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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of

ENTERCOM LICENSE, LLC

FM Translator Station K227AE  
Seattle, WA

)  
)  
) FCC File No. BPFT-20170421AAM  
) FCC Facility ID No. 18522  
)

ACCEPTED/FILED

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

JUL - 5 2017

Federal Communications Commission  
Office of the Secretary

**OPPOSITION TO INTERFERENCE COMPLAINT**

Entercom License, LLC ("Entercom"), licensee of FM translator station K277AE, Seattle Washington (FCC Facility ID No. 18522) (the "Translator"), by its attorneys, hereby responds to the Interference Complaint (the "Complaint") filed by Everett-Snohomish Broadcasting ("Everett-Snohomish"). The Complaint does not include the information required by the Commission's rules and precedent and therefore must be dismissed.

Commission precedent clearly dictates that all complaints of translator interference must be from *bona fide* listeners of the full-power station.<sup>1</sup> Although the Complaint is accompanied by listener submissions, the complaints are deficient because they are stale. All of the listener submissions included at Exhibit A to the Complaint were submitted in July or August 2016. Since those complaints were received by Everett-Snohomish, Entercom modified the Translator's facilities in March 2017 in response to these listener complaints.<sup>2</sup> The Complaint, however, includes no updated submissions from listeners complaining of interference following

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<sup>1</sup> *Educational Media Foundation*, 22 FCC Rcd 5364, 5365 (2007) ("Actual interference is based on *listener complaints* indicating that the signal that the complainant regularly receives is being impaired by the signal radiated by the FM translator station.") (emphasis added).

<sup>2</sup> See FCC File Nos. BPFT-2011020ABT and BLFT-20170307AMN.

the modification. Therefore, Everett-Snohomish offers no evidence from *bona fide listeners* that the interference remains ongoing.

Instead, the Complaint is supported by a statement that Everett-Snohomish's engineer continued to hear interference after the Translator's facilities were modified<sup>3</sup> and a report from ComTek Service who was engaged to drive the signal.<sup>4</sup> These submissions are not sufficient to force the Translator off the air.<sup>5</sup>

The Complaint also implies that Entercom has ignored requests from Everett-Snohomish regarding the interference.<sup>6</sup> This is simply not true. On April 4, 2017, Gregory Smith, the KMCQ engineer, sent John Kennedy, Entercom's Corporate Director of Technical Operations, an email regarding Mr. Smith's observations of post-modification interference. Mr. Kennedy responded to Mr. Smith's email that same day asking Mr. Smith for additional information on the exact locations of the interference. A copy of that email exchange is attached at Exhibit A hereto. Mr. Kennedy never received a response to that email. At all times Entercom has been and remains willing to work with Everett-Snohomish to resolve any allegations of interference, but it can only do so if it has accurate and up-to-date information.

Finally, as the Complaint notes, Entercom holds a construction permit to relocate the Translator to a new site.<sup>7</sup> It is anticipated that the move will take place over the summer. To the

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<sup>3</sup> Complaint at 2 (¶ 3).

<sup>4</sup> *Id.* at Attachment 1.

<sup>5</sup> *Ass'n for Community Education*, 19 FCC Rcd 12682, 12688 (¶ 16) (2004) (holding that "only a complaint from a *bona fide* listener of the desired station can force a translator station off the air" and rejecting evidence from the station engineer that drove the full-service station's signal).


<sup>6</sup> Complaint at 2 (¶ 3).

<sup>7</sup> FCC File No. BPFT-20170421AAM.

extent that KMCQ listeners experience interference when Entercom relocates the Translator, Entercom stands by its commitment to work with Everett-Snohomish to remedy the interference.

For the foregoing reasons, Entercom respectfully requests that the Complaint be dismissed.

Respectfully submitted,  
**ENTERCOM LICENSE, LLC**

By:   
Sally A. Buckman  
Laura M. Berman

Lerman Senter PLLC  
2001 L Street, NW, Suite 400  
Washington, DC 20036  
Tel. (202) 429-8970

July 5, 2017

Its Attorneys

## **EXHIBIT A**

**From:** John Kennedy  
**Sent:** Tuesday, April 4, 2017 10:19 PM  
**To:** Gregory Smith <[gsmith0605@msn.com](mailto:gsmith0605@msn.com)>  
**Cc:** Skall, Gregg <[GSkall@wcsr.com](mailto:GSkall@wcsr.com)>; Carrie Ward <[Carrie.Ward@entercom.com](mailto:Carrie.Ward@entercom.com)>  
**Subject:** RE: 103.3 signal in Seattle

Hello, Greg:

Perhaps you would be so kind as to share the exact locations of your listener complaints so that we can investigate them and see if we can attempt to troubleshoot?

Thanks,

John D. Kennedy  
Corporate Director of Technical Operations  
Entercom Communications Corp.  
office: 617-779-5367 | fax: 617-779-5379  
[john.kennedy@entercom.com](mailto:john.kennedy@entercom.com)  
20 Guest Street | Boston, MA | 02135  
Member - SBE & IEEE/BTS

**From:** Gregory Smith [<mailto:gsmith0605@msn.com>]  
**Sent:** Tuesday, April 04, 2017 6:15 PM  
**To:** John Kennedy <[John.Kennedy@entercom.com](mailto:John.Kennedy@entercom.com)>  
**Cc:** Skall, Gregg <[GSkall@wcsr.com](mailto:GSkall@wcsr.com)>  
**Subject:** 103.3 signal in Seattle

Hi John,

I see where the directional antenna for the Entercom translator was granted a license, so I drove the signal north of Seattle a few hours ago. Although there is improvement on the route

I drove, there is still significant co-channel hash and some areas of override. I am certain your local engineering staff can verify that if they drive north on either Highway 99 or Interstate 5. I had hoped that the antenna would pull back the signal enough to the north to eliminate any co-channel issues in that direction, unfortunately that does not seem to be the case.

Do we have a plan "B"?

Greg Smith  
KMCQ

206-790-5405

**CERTIFICATE OF SERVICE**

I, Laura M. Berman, certify that, on this 5th day of July, 2017, I served a copy of the foregoing Opposition to Interference Complaint by email and first-class United States mail, postage prepaid, or by email only where shown by "\*", upon the following:

Gregg P. Skall  
Womble Carlyle Sandridge & Rice, LLP  
1200 19th Street, N.W.  
Suite 500  
Washington, D.C. 20036-2421  
*Counsel to Everett-Snohomish Broadcasting*

\*James D. Bradshaw  
Deputy Chief, Audio Division  
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Laura M. Berman