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Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)
)
NIA BROADCASTING, INC.)
)
For Minor Modification of the Facilities of)
FM Translator Station W248CA,)
Saint Petersburg, Florida)

File No. BPFT-20180517AEU
Facility Identification Number 156011

Accepted / Filed

JUN 29 2018

Directed to: Office of the Secretary
Attention: Chief, Audio Division, Media Bureau

Federal Communications Commission
Office of the Secretary

REPLY TO OPPOSITION TO INFORMAL OBJECTION
AND REQUEST TO HOLD ACTION IN ABEYANCE

Hall Communications, Inc. (“Hall”), licensee of WPCV(FM), Winter Haven, Florida, by its attorneys, hereby respectfully submits its Reply to the Opposition to Informal Objection and Request to Hold Action in Abeyance (“Opposition”), filed by NIA Broadcasting, Inc. (“NIA”) on June 14, 2018, with regard to the above-captioned application, seeking a construction permit for modification of the licensed facilities of FM translator station W248CA, St. Petersburg, Florida. With respect thereto, the following is stated:

As noted in its Informal Objection, Hall has previously complained to the Commission with regard to interference caused by W248CA to reception of the WPCV signal by regular WPCV listeners. See “Interference Complaint,” filed September 29, 2017. The primary point of Hall’s Informal Objection was that, after previously obtaining an authorization to modify its facilities, ostensibly to address the interference issues, the above-captioned modification application seeks to return the translator to the same height and power level which were known to have initially caused the loss of service which prompted WPCV listeners to complain to Hall. While the application requests a different directional pattern from that initially authorized for

W248CA at St. Petersburg, Hall has reasonable doubts as to the effectuation of the future pattern proposed. Hall also noted that it had uncertainty as to precisely what NIA's intentions for W248CA might be.

The very first response NIA makes in its Opposition confirms that Hall has good reason for such uncertainty. NIA has now explicitly stated that, even if the above-captioned application is granted, it has no plans as to whether it will build the facilities so authorized or not.

Regardless, despite past scheduling difficulties for both parties, Hall was and remains willing to meet with NIA at a mutually agreeable time to conduct on-off tests of the translator while it is using its newly-corrected facilities. Hall would note, however, that the meeting day and time would need to be mutually convenient for the personnel that each party selects to be present. Sufficient advance notice to allow for travel time also is necessary.

Moreover, meeting with Hall is rather beside the point. NIA has the sole responsibility for eliminating the demonstrated interference from W248CA, a secondary facility, to WPCV, a primary facility.

NIA has claimed that if the W248CA modification application is granted and also creates problems, Hall will have the complaint process available to it. Hall has no interest in repeatedly relitigating this matter, however. Just as NIA has noted that it is a "mom and pop" operation, Hall also is a small, "mom and pop" business which just wants to get on with serving its listeners.

Moreover, the complaint process is of little value in light of the fact that NIA still has not responded to the Commission's order sent back in early November, almost eight months ago. Specifically, by letter of the Deputy Chief, Audio Division, Media Bureau, the Commission's staff required that W248CA eliminate the actual interference it was causing and that NIA, within

30 days, submit a detailed report with regard to each complaint which must contain specified information, including information as to whether the interference persists. *NIA Broadcasting, Inc.*, Reference 1800B3-PPD, dated November 6, 2017. While NIA did submit requests for extension of the deadline for responding, the last extended date requested was March 14, 2018, more than three months ago. NIA, however, has yet to submit any report or, to Hall's knowledge, made any effort to determine whether WPCV listeners were still experiencing interference.

Instead, NIA turned around and filed a new application for modification of its licensed facilities. This application proposes a directional antenna which, as is the case with all such directional antennas, will require precise construction to ensure a correct directional pattern. Hall reiterates its concerns with the directional pattern. Specifically, Hall is concerned that the construction of the W248CA facility will not be sufficiently exact to ensure a correct directional pattern as proposed, should NIA elect to construct the facilities for which it has sought authorization. NIA has acknowledged that Hall's prior statements concerning placement of W248CA's transmitting antenna at an unauthorized height were correct. Hall understands and accepts NIA's representations that this placement was due to an error by the construction company installing the antenna, and that the error has now been rectified. Nonetheless, the magnitude of the error was not small. Rather, the difference between where the antenna was actually mounted and where it was supposed to be mounted, according to NIA's own Opposition at Exhibit 2, was approximately 120 feet. Because NIA's Opposition appears to indicate that it was unaware of the incorrect placement until informed by Hall, it appears that NIA either had no occasion to visit the antenna site after construction of the current facilities in March or did not

notice the height difference. Therefore, because of Hall's concern about precise construction of the proposed directional antenna, Hall continues to oppose grant of the pending application.

In sum, nearly a year has gone by since W248CA started interfering with WPCV's signal, and the matter has yet to be resolved. All Hall wants is for the interference from W248CA to go away. It remains NIA's responsibility to report on how it has resolved the interference issues with WPCV's listeners. It has filed no such report nor has it fully resolved the issues to date. Instead, it has filed an application to return the translator to the same antenna height and power level that created the initial problem.

WHEREFORE, the premises considered, Hall respectfully requests that the Commission refuse a grant of the above-captioned application and order W248CA to go silent at this time.

Respectfully submitted,

HALL COMMUNICATIONS, INC.

By: 
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June 29, 2018

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, hereby certify that, on this 29th day of June, 2018, I caused a copy of the foregoing "Reply to Opposition to Informal Objection and Request to Hold Action in Abeyance" to be transmitted electronically, or placed in the U.S. Mail, first class postage prepaid, addressed to the following:

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