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Received & Inspected

May 1, 2013

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Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Attention: Audio Division

2013 MAY -6 A 6:53

FCC Mail Room

Informal Objection

Re: BPFT-20130328ALP as amended (W268BH)
Objection to Authority to Construct or
Make Changes in An FM translator or FM Booster Station
Taylor Broadcasting, LLC

This letter is my objection to the pending grant of a Construction Permit of Taylor Broadcasting LLC, for Translator Station W268BH to modify its operation to increase power to 99 watts, go to Fill-in status and to rebroadcast FM station WBAM, Montgomery, Alabama, owned by Blue Water Broadcasting LLC. (Blue water also has a lease on an addition translator authorized by Construction Permit BNPFT-20130226AGP) This gives a total of 9 FM signals controlled by Bluewater including one full power AM station. All 8 FM signals provide 60DBU over Montgomery! Total of 9 regular signals for Blue Water not counting HD sub -channels. Acting as a combined revenue stream and additional programming on over the air FM signals.

Two reasons for this objection:

1: The rebroadcast of station WBAM HD-2 operated by Blue Water Broadcasting LLC in not in the public interest. Bluewater already operates 4 full power FM's in the Montgomery, Alabama market, one full power AM and operates 3 translators covering Montgomery with a 60 dbu signal. The proposed operation of W268BH will give Bluewater control and programing of 9 signals in Montgomery Alabama and is unfair competition of other local broadcasters and gives Blue Water de-facto monopoly over the marketplace. This creates a situation of might over right. This is not in the public interest. The FCC would never authorize 9 FM signals 60dbu or more over one city or market.

Before granting this modification the Commission is urged to consider the unfairness and public interest of allowing Blue Water to rebroadcast on so many translators. and make a declaratory ruling of this abuse of local signal control and programing.

The four full power FM stations in Montgomery operated by Blue Water are: WBAM, WQKS, WGMP, and WJWZ. The three current translators are: 104.9, 100.1 and 107.1. Add to this 103.9, and now the programs of WBAM on W268BH along with full power AM WGMP 1170, clearly is not in the public interest. Ten signals total in a market of less than 325,000 people.

Blue Water also has an arrangement to lease a new additional 103.9 translator, and install the equipment on its combiner and antenna used and provided for WQKS (FM). BNPFT 2013226AGP (call sign not yet assigned)

This will give Blue water control and programming of 9 FM signals placing 60DB or move over Montgomery, Alabama.

It is a well-established fact that a properly built FM translator can provide almost as much signal coverage and population as a regular Class A FM signal over a market such as Montgomery, Alabama.

In total these translators appear to be an abuse of radio spectrum and at the least are monopolistic and anti-competitive.

2. The second part of this objection is a question of the real-party-in interest concerning the Ownership of W268BH.

W268BH is licensed to Taylor Broadcasting, LLC. Originally W268 was licensed to Allan G Stroh. Stroh moved W268BH in a series of multiple steps to Montgomery, Alabama. On August 26, 2008 the Stroh license for W268BH was transferred to Taylor Broadcasting, LLC for a total consideration of \$50,000 payable over a 60 month period by Taylor. At this time W268BH was to retransmit FM station WVRV 97.5. Because WVRV (FM) was a distant FM signal, it is not permissible to be rebroadcast on WVRV under Stroh ownership thru the sale to Taylor who can operate W268BH as a non-fill in translator with low power. Up until the present time W268BH continues to rebroadcast Stroh's WVRV-FM on a NON fill- in status.

When Stroh sold W268BH to Taylor, the sale contract contained a provision that it could be repurchased by Stroh any time in the future. W268BH presently is licensed to operate into a combiner, transmission line, and antenna owned and tower space leased by Stroh along with his translator W298BC combined at the same location. This suggests Stroh still controls de-facto W268BH.

Now, on March 3, 2013 Taylor has pending the instant application to change W268BH using a new combiner transmission line and antenna belonging to Stroh. And modify to a fill-in status. Wherein multiple translators programmed by Stroh are transmitted and combined..

The W268BH application proposes to rebroadcast the Blue Water WBAM-FM. As stated before this will give Blue Water control over a total of 9 FM station in Montgomery, an abuse of the intentions of the FCC in allowing HD channels to also rebroadcast on translators.

It is urged the Commission delay grant of translator application BPFT-20130328ALP until it is determined that rebroadcasting WBAM or WBAM HD is in the public interest and is not anti-competitive to other stations in the Montgomery Alabama market. Also an investigation should

be as the relationship to Allan G Stroh in the operation and defacto control of Taylor Broadcasting, LLC.

I hereby make a declaration of personal knowledge and belief that the facts submitted herein are true to the best of my knowledge are belief. This Informal Objection is timely filed.

Signed this 1st Day of May, 2013

By: Wiley Baswell Wiley Baswell

1857 S. Hall ST. Address

MONTGOMERY, AL 36104 City, State, Zip

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE FOREGONG "Informal Objection" to the subject application was served this 1st day of May, 2013 by first class United States Mail, postage prepaid to the following:

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104.9 Fac 33504
100.5 Fac 85917
107.1 Fac 33501
103.9 Fac 105858