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Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Joan Stewart  
202.719.7438  
JStewart@wileyrein.com

Re: Complaint of Interference and Operating without a License  
W295CG (FID 141545), Lake Bluff, Illinois

Ms. Dortch,

Polnet Communications, Ltd., ("Polnet"), by its counsel files this complaint against W295CG (FID141545), a FM translator station operating without a license on Channel 296 (107.1). Polnet is the licensee of FM translator station W296DA (FID 157668) which operates on Channel 296 (107.1) (the "Station"). The unauthorized operation of W296CG is causing actual interference to the signal of W296DA. Pursuant to Section 74.1203(a)(3), Polnet respectfully requests that the Commission take immediate action to require W295CG to cease operating and investigate whether its construction permit and underlying license should be forfeit.

W295CG is licensed to MB Capital Management, LLC. Its licensed facility is authorized to operate on Channel 295 (106.9) (FCC File No. BLFT-20160808AAN). It has a construction permit to modify its licensed facility to operate on Channel 296 (107.1) (FCC File No. BPFT-20160811AAO). That construction permit contains a condition that prohibits program test operations prior to filing the FCC Form 350. Yet, despite the fact that a Form 350 has not been filed, it is operating at that frequency and causing actual interference to W296DA.

The Station retransmits the signal of commonly owned station WNVR(AM) on 107.1. On March 10, 2017, Polnet began to receive reports of interference by listeners attempting to tune into WNVR on 107.1. Upon investigation, Polnet determined that the interference was coming from a station operating on 107.1 from the tower specified in the W295CG license and construction permit.<sup>1</sup> The station identification of the interfering station is "the Hound at 106.3 is W272DJ, Lake Bluff, Chicago WOJO HD2, Evanston." W272DJ at 106.3 is the previous station identification for W295CG.<sup>2</sup>

<sup>1</sup> See Declaration of Kent Gustafson, Operations Consultant to Polnet.

<sup>2</sup> See FCC File No. BPFT-20130103AAF, identifying WOJO as its primary station.



Section 74.1203(a)(3) of the Commission's rules provide that "an authorized FM translator...will not be permitted to continue to operate if it causes any actual interference to... [t]he direct reception by the public of the off-the-air signals of...previously authorized and operating FM translators." The Station was authorized and operating prior to W295CG.<sup>3</sup> W295CG is causing actual interference to regular listeners of WNVR(AM) on 107.1. Statements from these listeners are attached at Exhibit 2.

Polnet respectfully requests that the Bureau immediately take action to require MB Capital Management, LLC to cease operations of W295CG. Further, Polnet encourages the Bureau to investigate whether W295CG's construction permit for 107.1 and underlying license should be forfeit based on its illegal operation of the station.

POLNET COMMUNICATIONS, LTD.

A handwritten signature in blue ink, appearing to read "Joan Stewart", written over a horizontal line.

Joan Stewart  
Its Attorney  
Wiley Rein LLP  
1776 K Street NW  
Washington D.C. 20006  
(202) 719-7438

Dated: March 27, 2017

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<sup>3</sup> The Station began operating pursuant to its license on February 23, 2017 upon filing its Form 350 (FCC File No. BLFT-20170223AAW)

**Certificate of Service**

I, Jackie Martin, a secretary in the law firm of Wiley Rein LLP, hereby certify that on this 27th day of March 2017, I caused copies of the foregoing Informal Objection to be mailed via first-class postage prepaid mail to the following:

MB Capital Management, LLC  
5801 N. Broadway Ext.  
Oklahoma City, OK 73118

Scott Woodworth, Esq.  
Edinger Associates PLLC  
1875 I Street NW  
Suite 500  
Washington D.C. 20006  
*Counsel to MB Capital Management, LLC*

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Copies were sent via email to:

Jim Bradshaw, FCC, Media Bureau, Audio Division  
Parul Desai, FCC, Media Bureau, Audio Division

  
\_\_\_\_\_  
Jackie Martin

**Exhibit 1**

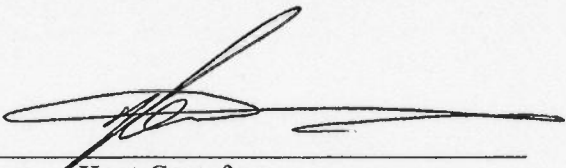
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**DECLARATION OF KENT GUSTAFSON**

I, Kent Gustafson, declare under penalty of perjury as follows:

1. I am the operations consultant for Polnet Communications, Ltd.
2. On March 11, 2017, Polnet contacted me because they were receiving interference to the 107.1 signal of W296DA, which rebroadcasts the programming of WNVR(AM).
3. I attempted to tune to WNVR on 107.1 at several different locations in the WNVR (107.1) listening area. I recorded interference from a station that identified itself as 106.3 W272DJ, Lake Bluff, Illinois retransmitting "the Hound" WOJO at three different locations. That is the previous legal identification of the station currently known as W295CG.
4. Based on a triangulation of the signal, the results brought me to the tower of the W295CG 106.9 License (the same tower as W295CG's 107.1 CP). As a result of driving and listening to the station in the following different angles from the tower 60, 180 and 300 degrees was able to successfully interpolate that the interfering 107.1 signal was coming from this tower. Additionally, the incoming interference from W296DA was audible until I was within 2 miles from the tower. At that distance all interference was covered by the signal strength of the rogue 107.1 signal.
4. I affirm this information is true and correct.

  
\_\_\_\_\_  
Kent Gustafson

Dated: March 27, 2017

**Exhibit 2**

COMPLAINT

Name:	IZABELA FOSTER
Email:	
Main Contact Number:	847-767-6359
Address:	38610 EDGEWOOD ST. COT 3
City: LAKE VILLA	
State: IL	
Zip Code: 60046	
Are you a regular listener to WNVR(107.1)	YES
Are you experiencing interference when tuning into WNVR(107.1)	YES
Are you experiencing interference while at home?	YES
IF YES, please specify your home location (cross streets and town).	EDGEWOOD AND 3rd STR. LAKE VILLA
Are you experiencing interference while at work?	N/A
IF YES, please specify your location (cross streets and town).	N/A
Are you experiencing interference while driving?	YES
IF YES, please specify your location, (cross streets and town).	59132 FOX LAKE
Would you like the station to take action to fix this interference?	YES
Do you have any personal or business connection of any kind with WNVR (107.1), management or employees?	NO
Do you understand that your complaint will be submitted to the Federal Communications Commission?	YES
Do you have any additional comments to share with us regarding the interference?	NO

Signed: \_\_\_\_\_

*I Foster*

Date: \_\_\_\_\_

3-22-17

### COMPLAINT

Name: <u>Tadeusz Cymerman</u>	TADEUSZ CYMERMAN
Email:	
Main Contact Number: <u>847-3567004</u>	
Address: <u>21916 W. 1st. St.</u>	
City: <u>Lake Villa</u>	
State: <u>IL</u>	
Zip Code: <u>60046</u>	
Are you a regular listener to WNVR(107.1)	YES
Are you experiencing interference when tuning into WNVR(107.1)	YES
Are you experiencing interference while at home?	YES
IF YES, please specify your home location (cross streets and town).	1ST. AVE & DEEP LAKE RD. LAKE VILLA
Are you experiencing interference while at work?	N/A
IF YES, please specify your location (cross streets and town).	N/A
Are you experiencing interference while driving?	YES
IF YES, please specify your location, (cross streets and town).	132 / S MILWAUKEE AVE LAKE VILLA
Would you like the station to take action to fix this interference?	YES
Do you have any personal or business connection of any kind with WNVR (107.1), management or employees?	NO
Do you understand that your complaint will be submitted to the Federal Communications Commission?	YES
Do you have any additional comments to share with us regarding the interference?	NO

Signed: T. Cymerman

Date: 03-22-17



# COMPLAINT

Name: <u>Wesniowski Andy</u>	
Email:	
Main Contact Number: <u>847 356 8825</u>	
Address: <u>21920 W 2nd St.</u>	
City: <u>Lake Villa</u>	
State: <u>IL</u>	
Zip Code: <u>60046</u>	
Are you a regular listener to WNVR(107.1)	YES
Are you experiencing interference when tuning into WNVR(107.1)	YES
Are you experiencing interference while at home?	YES
IF YES, please specify your home location (cross streets and town).	4th St. & DEEPLAKE Rd. Lake Villa
Are you experiencing interference while at work?	N/A
IF YES, please specify your location (cross streets and town).	N/A
Are you experiencing interference while driving?	YES
IF YES, please specify your location, (cross streets and town).	Grand Ave & 94 Gurnee
Would you like the station to take action to fix this interference?	YES
Do you have any personal or business connection of any kind with WNVR (107.1), management or employees?	NO
Do you understand that your complaint will be submitted to the Federal Communications Commission?	YES
Do you have any additional comments to share with us regarding the interference?	NO

Signed: Andy Wesniowski

Date: 3-22-17

**COMPLAINT**

Name: JOLANTA MIL	
Email:	
Main Contact Number: 1-224-616-8552	
Address: 21863 3RD ST	
City: LAKE VILLA	
State: IL	
Zip Code: 60046	
Are you a regular listener to WNVR(107.1)	YES
Are you experiencing interference when tuning into WNVR(107.1)	YES
Are you experiencing interference while at home?	YES
IF YES, please specify your home location (cross streets and town).	WEST 2nd St. & Deep Lake LAKE VILLA
Are you experiencing interference while at work?	N/A
IF YES, please specify your location (cross streets and town).	N/A
Are you experiencing interference while driving?	YES
IF YES, please specify your location, (cross streets and town).	E. ROLLINS RD. / 83 ROUND LAKE PARK
Would you like the station to take action to fix this interference?	YES
Do you have any personal or business connection of any kind with WNVR (107.1), management or employees?	NO
Do you understand that your complaint will be submitted to the Federal Communications Commission?	YES
Do you have any additional comments to share with us regarding the interference?	NO

Signed: \_\_\_\_\_

*JMIL*

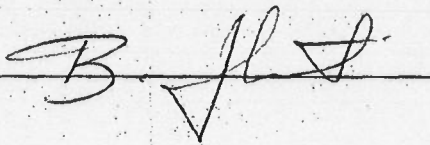
Date: \_\_\_\_\_

*03/20/17*

**COMPLAINT**

Name:	Bannon Strich	BRONISZAW STRICH
Email:		
Main Contact Number:	312-919-6789	
Address:	21907 3RD	
City:	Lake Villa	
State:	IL	
Zip Code:	60046	
Are you a regular listener to WNVR(107.1)		YES
Are you experiencing interference when tuning into WNVR(107.1)		YES
Are you experiencing interference while at home?		YES
IF YES, please specify your home location (cross streets and town).		3RD ST. AND DEEP LAKE, LAKE VILLA
Are you experiencing interference while at work?		N/A
IF YES, please specify your location (cross streets and town).		N/A
Are you experiencing interference while driving?		YES
IF YES, please specify your location, (cross streets and town).		E MAIN ST / 120 MAINESVILLE
Would you like the station to take action to fix this interference?		YES
Do you have any personal or business connection of any kind with WNVR (107.1), management or employees?		NO
Do you understand that your complaint will be submitted to the Federal Communications Commission?		YES
Do you have any additional comments to share with us regarding the interference?		NO

Signed:



Date:

22 3 2017

W

**COMPLAINT**

Name:	Wojciech Baran
Email:	
Main Contact Number:	224 659 8701
Address:	38520 N. Edgewood St
City:	Lake Villa IL
State:	IL
Zip Code:	60046
Are you a regular listener to WNVR(107.1)	YES
Are you experiencing interference when tuning into WNVR(107.1)	YES
Are you experiencing interference while at home?	YES
IF YES, please specify your home location (cross streets and town).	EDGEWOOD AND 1st ST LAKE VILLA
Are you experiencing interference while at work?	N/A
IF YES, please specify your location (cross streets and town).	N/A
Are you experiencing interference while driving?	YES
IF YES, please specify your location, (cross streets and town).	GRAND Ave / 45 LAKE VILLA
Would you like the station to take action to fix this interference?	YES
Do you have any personal or business connection of any kind with WNVR (107.1), management or employees?	NO
Do you understand that your complaint will be submitted to the Federal Communications Commission?	YES
Do you have any additional comments to share with us regarding the interference?	No.

Signed: Baran

Date: 3-22-2017