Marino to specifically ask him about his work route along I-140, since that was where he said "he used to be able to listen to 105.7 The HOG/WIHG out 1140[sic] to his work in Maryville, but because of interference from Fox Sports 105.7 translator signal he can no longer listen to 105.7 The HOG/WIHG." Mr. Marino did not answer. I left a message for him to call me back. Mr. Marino did not return my call.</p> <p>I also sent him a text message asking to let me know if his reception along this route had improved since he filed his complaint. Earlier in the day I drove this exact route and listened to WIHG along the stretch</p>	<p>Mr. Marino "reports receiving interference from Fox Sports Radio (WKGX) beginning along Pellissippi Parkway at Hardin Valley Rd and becomes progressively worse until Fox Sports completely shuts WIHG out as he crosses I40 on to I140." In an on/off test I performed WIHG was received along portions of I-140 on Mr. Marino's route with W289CU on. It was not "shut out" except for possibly that one point, not the entire route as he implies. With W289CU off, the reception did improve in some areas. However, tuning to WIHG still produced some static along the route even with W289CU off. These locations are well beyond the outer limits of WIHG.</p> <p>Even so, this route and the other locations in Mr. Marino's complaint like "at Hardin Valley Rd" are precisely where the engineering modification proposed will resolve the interference. Hardin Valley Rd is where the engineering modification will change the pattern the most.</p>

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 Interference Complaint (1800B3-KV)

Complainant Name/Address	Device(s) Receiving Interference	Efforts to Resolve Complaints	Efforts to Resolve Interference
<p>Renni P. Morris            4253 Kingston Pike            Knoxville, TN 37919</p>	<p><b>Type:</b>            Car- 2004 GMC Sierra 1500            Car- 2006 Mazda MX-5            Miata            Car- 2009 Honda Accord</p> <p><b>Manufacturer:</b>            Not provided</p> <p><b>Model Number:</b>            Not provided</p> <p><b>Serial Number:</b>            B010700 on Honda</p>	<p>of I-140 where Mr. Marino states in his complaint that he can "no longer listen to 105.7 The HOG/WIHG" on his way to work. Mr. Marino did respond via text but said he had already driven his route home from work when he received my messages. Marino said he could test the route on Friday.</p> <p><b>Earlier Attempts:</b>            December 11, 2018 - 1:34 pm, Mr. Marino answered the phone. I updated him on the current status, assured him that we were aware of his interference complaint and were working to resolve it. He said he appreciated the call.</p> <p><b>February 18, 2019</b> - 4:34 pm. Ms. Morris answered the phone. I updated Ms. Morris on the current status directly from the FCC letter, and that we were working to resolve complaints of interference. I informed Ms. Morris that the Interference Response is required to include the "specific devices receiving the interference (i.e., type of device, manufacturer's name, model number, and serial number)." I asked Ms. Morris if she could provide the device information. Morris stated, "Well, thanks for the update." I asked Ms. Morris again if she would like to provide the device information. She replied "No, thank you for the update." Call Length: 01:24 minutes.</p> <p><b>March 3, 2019</b> - 6:43 pm. Ms. Morris texted me: "This is Renni Morris. You contacted me about my FCC complaint. Our radios were standard in these models: 2004 GMC Sierra 1500, 2006 Mazda MX-5 Miata, 2009 Honda Accord What additional information do you need?"</p> <p><b>March 4, 2019</b> - 11:53 am. I replied: "Thank you for this information. The FCC has asked for info about 'the specific devices receiving interference (i.e. type of device, manufacturer's name, model number, and serial number)'" Ms. Morris replied, "Okay, I will get it."</p> <p>Ms. Morris then replied: "2009 Honda Accord EX-L, factory radio serial number B010700 We have searched the internet and looked at the user's manual, but we could not find instruction for getting the model and serial number on the Mazda or GMC."</p> <p><b>March 6, 2019</b> - 2:22 pm. I called Ms. Morris and left a message to call me back. Ms. Morris did not return my call. I also texted Ms. Morris to ask if she could test WIHG where she had reported "static on I-75 near the Calhoun exit" and "static on I-75 near the Lenoir City exit." Ms. Morris replied that she would not be there until Friday and could test then.</p>	<p>Ms. Morris claims "static on I-75 near the Calhoun exit" and "static on I-75 near the Lenoir City exit." In an on/off test I performed locations much closer than these showed no difference regarding the reception of WIHG. These two exits are way outside the range of W289CU, the WKGFM translator. If there is static at these two locations the interference is from some other source. The engineering modification proposed will resolve interference that may persist in other locations provided by Ms. Morris.</p>

W289CU, Knoxville, Tennessee  
 Facility ID No. 201183  
 File No. BLFT-20181004ABC  
 Interference Complaint (1800B3-KV)

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints</u>	<u>Efforts to Resolve Interference</u>
Chris Singer Senior Health Specialists 600 Gladstone Road Lenoir City, TN 37771	<p><u>Type:</u> Not provided</p> <p><u>Manufacturer:</u> Not provided</p> <p><u>Model Number:</u> Not provided</p> <p><u>Serial Number:</u> Not provided</p>	<p><b>Earlier Attempts:</b>            December 11, 2018 – 1:10 pm. Ms. Morris answered the phone. I updated Ms. Morris on the current status, assured him that we were aware of his interference complaint and were working to resolve it. Ms. Morris thanked me for calling.</p> <p><b>February 18, 2019</b> – 4:33 pm. Call went to a voicemail that was not set up.</p> <p><b>February 21, 2019</b> – 3:11 pm. Call went to a voicemail that was not set up.</p> <p><b>February 26, 2019</b> – 2:03 pm. Call went to a voicemail that was not set up.</p> <p><b>February 26, 2019</b> – 2:04 pm. Mr. Singer called me back. I updated Mr. Singer on the current status directly from the FCC letter, and that we were working to resolve complaints of interference. I informed Mr. Singer that the Interference Response is required to include the “specific devices receiving the interference (i.e., type of device, manufacturer’s name, model number, and serial number).” <b>Mr. Singer replied that the interference is “not an issue for me” and “no longer an issue to me.”</b> I asked Mr. Singer why and, in his answer, he said, “That station has had problems in Rockwood.” Mr. Singer added that the station is also “spotty in Crossville.” <b>I asked Mr. Singer if he would provide his device info and he responded again that it’s “not an issue” and he “doesn’t want to go that far into it.”</b></p> <p><b>Earlier Attempts:</b>            December 11, 2018 – 2:43 pm. Mr. Singer answered the phone. I updated Mr. Singer on the current status, assured him that we were aware of his interference complaint and were working to resolve it. Mr. Singer replied, “Thank you so much for following up.”</p>	<p>The engineering modification proposed will resolve interference that may persist in the locations provided by Mr. Singer.</p>

W289CU, Knoxville, Tennessee  
 Facility ID No. 201183  
 File No. BLFT-20181004ABC  
 Interference Complaint (1800B3-KV)

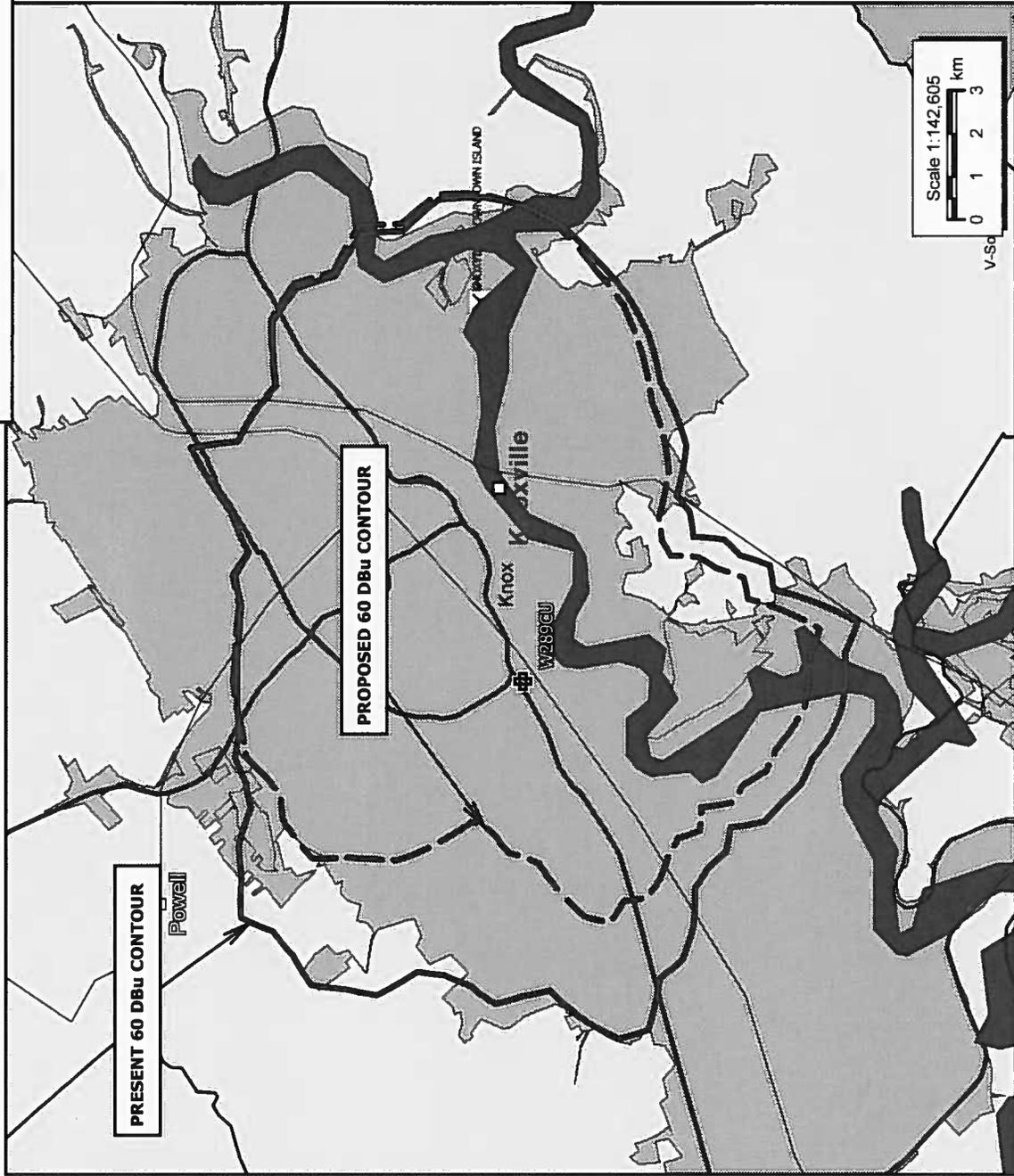
<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints</u>	<u>Efforts to Resolve Interference</u>
<p>Larry Rosenbalm, Jr.            147 High Point Lane            Oak Ridge, TN 37830</p>	<p><u>Type:</u> Not provided</p> <p><u>Manufacturer:</u> Not provided</p> <p><u>Model Number:</u> Not provided</p> <p><u>Serial Number:</u> Not provided</p>	<p><b>February 18, 2019</b> – 4:24 pm. The call went to voicemail. I left a message for Mr. Rosenbalm on the current status directly from the FCC letter, and that we were working to resolve complaints of interference. I asked Mr. Rosenbalm to return my call with the “specific devices receiving the interference (i.e., type of device, manufacturer’s name, model number, and serial number)” – as required for the Interference Response. I left my number. Call length: 00:53 minutes. Mr. Rosenbalm did not return my call.</p> <p><b>February 26, 2019</b> – 2:09 pm. The call went to voicemail. I left another message for Mr. Rosenbalm on the current status directly from the FCC letter, and that we were working to resolve complaints of interference. I asked Mr. Rosenbalm again to return my call with the “specific devices receiving the interference (i.e., type of device, manufacturer’s name, model number, and serial number)” as required for the Interference Response. I left my number. Call length: 00:59 minutes. Mr. Rosenbalm did not return my call.</p> <p><b>Earlier Attempts:</b>            December 11, 2018 – 2:49 pm. Left a voicemail with call back number. No response.            December 17, 2018 – 12:50 pm. Emailed. No response.            December 17, 2018 – 6:12 pm. Left a voicemail with call back number. No response.</p>	<p>Mr. Rosenbalm reported interference in Oak Ridge, TN. The engineering modification proposed will resolve interference that may persist there from W289CU. Oak Ridge is in the direction where the antenna pattern will change the most.</p>

W289CU, Knoxville, Tennessee  
 Facility ID No. 201183  
 File No. BLFT-20181004ABC  
 Interference Complaint (1800B3-KV)

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints</u>	<u>Efforts to Resolve Interference</u>
Connie Worthington 3749 Harriman Hwy. Harriman, TN 37784	<p><b>Type:</b> Car</p> <p><b>Manufacturer:</b> Not provided</p> <p><b>Model Number:</b> Not provided</p> <p><b>Serial Number:</b> Not provided</p>	<p><b>February 18, 2019</b> – 4:06 pm. Ms. Worthington answered the phone. I updated Ms. Worthington on the current status directly from the FCC letter, and that we were working to resolve complaints of interference. I informed Ms. Worthington that the Interference Response is required to include the “specific devices receiving the interference (i.e., type of device, manufacturer’s name, model number, and serial number).” I asked Ms. Worthington for the device information. Ms. Worthington then stated, “I don’t know what kind. It’s in my car.” Ms. Worthington continued, <b>“This never was a major issue for me.” Ms. Worthington then elaborated on how her complaint came about. Ms. Worthington stated, “I was calling in to win a prize and I had mentioned Knoxville.” At some point in the future, Ms. Worthington reiterated that it “wasn’t a big issue,” and declined to provide any device information.</b> Call Length: 06:52 minutes.</p> <p><b>Earlier Attempts:</b>            December 11, 2018 – 2:36 pm. Left a voicemail with call back number. No response.            December 17, 2018 – 12:44 pm. Emailed. The email bounced back to sender.            December 17, 2018 – 6:06 pm. Ms. Worthington answered the phone. I updated Ms. Worthington on the current status, assured her that we were aware of her interference complaint and were working to resolve it. At that point, Ms. Worthington simply thanked me for letting her know.</p>	<p>Ms. Worthington reported interference “as she leaves Oak Ridge.” This is the most drastic direction the engineering modification will change the antenna pattern. The engineering modification proposed will resolve interference that may persist in other locations provided by Ms. Worthington as well.</p>

**ATTACHMENT B**

**Proposed 60 dB $\mu$  Service Contour for W289CU**



**W289CU**  
**BLFT20181004ABC**  
Latitude: 35-57-20 N  
Longitude: 083-58-14 W  
ERP: 0.25 kW  
Channel: 289  
Frequency: 105.7 MHz  
AMSL Height: 359.0 m  
Elevation: 262.0 m  
Horiz. Pattern: Directional  
Vert. Pattern: No  
Prop Model: None

**W289CU**  
Latitude: 35-57-20 N  
Longitude: 083-58-14 W  
ERP: 0.25 kW  
Channel: 289  
Frequency: 105.7 MHz  
AMSL Height: 359.0 m  
Elevation: 264.12 m  
Horiz. Pattern: Directional  
Vert. Pattern: No  
Prop Model: None

**ATTACHMENT C**

**Declaration of Nathan A. Hodges**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re Application of	)	
	)	
Hodges Media, LLC	)	Facility ID No. 201183
	)	File No. BLFT-20181004ABC
Application for License to Cover	)	
W289CU, Channel 289,	)	
Knoxville, Tennessee	)	

Attn: Chief, Audio Division, Media Bureau

**DECLARATION OF NATHAN A. HODGES**

I, **NATHAN A HODGES**, hereby attest to the following:

1. I am the Chief Executive Officer of Hodges Media, LLC (“Hodges Media”). I make this declaration in voluntary support of Hodges Media’s Response (“Response”) to the Interference Complaint (“Interference Complaint”) of 3B Properties, Inc. (“3B Properties”) concerning the alleged interference of Hodges Media’s FM Translator W289CU, Knoxville, Tennessee (Facility ID No. 201183) (“W289CU”) with the receipt of the signal of 3B Properties’ FM broadcast station, WIHG, Rockwood, Tennessee (Facility ID No. 51113) (“WIHG”).
2. On February 5, 2019, Hodges Media received a letter (“Letter”) from James D. Bradshaw, Senior Deputy Chief, Audio Division, Federal Communications Commission (“FCC,” or the “Commission”), instructing Hodges Media to respond within 30 days to 3B Properties’ Interference Complaint – specifically with respect to the complaints filed by the following 7 listener complainants: Ms. Farney, Mr. Hubbard, Mr. Marino, Ms. Morris, Mr. Singer, Mr. Rosenbalm, and Ms. Worthington.
3. On or about February 18, 2019, I began contacting each of the 7 listener complainants to resolve their interference complainants. In doing so, I specifically requested the device information noted in the Letter: (1) the name and address of each 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 the Station for each device allegedly receiving the interference and whether such interference persists. My efforts in resolving the interference complaints, and any and all information I received from the complainants regarding W289CU’s alleged interference to their receipt of WIHG’s signal is documented in the Complaint Report, attached to the Response as **Attachment A**.

4. Due to the lack of cooperation by the complainants with my interference resolution efforts, I was largely unsuccessful in collecting the required information regarding the specific interfered-with devices as provided in the Letter.
5. While complainants Ms. Farney, Mr. Hubbard, Mr. Singer, Mr. Rosenbalm, and Ms. Worthington either refused to cooperate with my interference resolution efforts, or stated that they no longer wished to pursue their complaints against W289CU, complainants Mr. Marino and Ms. Morris provided some – but not all of the interfered-with device information – and wish to continue their complaints.
6. After unsuccessful efforts in attempting to resolve Mr. Marino and Ms. Morris' complaints utilizing FCC-approved suitable techniques,<sup>1</sup> I began conducting on/off tests on March 7, 2019 to determine areas in which WIHG may be experiencing interference from W289CU's signal. These tests were conducted with a factory car radio in a 2006 Nissan Pathfinder in order to replicate any alleged interference that the complainants might be experiencing. I will continue to conduct on/off testing – this time accompanied by Mr. Marino and Ms. Morris – at the locations within W289CU's service area in which they allege interference with their receipt of WIHG in order to resolve their complaints. While Mr. Marino and Ms. Morris have both agreed to on/off testing, they are unable to participate in on/off testing until Friday, March, 8, 2019.
7. If the on/off tests with Mr. Marino and Ms. Morris demonstrate that W289CU is indeed the source of interference to the complainants' receipt of WIHG's signal at their specified locations, Hodges Media intends to modify W289CU's antenna pattern to eliminate any interference to the west of its transmitter – i.e., in the direction of WIHG's transmitter.
8. As detailed in the map created by Hodges Media's consulting engineers attached to the Response at **Attachment B**, Hodges Media proposes to modify W289CU's 60 dB $\mu$  service contour as shown in the map – eliminating service to large areas of western Knoxville, Tennessee. Based on the conclusions of its consulting engineers, Hodges Media believes that this proposed modification of W289CU's antenna pattern will mitigate any interference caused to WIHG's reception in the western areas of Knoxville, Tennessee, while permitting W289CU to continue providing a viable service to the Knoxville area.
9. Hodges Media is concerned that it will be an unintended victim of the inherent conflict between the current FM translator interference complaint rules and the FCC's AM Revitalization program's goals should the Commission order W289CU to suspend operations without being able to mitigate interference to WIHG's signal through these proposed engineering solutions for several reasons:

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<sup>1</sup> E.g., replacing the complainants' radio with one that can block W289CU's signal to ensure reception of WIHG's signal. After consulting with our engineers, I have concluded that such remediation efforts are not possible here.

- *First*, Hodges Media acquired W289CU through the Commission’s AM Revitalization program. Hodges Media elected to pursue a construction permit on Channel 289/ 105.7 MHz in Knoxville, Tennessee, because the FCC’s tools demonstrated little probability for interference – a conclusion verified by its consulting engineers.
  - *Second*, it is highly likely that WIHG could be experiencing interference from the operations on 105.7 MHz and 105.9 MHz in the vicinity as well – a possibility indicated by at least one of the complainants.<sup>2</sup>
  - *Third*, based on its efforts to resolve the interference complaints, Hodges Media believes that 3B Properties is very likely “trolling” for interference complaints just to knock W289CU out of the Knoxville market.<sup>3</sup>
  - *Finally*, Hodges Media will be severely financially harmed by the loss of its FM translator should it be forced to suspend operations – an outcome directly contrary to one of the stated purposes of the AM Revitalization program in ensuring the economic viability of the AM service.
10. For these reasons, I request that: (1) the complaints filed by complainants Ms. Farney, Mr. Hubbard, Mr. Singer, Mr. Rosenbalm, and Ms. Worthington be dismissed due to their lack of cooperation with my interference resolution efforts; and (2) the Commission hold any decision regarding W289CU’s suspension of operations to ensure that I am able to make complete and accurate responses to Mr. Marino and Ms. Morris’ interference complaints – as well as the 3 additional interference complaints provided by 3B Properties on February 27, 2019 – and pursue the aforementioned engineering solutions if necessary to eliminate interference to WIHG while ensuring the continued operations of W289CU.

[SIGNATURE PAGE FOLLOWS]

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<sup>2</sup> See Complaint Report at 2-3 (Mr. Hubbard “state[d] that WCRK is why he can’t hear WIHG”).

<sup>3</sup> *Id.* at 7 (Ms. Worthington “then elaborated on how her complaint came about. She stated, ‘I was calling in to win a prize and I had mentioned Knoxville.’ At some point in the future, Worthington said that someone at WIHG called her. ‘They reached back out to me.’ She reiterated that it ‘wasn’t a big issue’ and declined to provide any device information.”).

I certify under penalty of perjury that the foregoing is true and correct.

Executed on March 7, 2019.

A handwritten signature in black ink, appearing to read "N. Hodges", is written over a horizontal line.

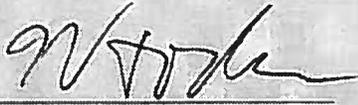
Nathan A. Hodges

## DECLARATION

I, Nathan A. Hodges, hereby attest to the following:

- I am the Chief Executive Officer of Hodges Media, LLC.
- I have personal knowledge of the facts set forth in the foregoing Response.
- I have read the Response, and the statements therein are truthful and correct to the best of my knowledge, information, and belief.

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



Nathan A. Hodges

Dated: March 7, 2019

**CERTIFICATE OF SERVICE**

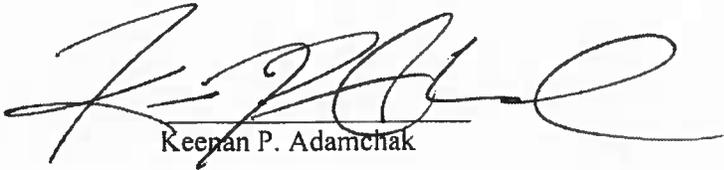
I, Keenan P. Adamchak, of Fletcher, Heald & Hildreth, PLC, hereby certify that I caused a true copy of the foregoing Response to be sent this 7th day of March, 2019, via U.S. First Class Mail, postage prepaid, or via email, where indicated, to the following individuals:

Mr. Kirk Tollett\*  
Vice President/GM  
3B Properties, Inc.  
37 South Dr.  
Crossville, TN 38555  
kirk@3b.media

James D. Bradshaw\*\*  
Kim Varner\*\*  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554  
james.bradshaw@fcc.gov  
kim.varner@fcc.gov

\*via email and First Class U.S. Mail

\*\*via email



Keenan P. Adamchak