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October 11, 2016

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

**Attn: Media Bureau, Audio Division**

**Re: Request for Tolling of Construction Permit - File No. BNPFT-20130814ACE  
Station W221DC, Chapel Hill, NC (FCC Facility ID No. 146901)**

Dar Ms. Dortch:

On behalf of Delmarva Educational Association ("Delmarva"), permittee of the above-referenced FM translator station, this letter is submitted to the Commission to request tolling of the November 26, 2016 expiration date for the above-referenced construction permit (the "Permit").

Section 73.3598(b)(2) instructs that the period of construction for an original construction permit shall toll when construction is prevented because of pending administrative review, including pending petitions for reconsideration and similar filings with the Commission. This request is predicated on the following petitions which remain pending against the Permit:

- Exhibit A: "Petition for Rescission of Construction Permit," filed January 14, 2016 by Northstar Broadcasting Corporation ("Northstar"), which seeks reversal of the Commission's 2013 grant of the construction permit; and
- Exhibit B: "Petition to Deny," filed by Northstar on October 5, 2016, against the second effort to modify the Permit to find a buildable solution.

Delmarva was granted the original Permit in November 2013. Beginning in the late summer of 2013, while the Permit application was pending, Delmarva diligently worked toward reaching a lease agreement with the owner of the tower specified in the Permit. Several more efforts have been made by Delmarva in the past three years to secure a market-rate lease on the specified tower, or to purchase the tower and the primary station (WDUR) associated with it. Despite these extended negotiations, no terms have been reached. Just the opposite, in fact – the lawyer representing the licensee of WDUR even threatened to file petitions against the Permit if Delmarva refused to buy WDUR and the tower for an exceedingly below-market price. All of this is detailed in Delmarva's Opposition to Petition for Rescission filed with the Commission and attached hereto as Exhibit C.

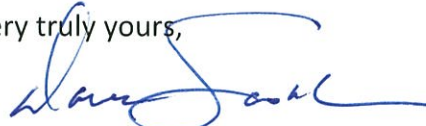
This ongoing difficulty in establishing a buildable site for the Permit lead Delmarva to agree to sell the Permit to Eastern Airwaves, LLC. No objections were filed against the assignment application (File No. BAPFT-20150901ACK), and the Commission granted consent nearly one year ago, on November 16, 2015. Unfortunately, this transaction still has not closed due to the pending petition seeking rescission of the original Permit as well as petitions against efforts to modify the Permit.

Delmarva sought to modify the Permit and specify new facilities (File No. BMPFT-20150901ACL) (the "First Modification Application"). Northstar filed a Petition to Deny against the First Modification Application on September 29, 2015, claiming anticipated interference. Delmarva responded but, given the approaching Permit expiration date, determined the better approach would be to dismiss that application and file for yet another alternate site for the station (File No. BMPFT-20160919AAM) (the "Second Modification Application"). Northstar again filed a petition to deny (referenced above) against this application.

Delmarva is unable to complete construction at its current site due to the Petition for Rescission coupled with the long-term inability to secure a tower lease. Furthermore, Delmarva is unable to build at an alternate tower site because Northstar keeps filing petitions to deny these applications, the latest being filed on October 5<sup>th</sup>. Therefore, for the remainder of the pendency of the October 5<sup>th</sup> Petition to Deny and the Petition for Rescission, tolling of the Permit is requested and should continue until administrative review of the of these Petitions is complete and grant of the Second Modification Application becomes final.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,

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

Davina S. Sashkin, Esq.

*Counsel for Delmarva Educational Association*

cc: Victoria McCauley, Audio Division (via email [Victoria.McCauley@fcc.gov](mailto:Victoria.McCauley@fcc.gov)).

## **EXHIBT A**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In re Application of	)	
	)	
<b>DELMARVA EDUCATIONAL FOUNDATION</b>	)	<b>File No. BNPFT-20130814ACE</b>
	)	<b>Facility No. 146901</b>
<i>For Modification of Construction Permit for</i>	)	
<i>Station W221DC, Dary, North Carolina</i>	)	
	)	
<b>To: Office of the Secretary</b>		
<b>Attn: Chief, Audio Division, Media Bureau</b>		

**PETITION FOR RESCISSION OF CONSTRUCTION PERMIT**

Northstar Broadcasting Corporation ("Northstar"), licensee of WRSV(FM), Elm City, North Carolina, by its attorney, hereby submits its Petition requesting rescission of the construction permit issued to Delmarva Educational Association ("Delmarva"), File No. BNPFT-20130814ACE (the "Permit"). With respect thereto, the following is stated:

Delmarva's Permit should be rescinded insofar as it is in violation of Commission rules and policies. On August 14, 2013, Delmarva filed its application (the "CP Application") for a new FM translator on Channel 221. The CP Application designated as the transmitter site for the proposed facility ASR 1016459 (the "Tower"), and designated Station WDUR(AM) as the primary station for the facility. At the time of application, both WDUR(AM) and the Tower were owned by Triangle Sports Broadcasters, LLC. The current owner of Station WDUR(AM) and the Tower is Arohi Media LLC. The Delmarva CP Application was granted on November 26, 2013. At the time the CP Application was granted, it was continuing to designate the WDUR Tower as its proposed transmitter location, and designate Station WDUR as the FM translator's primary station.

That grant of the CP Application by the Commission was in error and should be rescinded insofar as at no time during the pendency of the CP Application or thereafter did Delmarva ever have reasonable assurance of the availability of its proposed transmitter site, and at no time during the pendency of the CP Application or thereafter did Delmarva ever have permission to designate WDUR as the primary station for W221DC.

The owner of Station WDUR at the time the CP Application was filed was contacted, and he states as follows:

I am a Member of Triangle Sports Broadcasters, LLC, the former owner of Station WDUR(AM), Durham, North Carolina. Through Triangle Sports Broadcasters, I owned the station with my wife, Katherine Zarzour, from June 23, 2013 through June 12, 2014.

\* \* \* \*

At no time did I, nor any other party associated with Triangle Sports Broadcasters, LLC, provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station...

Attachment 1.

Insofar as the currently outstanding Permit *continues* to specify the Tower identified as ASR 1016459, the *current* owner of the Tower (*i.e.*, the current owner of Station WDUR) also has been contacted, and states:

I am President and sole owner of Arohi Media, LLC. Arohi Media LLC is licensee of Station WDUR, Durham, North Carolina. Arohi Media LLC has owned Station WDUR(AM) since June 12, 2014. Arohi Media LLC also since that time has been owner of the tower used by the station, ASR 1016459. I am told that an organization called Delmarva Educational Association currently has a construction permit for a new FM translator on Channel 221, and that it has designated my tower as its translator's transmitter site.

At no time did I, nor any other party associated with Arohi Media LLC provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station. Delmarva is designating the tower as its proposed transmitter site without my company's permission.

Attachment 2.

Therefore, it is evident that “reasonable assurance” of the availability of the WDUR transmitter site never existed at the time Delmarva filed its application, and fails to exist to this day.

Delmarva suffers from similar shortfalls with respect to the proper designation of a Primary Station to be rebroadcast on the translator. The FCC Form 349 for FM Translator requires the designation of a qualified AM or FM primary station – without such designation, an application FM Translator cannot be granted. The FCC Form 349 specifically states:

For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are being retransmitted. **If no, this application is not acceptable for filing.**

FCC Form 349, Section II, Question 5. In its original long-form application for construction permit (BNPFT-20130814ACE), Delmarva responded “yes” to this requested certification, and in Section III of its application, designated Station WDUR as the primary station. That certification was FALSE. As seen in the attached Declaration, the owner of Triangle Sports Broadcasters, who was owner of WDUR at the time the Delmarva long-form application was filed, has been contacted, and states:

Through Triangle Sports Broadcasters, I owned the station with my wife, Katherine Zarzour, from June 23, 2013 through June 12, 2014.

\* \* \* \*

At no time did I, nor any other party associated with Triangle Sports Broadcasters, LLC ... provide authorization for Station WDUR to be designated as the primary station for the proposed translator.

Attachment 1.

An FM Translator application requires the designation of a valid transmitter site. In order to have a valid transmitter site, it is well established that an applicant must have “reasonable assurance” of a transmitter site. An applicant seeking a new broadcast facility must, in good

faith, possess “reasonable assurance” of a transmitter site at the time it files its application. *Les Seraphim and Mana'o Radio*, 25 FCC Rcd 2785, 2787 (MB 2010). It is well established that the specification of a transmitter site in an application is an implied representation that the applicant has obtained reasonable assurance that the site will be available. See, e.g., *William F. Wallace and Anne K. Wallace*, 49 FCC 2d 1424, 1427 (1974) (“*Wallace*”) (“Some indication by the property owner that he is favorably disposed toward making an arrangement is necessary”). While some latitude is afforded such “reasonable assurance,” there must be, at a minimum, a “meeting of the minds resulting in some firm understanding as to the site's availability.” A mere possibility that the site will be available is not sufficient. The “reasonable assurance” standard is only satisfied by “[s]ome clear indication from the landowner that he is amenable to entering into a future arrangement with the applicant for use of the property as its transmitter site, on terms to be negotiated ....” *Elijah Broadcasting Corp.*, 5 FCC Rcd 5350, 5351 (1990). The FCC Form 349 also requires not only the specification of a primary station, but also requires a certification that written authority has been obtained for rebroadcast of that station. FCC Form 349, Sections II and III.

From the forgoing facts and policy, two conclusions are undeniably true: (1) at no time during the pendency of the Delmarva FM Translator CP Application did Delmarva ever have authority, written or otherwise, sufficient to allow it to designate Station WDUR as the primary station for its proposed FM Translator; (2) at no time during the pendency of the Delmarva FM Translator CP Application or thereafter did Delmarva ever have reasonable assurance of site availability at the transmitter site specified in its current construction permit. Therefore, the Delmarva CP Application should never have been granted and the issued Permit was and

remains invalid insofar as, to this day, Delmarva is incapable of construction of the Permit at its currently designated location.

Delmarva is perpetrating a fraud on the Commission. As a place-holder, it apparently designated a tower and primary station totally without permission, hoping that it could be granted a Permit that can then, only later, be modified (File No. BMPFT-20150901ACL) and sold (File No. BAPFT-20150901ACK). This is an abuse of the Commission's processes and policies that should not be countenanced, and the only sensible remedy is for the Commission to rescind, in its entirety, the current permit, thereby opening the frequency for legitimate users in its upcoming Modification Windows in 2016 and/or AM-Only FM Translator Applications Windows in 2017.

For all the forgoing reasons, it is respectfully requested that this Petition be granted, and the Permit, File No. BNPFT-20130814ACE, be rescinded.

**WHEREFORE**, it is requested that this Petition for Rescission of Construction Permit Time be granted.

Respectfully submitted,

**NORTHSTAR BROADCASTING  
CORPORATION**

By: \_\_\_\_/Dan J. Alpert/\_\_\_\_\_  
Dan J. Alpert

*Its Attorney*

*The Law Office of Dan J. Alpert  
2120 N. 21<sup>st</sup> Rd.  
Arlington, VA 22201  
703-243-8690*

*January 14, 2016*



## *Attachment 1*

## DECLARATION

I, Robert Zarzour, hereby state as follows: 1. I am a Member of Triangle Sports Broadcasters, LLC, the former owner of Station WDUR(AM), Durham, North Carolina. Through Triangle Sports Broadcasters, I owned the station with my wife, Katherine Zarzour, from June 23, 2013 through June 12, 2014. The current owner of Station WDUR(AM), I believe, is Arohi Media LLC.

2. I am told that on August 14, 2013, an organization called Delmarva Educational Association filed an application for a new FM translator on Channel 221, and designated in the FM translator application that the tower that I owned at that time (ASR 1016459) would be used as the transmitter site for the FM translator station. It also is my understanding that the FM translator application designated Station WDUR as the proposed primary station for the FM translator, and that it therefore proposed to rebroadcast WDUR(AM) with the FM translator. Finally, it also is my understanding that a construction permit for that facility, designating my tower and designating WDUR as the station to be rebroadcast on the FM translator, was eventually granted by the FCC.

3. At no time did I, nor any other party associated with Triangle Sports Broadcasters, LLC, provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station, and at no time did I provide authorization for Station WDUR to be designated as the primary station for the proposed translator.

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

Robert Zarzour

October 13, 2015

*Robert J. Zarzour M.D.*

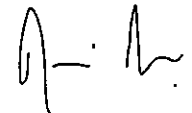
## *Attachment 2*

## DECLARATION

I, Ravi Cherukuri, hereby state as follows:

1. I am President and sole owner of Arohi Media, LLC. Arohi Media LLC is licensee of Station WDUR, Durham, North Carolina. Arohi Media LLC has owned Station WDUR(AM) since June 12, 2014. Arohi Media LLC also since that time has been owner of the tower used by the station, ASR 1016459. I am told that an organization called Delmarva Educational Association currently has a construction permit for a new FM translator on Channel 221, and that it has designated my tower as its translator's transmitter site.
2. At no time did I, nor any other party associated with Arohi Media LLC provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station. Delmarva is designating the tower as its proposed transmitter site without my company's permission.

I declare under penalty of perjury that the forgoing is true and correct.



---

Ravi Cherukuri

December 2, 2015

**CERTIFICATE OF SERVICE**

I, Dan J. Alpert, hereby certify that the forgoing "Petition for Rescission of Construction Permit" is being served by E-Mail and First Class Mail to the following:

Davina Sashkin, Esq.  
Fletcher Heald & Hildreth, PLC  
1300 N. 17<sup>th</sup> St.  
11<sup>th</sup> Floor  
Arlington, VA 22209

\_\_\_\_\_/Dan J. Alpert/\_\_\_\_\_  
Dan J. Alpert

**EXHIBT B**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In re Application of

DELMARVA EDUCATIONAL FOUNDATION

*For Modification of Construction Permit for  
Station W221DC, Durham, North Carolina*

To: Office of the Secretary

Attn: Chief, Audio Division, Media Bureau

File No. BNPFT-20160914A  
Facility No. 146901

COPY

PETITION TO DENY

Northstar Broadcasting Corporation, licensee of WRSV(FM), Elm City, North Carolina, by its attorney, hereby submits its Petition to Deny ("Petition") to the pending application of Delmarva Educational Foundation ("Delmarva") for a modification to Station W221DC on 92.1 MHz at Durham, North Carolina (the "Application"). With respect thereto, the following is stated:

Section 74.1204(f) of the Commission's rules states:

An application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if the predicted 1 mV/m field strength contour of the FM translator station will overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including Class D (secondary) noncommercial educational FM stations and grant of the authorization will result in interference to the reception of such signal.

47 C.F.R. § 74.1204(f). Station WRSV operates on co-channel Channel 221 in close proximity to the proposed modified translator. Although the existing 50 dBu contours of WRSV and the proposed contour of Delmarva's proposed translator do not have predicted overlap, as shown in the attached, in actuality there are numerous WRSV listeners within the newly proposed 60 dBu contour of Delmarva's proposed application. This Petition

submits listener declarations from nine WRSV listeners. Attachment 1. Also attached to this Petition is an Engineering Statement from Mullaney Engineering concluding that there will be destructive interference to the reception of WRSV at locations within the proposed FM translator's 60 dBμ contour. As seen in the accompanying maps, each of those locations are within the 60 dBu contour of the proposed FM translator. Attachment 2.

This Opposition fully satisfies the documentation required for Section 74.1204(f) objections as set forth in *Richard J. Bodorff, Esq.*, 27 FCC Rcd 4870, 4872 (MB 2012):

Under Section 74.1204(f), in order to demonstrate that grant of an FM translator construction permit application "will result in interference to the reception" of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each potentially affected listener; (2) some demonstration that the address of each purported listener falls within the 60 dBμ service contour of the proposed translator station; (3) a declaration from each of the affected listeners that he or she listens to the full-service station at the specified location; and (4) some evidence that grant of the authorization will result in interference to the reception of the "desired" full-service station at that location.

*Id.* at 4872.<sup>1</sup> In addition, footnote 15 the *Bodorff* case states that "[t]he staff generally requires demonstrations of actual or potential interference from listeners within the translator station's proposed 60 dBμ contour who are unconnected with the full-service station whose service allegedly will be disrupted," citing *Association for Community Education, Inc.*, 19 FCC Rcd 12682, 12688 n.37 (2004), which approves of the staff practice requiring that the complainant be "disinterested," *e.g.*, a person or entity without a legal stake in the outcome of the translator station licensing proceeding.

In this Petition, Northstar submits to the Commission the names, addresses, and stated listening locations of potentially affected WRSV listeners. Each listener declaration states that

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<sup>1</sup> This documentation requirement was originally set forth in *Association for Community Education, Inc.*, 19 FCC Rcd 12682, 12688 (2004) in which the FCC asked for "convincing evidence" under Section 74.1204(f) of the Commission's rules that the grant of the translator construction permit will result in interference to the reception of an existing full-service station.



each is a WRSV listener, that he or she listens to WRSV on the radio at the stated address or location, and that he or she does not have any employment or business relationship with WRSV. Finally, engineering evidence is submitted that the proposed FM translator facility will result in interference to the reception of at least nine WRSV listeners, at the stated locations. As such, under Section 74.1204, this translator application should not be accepted for filing. Accordingly, pursuant to Section 74.1204(f) of the Commission's rules, Delmarva's FM translator application also should not be granted as listeners to WRSV within the proposed 1 mV/m contour of the FM translator application facility will be subject to destructive interference.

Moreover, Northstar renews its request that Delmarva's original Permit be rescinded insofar as it is in violation of Commission rules and policies. On August 14, 2013, Delmarva filed its application (the "CP Application") for a new FM translator on Channel 221. The CP Application designated as the transmitter site for the proposed facility ASR 1016459 (the "Tower"), and designated Station WDUR(AM) as the primary station for the facility. At the time of application, both WDUR(AM) and the Tower were owned by Triangle Sports Broadcasters, LLC. The current owner of Station WDUR(AM) and the Tower is Arohi Media LLC. The Delmarva CP Application was granted on November 26, 2013. At the time the CP Application was granted, it was continuing to designate the WDUR Tower as its proposed transmitter location, and designate Station WDUR as the FM translator's primary station.

That grant of the CP Application by the Commission was in error and should be rescinded insofar as at no time during the pendency of the CP Application or thereafter did Delmarva ever have reasonable assurance of the availability of its proposed transmitter site, and at no time during the pendency of the CP Application or thereafter did Delmarva ever have permission to designate WDUR as the primary station for W221DC.

The owner of Station WDUR at the time the CP Application was filed was contacted, and he states as follows:

I am a Member of Triangle Sports Broadcasters, LLC, the former owner of Station WDUR(AM), Durham, North Carolina. Through Triangle Sports Broadcasters, I owned the station with my wife, Katherine Zarzour, from June 23, 2013 through June 12, 2014.

\* \* \* \*

At no time did I, nor any other party associated with Triangle Sports Broadcasters, LLC, provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station...

Attachment 3. Insofar as the currently outstanding Permit *continues* to specify the Tower identified as ASR 1016459, the *current* owner of the Tower (*i.e.*, the current owner of Station WDUR) also has been contacted, and states:

I am President and sole owner of Arohi Media, LLC. Arohi Media LLC is licensee of Station WDUR, Durham, North Carolina. Arohi Media LLC has owned Station WDUR(AM) since June 12, 2014. Arohi Media LLC also since that time has been owner of the tower used by the station, ASR 1016459. I am told that an organization called Delmarva Educational Association currently has a construction permit for a new FM translator on Channel 221, and that it has designated my tower as its translator's transmitter site.

At no time did I, nor any other party associated with Arohi Media LLC provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station. Delmarva is designating the tower as its proposed transmitter site without my company's permission.

Attachment 4.

Therefore, it is evident that "reasonable assurance" of the availability of the WDUR transmitter site *never existed* at the time Delmarva filed its application, and *fails to exist* to this day.

Delmarva suffers from similar shortfalls with respect to the proper designation of a Primary Station to be rebroadcast on the translator. The FCC Form 349 for FM Translator requires the designation of a qualified AM or FM primary station – without such designation, an application

FM Translator cannot be accepted for filing (or granted). The FCC Form 349 specifically states:

For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are being retransmitted. **If no, this application is not acceptable for filing.**

FCC Form 349, Section II, Question 5. In its original long-form application for construction permit (BNPFT-20130814ACE), Delmarva responded "yes" to this requested certification, and in Section III of its application, designated Station WDUR as the primary station. That certification was **FALSE**. As seen in the attached Declaration, the owner of Triangle Sports Broadcasters, who was owner of WDUR at the time the Delmarva long-form application was filed, has been contacted, and states:

Through Triangle Sports Broadcasters, I owned the station with my wife, Katherine Zarzour, from June 23, 2013 through June 12, 2014.

\* \* \* \*

At no time did I, nor any other party associated with Triangle Sports Broadcasters, LLC ... provide authorization for Station WDUR to be designated as the primary station for the proposed translator.

### Attachment 3.

From the forgoing facts and policy, two conclusions are undeniably true: (1) at no time during the pendency of the Delmarva FM Translator CP Application did Delmarva ever have authority, written or otherwise, sufficient to allow it to designate Station WDUR as the primary station for its proposed FM Translator; and (2) at no time during the pendency of the Delmarva FM Translator CP Application or thereafter did Delmarva ever have reasonable assurance of site availability at the transmitter site specified in its current construction permit. Therefore, the Delmarva CP Application should never have been granted and the issued Permit was and remains invalid insofar as, to this day, Delmarva is incapable of construction of the Permit at its currently designated location.

**WHEREFORE**, it is requested that this Petition to Deny be granted, and the pending application for a modification of construction permit for W221DC be denied.

Respectfully submitted,

**NORTHSTAR BROADCASTING  
CORPORATION**

By: \_\_\_\_/Dan J. Alpert/\_\_\_\_\_  
Dan J. Alpert

*Its Attorney*

*The Law Office of Dan J. Alpert  
2120 N. 21<sup>st</sup> Rd.  
Arlington, VA 22201  
703-243-8690*

*October 5, 2016*

## *Attachment 1*

## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

Start/Home Address: 3333 Durham-Chapel Hill Blvd - Durham NC

Work Address: 114 W. Pamlico St. Durham NC

How Often? Daily 2 or more times a week Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to \_\_\_\_\_.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

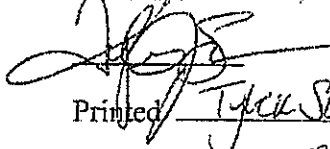
Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:



Printed: Tyler Swanson

Email: tjswanson@gmail.com

Address (City, State & Zip Code) 415 W Patterson Place Chapel Hill NC 27516

Phone: 336-317-7586

Date: 9/27/16

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE





## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

(Start) Home Address: I-85 and Guess Road Intersection

Work Address: 2200 WAKEFELDTOWN DR

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to \_\_\_\_\_.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

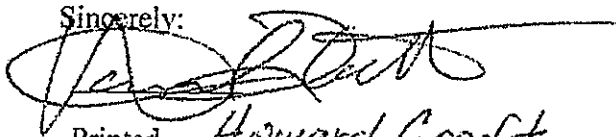
Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:



Printed Howard Craft

Email: hcraft@hlc@gmail.com

Address (City, State & Zip Code) 111 Fallenwood Ave Durham NC 27713

Phone: (919) 358-9287

Date: 9-27-14

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE



## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

WORK  
Start/Home Address: 1315 Oakwood Ave, Raleigh, NC 27610

Home  
Work Address: 2638 Hitchcock Drive, Durham, NC 27705

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to \_\_\_\_\_.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often?    Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often?    Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:



Printed Natalie Baucum

Email: natalie@nataliebaucum.com

Address (City, State & Zip Code) 2638 Hitchcock Dr, Durham, NC 27705

Phone: 919-907-0922

Date: 9/27/16

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE

The screenshot shows a mobile application interface for a map and navigation service. At the top, there's a search bar with the text "Where are you starting?". Below it, a sidebar lists various map features like "Find Places", "Get Directions", "Add Stop", and "Route Settings". The main map area displays a route from Raleigh, NC to Durham, NC, highlighted in red. The route is labeled "Route #1" and "Route #2". The estimated travel time is "38min" and the distance is "30.0mi". The current traffic is "Light". At the bottom, there's a "Find a hotel & save!" button and a "View Route Directions" button. The map itself shows major highways (I-40, I-85, I-95) and local roads. The route starts in Raleigh and ends in Durham. The application is running on an Android device, as indicated by the navigation bar at the bottom.

## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

Start/Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to church.

Start/Home Address: Intersection of I-85 and Guess Rd.

Shopping/Store Address: 1011 Junction Rd, Durham, NC 27704

How Often? Daily - 2 or more times a week - (Weekly) - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

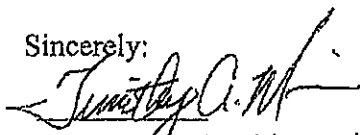
Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:



Printed Timothy Miner

Email: mjaor-cw7@hotmail.com

Address (City, State & Zip Code) 136 Victory Park Rd, Chapel Hill, NC 27517

Phone: 919-903-9369

Date: 9/28/2016

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE



## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

Start/Home Address: ~~Intersection of I-85 and Sunset Rd~~

Work Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to church.

Start/Home Address: Intersection of I-85 Guess Rd

Shopping/Store Address: 1011 Junction Rd. Durham 27704

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: 136 Victory Park Dr

City: Chapel Hill, NC

Zip Code: 27517

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

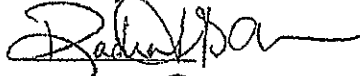
Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:



Printed Radin A.C. Mince

Email: \_\_\_\_\_

Address (City, State & Zip Code) 136 Victory Park Dr.

Phone: (919) 903-9369

Date: 9/28/16

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE

## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

Start/Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to \_\_\_\_\_.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: 414 Durd St.

City: Deuben

Zip Code: 27201

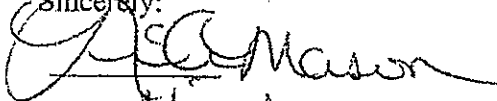
*Can listening outside  
while working.*

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:



Printed Kline A. Mason

Email: NAjones@elliottjones.com

Address (City, State & Zip Code) Deuben NC 27203

Phone: 919-688-1323

Date: 10/4/11

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE

## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

Start/Home Address: 3018 Appling Way

Work Address: 1011 Junction Road

How Often? (Daily) - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to \_\_\_\_\_.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

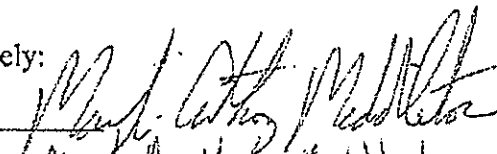
Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:

  
Printed Mark Anthony Middleton

Email: \_\_\_\_\_

Address (City, State & Zip Code) 3018 Appleby Way Durham N.C. 27703

Phone: (919) 763-1750

Date: 10/3/16

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE



## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Areas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

Start/Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to \_\_\_\_\_.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_



2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: 608 Dux St  
City: Durham, NC  
Zip Code: 27701

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:

Rio

Printed Rio Perry

Email: rioasham18@gmail.com

Address (City, State & Zip Code) Durham, NC

Phone: 919-672-3284

Date: 10-8-16

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE

## QUESTIONNAIRE AND DECLARATION

If you live, work, commute, or drive through Durham, North Carolina, and regularly enjoy the programming of "Choice FM," on 92.1 FM, Station WRSV, please consider filling out the form below and returning it to us. This information is needed to ascertain problems that may be created by an application for another radio station that might interfere with your ability to receive programming from our station in the Durham area in the future.

We need information concerning the SPECIFIC locations in Durham, North Carolina where you listen to the station, and how often you regularly listen to the WRSV, Choice FM while frequenting those areas.

### DECLARATION

I am a regular listener of "Choice FM", 92.1 FM -- Station WRSV, Elm City, North Carolina.

I have been informed that another radio station that the Federal Communications Commission is considering placing on the air might interfere with my ability to listen to Choice FM in Durham, North Carolina. I have been asked to provide information concerning areas where I currently listen to "Choice FM."

I am a regular listener of "Choice FM." Among the regular addresses and areas where I regularly listen to the station are the following:

1) Car Radio

Arcas I listen to "Choice FM" WRSV on my car radio over-the-air are as follows:

a) I listen to "Choice FM" WRSV in my car on my way to work.

Start/Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

b) I listen to "Choice FM" WRSV in my car on my way to school/class.

Start/Home Address: \_\_\_\_\_

School/Class Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

c) I listen to "Choice FM" WRSV in my car on my way to Shop.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

a) I listen to "Choice FM" WRSV in my car on my way to \_\_\_\_\_.

Start/Home Address: \_\_\_\_\_

Shopping/Store Address: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

2) Home

Residential address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

3) Work

Business address at which I listen to "Choice FM" WRSV over-the-air on my radio:

Street Address: 419 Dowd St.

City: Durham

Zip Code: 27701

*Car listening*

How Often? Daily - 2 or more times a week - Weekly - Other: \_\_\_\_\_

I am providing this Declaration so the FCC can be made aware that it should not authorize another radio station that might interfere with my ability to continue to listen to Station WRSV at those locations. I would be troubled if another radio station interfered so that I could not continue to listen to Station WRSV, "Choice FM" over the air from those locations listed above.

Except for my relationship as a listener, I do not have any employment or business relationship with Station WRSV nor do I have any family relationship with any owner or employee of Station WRSV.

Sincerely:

*Reesa McGhee*

Printed Reesa McGhee

Email: rissamcgee@ellisdjones.com

Address (City, State & Zip Code) 419 Dowd St, Durham, NC 27701

Phone: (919) 688-1323

Date: Oct. 4, 2016

WE THANK YOU FOR YOUR INFORMATION AND ASSISTANCE

## ***Attachment 2***

MULLANEY ENGINEERING, INC.  
9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877



**INFORMAL OBJECTION AGAINST  
PROPOSED CP MOD FOR FM TRANSLATOR  
Ch. 221 - W221DC - Durham, NC  
BMPFT-20160919AAM - Facility ID: 146901**

This engineering statement has been prepared at the request of Northstar Broadcasting Corporation, Licensee of WRSV (FM) on Ch. 221A (92.1 MHz) at Elm City, NC (Facility ID: 54823). This statement is in support of an informal objection to a second Proposed CP Modification for FM Translator W221DC relocating from Chapel Hill to Durham, NC, by Delmarva Educational Association. This modified FM translator proposes to continue to operate co-channel with WRSV and the translators proposed 60 dBu contour

*“will overlap a populated area already receiving a regularly used, off-the-air signal” of WRSV and “grant of the authorization will result in interference to the reception of such signal” (see Section 74.1204(f) ).*

WRSV previously opposed BMPFT-20150901ACL on the same grounds as it continues its opposition now. WRSV has established listeners in the Durham area which will be prevented from continuing to enjoy the programming of WRSV if this change of site application is granted by the FCC.

**Figure 1** is a Tabulation of the Technical Parameters associated with the newly filed modification of CP application filed by W221DC.

**Figure 2** is a summary of nine (9) listeners declarations certifying that they listen to WRSV on 92.1 MHz at various locations which are located within the

October 2016

proposed 60 dBu contour of W221DC. For three (3) of these listeners they listen at a fixed location within the translator 60 dBu. For four of the listeners both the beginning & end point of there listening/travel are located within the translator 60 dBu. Two of the listeners start to listen outside the 60 dBu but end up stopping at a location within the the proposed 60 dBu.

**Figure 3** is a map showing the protected 60 dBu W221DC as authorized by its CP, as proposed in 2015 and as now proposed in its pending 2016 cation. The map also shows the FCC projected contours of WRSV as somewhere between 32 to 39 dBu. Because both WRSV & W221DC are co-channel the FCC rules specify that the translator will cause interference if its signal is not at least 20 dB below that of the desired station. Thus, W221DC is predicted to cause interference if its signal is greater than 12 to 19 dBu. It is then obvious that all locations within W221DC's 60 dBu contour, it is predicted to cause massive interference to the direct reception of WRSV.

**Figures 4 & 4A** are maps showing the protected 60 dBu contour of W221DC as proposed in its pending application. It also shows the locations identified by the nine (9) declarations indicating where they listen to WRSV on a regular basis.

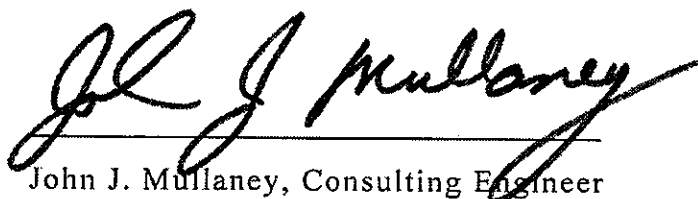
Informal Objection by WRSV - Elm City, NC  
To Grant of Translator Mod to W221DC  
October 2016

MULLANEY ENGINEERING, INC.

### Summary

It is concluded that this pending application for modification of the CP held by W221DC will cause destructive interference to the reception of WRSV at any location within the translator's proposed 60 dBu contour.

*All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.*

A handwritten signature in black ink, reading "John J. Mullaney", written over a horizontal line.

John J. Mullaney, Consulting Engineer

Executed on the 4th day of October 2016

## FM Search Results

### 3 Records Found (1 Facility)

DB Updated: 10/4/2016

### Current Owner

<u>Call Sign</u>	<u>Stat / Intl St</u>	<u>Country / State / City</u>	<u>File Number</u>	
<u>Freq</u>	<u>Service</u>	<u>Chan - Class - Intl</u>	<u>Border-Dist</u>	<u>Current/Archive</u>
<u>Owner</u>			<u>Docket</u>	<u>73 215</u> <u>Last Update</u> <u>Assoc ID</u>
<u>Antenna ID</u>	<u>DA</u>	<u>Make / Model / Bays / Spacing</u>	<u>FRN</u>	<u>Facility ID</u> <u>Fac. Status - Date</u>
<u>Latitude</u>		<u>Longitude</u>	<u>ASRN</u>	<u>App Status - Date</u>
<u>H / V :</u>	<u>ERP</u>	<u>ERP Max</u>	<u>HAAT</u>	<u>Max HAAT</u>
			<u>AMS</u>	<u>AGL</u>
			<u>Tip AG</u>	
<b>W221DC</b>	APP	US NC DURHAM	BMPFT	20160919AAM 9076
92.1 MHz	FX	221 D	C	N 9/20/2016
DELMARVA EDUCATIONAL ASSOCIATION				
<u>125758</u>	Y	SCA / YA7 FML-URM / - / -	0006151682-S	146901 CPOFF - 11/26/2013
N 36° 06' 13.0"		W 78° 57' 57.0"	0. ° T	<u>1267862</u> 152.00 1738639 ACCPT - 9/20/2016
NAD-83: 36° 06' 13.5"		78° 57' 56.0"		
H:	0.250(kW)		320.0 m /1,050 ft	119.0 m /390 ft 225.0 m /738 ft
Associated Facility ID:	9076	FM	94.7 MHz 234	WQDR-FM NC RALEIGH 0001938828
NANCY A. EPPERSON		TIMOTHY L. WARNER, P.E.		
Phone: (336) 765-7438		Phone: (828) 258-1238		
		TWARNER@TLWINC.NET		
<b>W221DC</b>	APP	US NC DARY	BMPFT	20150901ACL 9076
92.1 MHz	FX	221 D	C	N 9/2/2015
DELMARVA EDUCATIONAL ASSOCIATION				
<u>122120</u>	Y	ERI / 100A-3-85 / - / -	0006151682-S	146901 CPOFF - 11/26/2013
N 35° 47' 36.0"		W 78° 45' 38.0"	0. ° T	<u>1007885</u> 152.00 1685309 APDIS - 9/19/2016
NAD-83: 35° 47' 36.5"		78° 45' 37.0"		
H/V:	0.099(kW)		273.0 m /896 ft	122.0 m /400 ft 178.0 m /584 ft
New Primary ID:	9076	FM	94.7 MHz 234	WQDR-FM NC RALEIGH 0001938828
Primary ID:	21630		WPTF	NC RALEIGH
NANCY A. EPPERSON		TIMOTHY L. WARNER, P.E.		
Phone: (336) 765-7438		Phone: (828) 258-1238		
		TWARNER@TLWINC.NET		
<b>W221DC</b>	CP	US NC CHAPEL HILL	BNPFT	20130814ACE 9076
92.1 MHz	FX	221 D	C	N 11/26/2013
DELMARVA EDUCATIONAL ASSOCIATION				
<u>115335</u>	Y	SHI / 6810 / - / -	0006151682-S	146901 CPOFF - 11/26/2013
N 35° 58' 05.0"		W 78° 53' 17.0"	0. ° T	<u>1016459</u> 103.00 1567483 CPEXP - 11/26/2016
NAD-83: 35° 58' 05.5"		78° 53' 16.0"		
H/V:	0.200(kW)		91.2 m / 299 ft	195.0 m /640 ft 100.0 m /328 ft 115.0 m /377 ft
New Primary ID:	9076	FM	94.7 MHz 234	WQDR-FM NC RALEIGH 0001938828
Primary ID:	36943		WDUR	NC DURHAM
NANCY A. EPPERSON		CARL E. GLUCK		
Phone: (336) 765-7438		Phone: (703) 569-7704		
		CGLUCK@CTJC.COM		



**FIGURE 1 - SUMMARY OF TECHNICAL INFORMATION - W221DC**

WRSV (FM) - ELM CITY, NC  
INFORMAL OBJECTION AGAINST - W221DC - BMPFT-20160919AAM - OCTOBER 2016



1. Tyler Swanson  
Begin: 3333 Durham - Chapel Hill Boulevard Durham ND  
Work: 114 W Parrish Street Durham NC
2. Howard Craft  
Begin: I-85 & Guess Road  
School: 2200 Wakefield Pines Drive Raleigh NC. (**Outside 60 dBu**)
3. Natalie Baucum  
Start/Work: 1315 Oakwood Drive, Raleigh, NC 27610  
Home: 2638 Hitchcock Drive Durham NC 27705
4. Tim Minor  
Begin: I-85 & Guess Road  
End: 1011 Junction Rd, Durham, NC 27704  
Abundant Hope Christian Church
5. Radiah Minor  
Begin: I-85 & Guess Road  
End: 1011 Junction Rd, Durham, NC 27704  
Abundant Hope Christian Church
6. Nina A. Mason - While at work  
Work: 419 Dowd Street, Durham, NC 27701
7. Pastor Mark Anthony Middleton - Listens daily from home to work  
Home: 3018 Appling Way, Durham, NC 27703 (**Outside 60 dBu**)  
Work: 1101 Junction Road, Durham NC  
Abundant Hope Christian Church
8. Rio Perry - Listens to WRSV on his car radio while at home.  
Home: 608 Dowd Street, Durham, NC 27701
9. Reesa McGhee - While at work  
Work: 419 Dowd Street, Durham NC 27701



**FIGURE 2 - ADDRESSES OF EXISTING WRSV LISTENERS**  
Within W221DC 60 dBu

WRSV (FM) - ELM CITY, NC  
INFORMAL OBJECTION AGAINST  
W221DC - BMPFT-20160919AAM - OCTOBER 2016

# FIGURE 3 - FM TRANSLATOR FCC 60 dBu CONTOUR

WRSV (FM) - ELM CITY, NC  
INFORMAL OBJECTION AGAINST  
W221DC - BMPFT-20160919AAM - OCTOBER 2016

**W221DC.A2**  
BMPFT20160919AAM  
Lat: 36-06-13 N  
Lon: 078-57-57 W  
ERP: 0.25 kW  
HAAT: 0.0 m  
Channel: 221 D  
Freq.: 92.1 MHz  
Elevation: 201.0 m  
AGL CR: 119.0 m  
AMSL CR: 320.0 m  
H-Pattern: Directional  
160,175 Persons

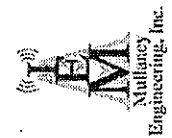
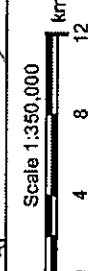
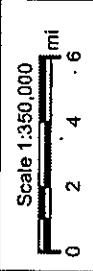
**W221DC.CP**  
BNPFT20130814ACE  
Lat: 35-58-05 N  
Lon: 078-53-17 W  
ERP: 0.20 kW  
HAAT: 91.2 m  
Channel: 221 D  
Freq.: 92.1 MHz  
Elevation: 95.0 m  
AGL CR: 100.0 m  
AMSL CR: 195.0 m  
H-Pattern: Directional  
206,405 Persons

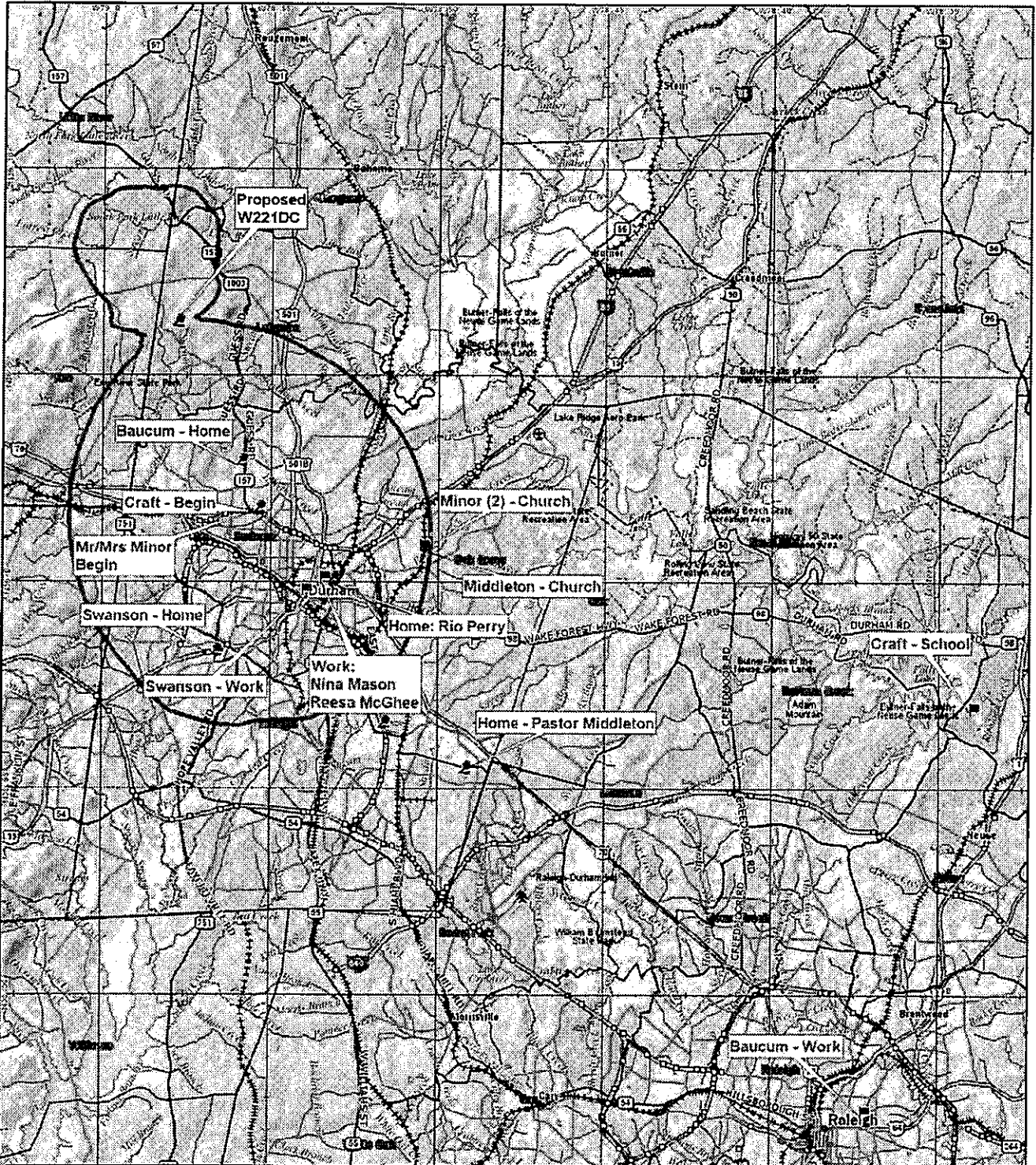
**W221DC.A1**  
BMPFT20150901ACL  
Lat: 35-47-36 N  
Lon: 078-45-38 W  
ERP: 0.099 kW  
HAAT: 164.28 m  
Channel: 221 D  
Freq.: 92.1 MHz  
Elevation: 151.0 m  
AGL CR: 122.0 m  
AMSL CR: 273.0 m  
H-Pattern: Directional  
354,270 Persons

**DISTANCE** km  
WRSV to CP: 74.4  
WRSV to App1: 63.1  
WRSV to App2: 84.4  
CP to App2: 22.5

**WRSV**  
47 dBu

**WRSV**  
36 dBu

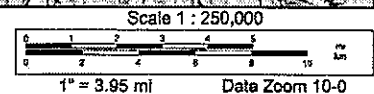


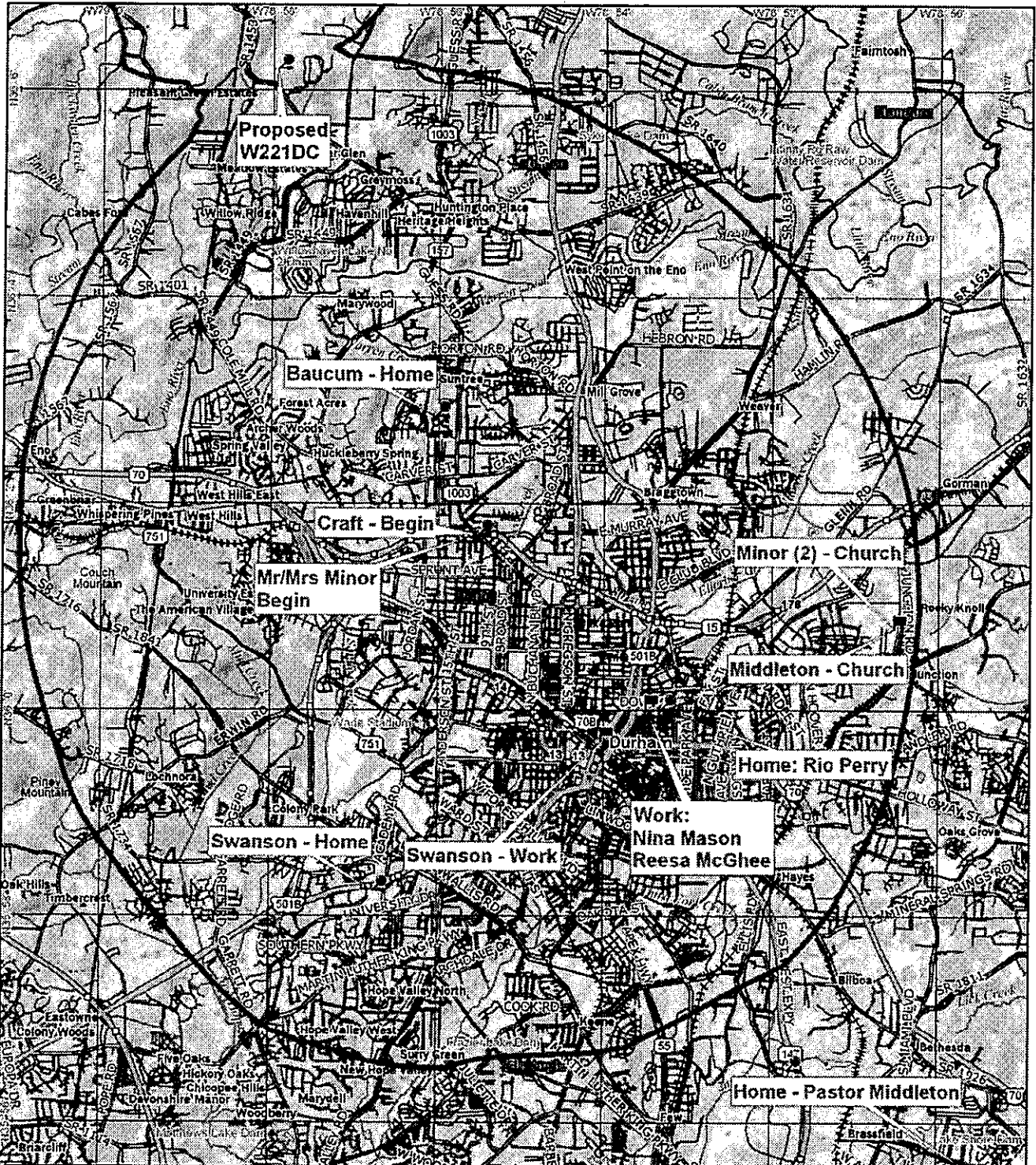


**FIGURE 4 - MAP OF EXISTING WRSV LISTENERS**  
Within W221DC 60 dBu



WRSV (FM) - ELM CITY, NC  
INFORMAL OBJECTION AGAINST  
W221DC - BMPFT-20160919AAM - OCTOBER 2016

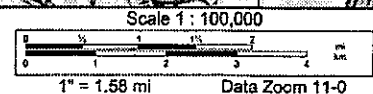




**FIGURE 4A - MAP OF EXISTING WRSV LISTENERS**  
 Within W221DC 60 dBu (expanded view)



WRSV (FM) - ELM CITY, NC  
 INFORMAL OBJECTION AGAINST  
 W221DC - BMPFT-20160919AAM - OCTOBER 2016



### *Attachment 3*

## DECLARATION

I, Robert Zarzour, hereby state as follows: 1. I am a Member of Triangle Sports Broadcasters, LLC, the former owner of Station WDUR(AM), Durham, North Carolina. Through Triangle Sports Broadcasters, I owned the station with my wife, Katherine Zarzour, from June 23, 2013 through June 12, 2014. The current owner of Station WDUR(AM), I believe, is Arohi Media LLC.

2. I am told that on August 14, 2013, an organization called Delmarva Educational Association filed an application for a new FM translator on Channel 221, and designated in the FM translator application that the tower that I owned at that time (ASR 1016459) would be used as the transmitter site for the FM translator station. It also is my understanding that the FM translator application designated Station WDUR as the proposed primary station for the FM translator, and that it therefore proposed to rebroadcast WDUR(AM) with the FM translator. Finally, it also is my understanding that a construction permit for that facility, designating my tower and designating WDUR as the station to be rebroadcast on the FM translator, was eventually granted by the FCC.

3. At no time did I, nor any other party associated with Triangle Sports Broadcasters, LLC, provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station, and at no time did I provide authorization for Station WDUR to be designated as the primary station for the proposed translator.

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

Robert Zarzour

October 13, 2015

*Robert A. Zarzour M.D.*

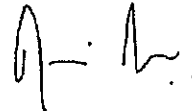
## *Attachment 4*

## DECLARATION

I, Ravi Cherukuri, hereby state as follows:

1. I am President and sole owner of Arohi Media, LLC. Arohi Media LLC is licensee of Station WDUR, Durham, North Carolina. Arohi Media LLC has owned Station WDUR(AM) since June 12, 2014. Arohi Media LLC also since that time has been owner of the tower used by the station, ASR 1016459. I am told that an organization called Delmarva Educational Association currently has a construction permit for a new FM translator on Channel 221, and that it has designated my tower as its translator's transmitter site.
2. At no time did I, nor any other party associated with Arohi Media LLC provide any assurances to or enter into any agreement with Delmarva Educational Association (or any other party associated with Delmarva Educational Association) for the use of my tower as the transmitter site for an FM translator station. Delmarva is designating the tower as its proposed transmitter site without my company's permission.

I declare under penalty of perjury that the forgoing is true and correct.



---

Ravi Cherukuri

December 2, 2015



**CERTIFICATE OF SERVICE**

I, Dan J. Alpert, hereby certify that the forgoing "Petition to Deny" is being served by E-Mail and First Class Mail to the following:

Davina Sashkin, Esq.  
Fletcher Heald & Hildreth, PLC  
1300 N. 17<sup>th</sup> St.  
11<sup>th</sup> Floor  
Washington, DC, 222209

\_\_\_\_\_/Dan J. Alpert/\_\_\_\_\_  
Dan J. Alpert

## **EXHIBT C**

Before the  
Federal Communications Commission  
Washington DC 20554

PLEASE STAMP  
AND RETURN  
THIS COPY TO  
FLETCHER, HEALD & HILDRETH

In re Application of )  
 )  
Delmarva Educational Association )  
 )  
For Modification of Construction Permit for )  
FM Translator Station W221DC )  
[C]ary, North Carolina )  
 )

File No. BNPFT-20150901ACL

FCC Facility ID: 146901

Accepted / Filed

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

SEP 23 2016

Federal Communications Commission  
Office of the Secretary

### OPPOSITION TO PETITION FOR RESCISSION

Delmarva Educational Association ("Delmarva"), permittee of FM translator station W221DC, Chapel Hill, North Carolina (Facility ID 146901) (the "Construction Permit"), hereby respectfully submits this Opposition to the filing by Northstar Broadcasting Corporation ("Northstar" or "Petitioner") styled as a "Petition for Rescission of Construction Permit" (the "Petition") but filed as a petition against the above-captioned application to modify the Permit (the "Application").<sup>1</sup> The Commission should dismiss the Petition on procedural grounds, as the Petition is grossly untimely, Northstar lacks standing, and the Application has been dismissed, rendering this Petition moot. Alternatively, the Petition must be dismissed or denied because the substantive arguments lack merit. Finally, Northstar should be admonished for abuse of process for acting in the stead of the real party in interest, Arohi Media LLC ("Arohi"), who appears to have utilized Northstar as a vehicle for filing against the Application because it has unclean hands.

<sup>1</sup> Northstar incorrectly captioned its Petition with the file number of the underlying Construction Permit rather than the file number of the Application to move facilities to serve Cary, NC. The caption of this response includes the correct file number in the caption. As explained further in the pleading, Delmarva has sought dismissal of the Application, rendering any petition against it moot.

### THE PETITION SUFFERS NUMEROUS PROCEDURAL DEFICIENCIES

The Petition is procedurally defective and must be dismissed, as it is effectively a grossly late-filed petition for reconsideration of the Audio Division's 2013 grant of the Construction Permit. The Petition—which was filed on January 14, 2016—was filed well beyond any of the permissible periods available for filing petitions to deny an application or for filing a petition for reconsideration of a Commission action. Moreover, the Petitioner fails to establish standing and fails to demonstrate why it was unable to participate at earlier stages of the proceeding.

As noted in the Petition, Delmarva filed its application for Construction Permit on August 14, 2013. Petitioner could have filed a petition to deny “no later than 15 days from the date of the notice accepting this application for filing.” Public Notice, *Broadcast Applications*, Report No. 28056 (released August 20, 2013). No petitions were filed within that 15-day period nor at any time before the Construction Permit was granted on November 26, 2013. “Untimely Petitions to Deny, as well as other pleadings in the nature of a Petition to Deny . . . are subject to return by the FCC's staff without consideration.” 47 C.F.R. § 73.3584(e). The Petition therefore must be dismissed as grossly untimely.

Furthermore, the Commission's grant of the Construction Permit is and has long-been final. The Audio Division granted the Construction Permit on November 26, 2013. Public notice of the grant of the Construction Permit was given on December 2, 2013. Public Notice, *Broadcast Applications*, Report No. 48126 (released December 2, 2013). “[A] petition for reconsideration must be filed within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of.” 47 U.S.C. § 405(a). No petitions were filed during the 30-day period following December 2, 2013, and the grant of the Construction Permit became final.

Therefore, the Petition – filed more than *two years* after the Construction Permit grant became final – is grossly untimely and must be dismissed.

The Petition is also procedurally defective for its failure meet the standard required by Section 1.106(b)(1) of the Rules that a person who is not a party to the proceeding must state with particularity the ways in which its interests are adversely affected by the grant of an application. Northstar does not even attempt to suggest any injury or adverse effect caused to it by the Application or the underlying Construction Permit. Nor does Northstar demonstrate in the Petition any good reason why it was not possible for it to participate in the earlier stages of the proceeding, a further criteria for standing to bring a petition against an FCC action. § 1.106(b)(1).

Finally, the Petition must be dismissed for mootness. Delmarva has requested dismissal of the Application, which this Petition is ostensibly filed against, rendering moot Petitioner's challenges to the Application. The Petition is clearly defective on a number of procedural grounds and does not lie as a matter of law. The Commission should promptly dismiss the Petition.

#### **THE PETITION FAILS ON THE MERITS**

Even, assuming *arguendo*, the Commission does not dismiss the Petition out of hand for its numerous procedural deficiencies, the Petition must nonetheless be denied on the merits. Irrespective of Petitioner's claims, Delmarva has on file an application (FCC File No. BMPFT-20160919AAM) to modify the Construction Permit to specify a new, unrelated site and primary station for rebroadcast, curing any alleged deficiencies (the "Modification Application").<sup>2</sup> The Commission's liberal application amendment policy, first adopted in 1998, codified in Section

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<sup>2</sup> Delmarva has requested dismissal of the prior modification application for this facility, BMPFT-20150901ACL (the "Cary Mod"), which is ostensibly the application against which the Petition was filed, rendering arguments against the Cary Mod moot. However, Delmarva notes that this previous modification application also served, pursuant to Commission precedent, to cure any alleged deficiencies.

73.3522(a)(2) of the Rules, and recently affirmed in *Christopher Falletti* (FCC 15-4) and *Edward A. Schober* (FCC 16-50), directs that technical and legal defects in long-form applications for new stations are no longer fatal; the Commission must enable opportunity for amendment to cure defects. Accordingly, even if the original Construction Permit application was defective, any defects were initially cured by the Application, and are certainly now cured by Delmarva's Modification Application.

Even if the Commission does not acknowledge that the Petition is mooted by the Modification Application, Delmarva can demonstrate that it (i) had a good faith belief that it had both site availability and assurance to rebroadcast the specified primary station at the time of filing the Application, and (ii) when those understandings were undermined, Delmarva engaged in direct good faith negotiations with Arohi, the current owner of the tower site and licensee of station WDUR(AM), to arrange for the use of the specified facilities and the rebroadcast of WDUR as the primary station. In fact, the negotiations also included talks regarding the potential sale of the Delmarva translator permit to Arohi. However, after several months of negotiations, the parties were unable to reach terms. A detailed account of the timeline of events is below:

In the summer of 2013, Delmarva director Stuart Epperson, Jr. met several times with Don Curtis, principal owner of the licensees of approximately 30 full-power radio stations across North Carolina. As longstanding members of the radio broadcasting community in North Carolina, Mr. Curtis and Mr. Epperson enjoy a professional relationship built on trust, mutual respect and support. In these meetings, Mr. Curtis represented to Mr. Epperson that he had made an offer to purchase the tower facility for WDUR, from its then-owner, Triangle Sports Broadcasters, LLC ("Triangle"). Mr. Curtis further assured Mr. Epperson that he would be pleased to have Delmarva utilize space on the tower for its proposed FM translator. Mr. Epperson believed in good faith that

the acquisition of the tower facility by Mr. Curtis was eminent, and therefore Delmarva relied on Mr. Curtis' representation in the preparation and filing of the Construction Permit application.

As a result of these discussions, Mr. Epperson understood that the WDUR owner was in dire financial straits and desperately needed to sell. He discussed with Henry Hoot, Regional Operations Manager of Delmarva, his interest in having his commercial broadcast company, Truth Broadcasting Corporation ("Truth"), buy the WDUR station and have it be rebroadcast on the Delmarva translator station proposed to be sited on the WDUR tower. Mr. Hoot understood these conversations to mean that the transaction was already underway, and accordingly he directed the preparation of the Application to specify rebroadcast of WDUR.

When he learned a few months later that Mr. Curtis did not acquire the WDUR tower facility nor did Truth acquire the station license, Mr. Hoot made multiple attempts to reach the principal contact of Triangle, Mrs. Katherine Zarzour, to make a purchase offer on behalf of Delmarva or, in the alternative, to propose a long-term lease of the tower facility and rebroadcast agreement. In his messages to Mrs. Zarzour, Mr. Hoot, noting that WDUR had been off the air for an extended period of time, even offered to provide assistance to Triangle in returning WDUR to the air. All of these efforts by Delmarva to reach the licensee went unanswered.

Upon learning in April 2014 of the proposed sale to Arohi, Mr. Hoot reached out to Arohi's broker and to Arohi's FCC counsel to express Delmarva's desire to enter into a tower lease and rebroadcast arrangement. Delmarva did in fact enter into direct discussions with Arohi's principal, Ravi Cherukuri, after Arohi's acquisition of WDUR closed. These negotiations, which had risen to the level of a draft lease prepared and reviewed by FCC counsel for both parties, broke down in the spring of 2015. Declarations of Mr. Epperson, Mr. Curtis and Mr. Hoot are attached hereto attesting to the foregoing.

It is clear that Delmarva had a reasonable, good faith belief that it had obtained, prior to the filing of the Construction Permit application, the requisite tower site assurance and primary station rebroadcast consent. Moreover, upon learning that the situation underlying its initial assurances had changed, Delmarva immediately set about trying to obtain the requisite assurance, first from the then-owner and then from the subsequent (and current) owner. The Petition should therefore be denied on the merits.

#### **REAL PARTY IN INTEREST, UNCLEAN HANDS, AND ABUSE OF PROCESS**

As discussed above, Northstar failed to demonstrate how it is harmed by the grant of the Application against which the Petition is ostensibly filed, nor how the Construction Permit has caused Northstar adverse effects; thus it is obvious that Northstar appreciates that it has no standing to bring this Petition. What is most curious is that Arohi apparently engaged with Northstar to supply the allegations to levy against Delmarva. One might wonder why Arohi did not participate directly in the proceeding. Delmarva can only surmise that Arohi is aware that the doctrine of unclean hands would bar Arohi from such raising complaints against the Application or the Construction Permit.

In the summer of 2014 and again in September 2015, Delmarva's FCC counsel, the undersigned, received correspondence from Arohi's FCC counsel, David Tillotson, threatening that Arohi would file petitions with the Commission raising the very allegations made by the Petitioner here if certain terms were not accepted. These terms included a demand that Delmarva sell the Construction Permit to Arohi for a price far below market rate. Delmarva refused to be extorted and reminded Arohi's counsel of the Commission's rules against strike petitions.

It is clear that the real party in interest to the Petition is Arohi, not Northstar. It would appear that Northstar's agenda here is entirely unrelated to the issues raised in the Petition; rather,



Northstar's complaint is with the Modification Application. Seemingly, Northstar thinks that being a "strawman" for Arohi here somehow will advance its Petition to Deny pending against the Modification Application (which is now moot). The Petition should be denied and Northstar should be admonished for its willingness to participate in such a clear abuse of the Commission's processes.


#### CONCLUSION

As demonstrated above, the Petition suffers from numerous procedural defects that require dismissal. Moreover, the Petition fails on the merits, as any alleged deficiencies have been cured or, alternatively, lack substantial factual basis. Finally, the apparent attempt to conceal a real party in interest is an abuse of the Commission's processes that must not be tolerated. For these reasons, the Petition must be dismissed or denied.

September 23, 2016

Respectfully submitted,

**DELMARVA EDUCATIONAL  
ASSOCIATION**

  
\_\_\_\_\_  
Davina Sashkin, Esq.

FLETCHER, HEALD & HILDRETH, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209  
703-812-0400

Its Counsel

# **DECLARATION OF STUART W. EPPERSON, JR**

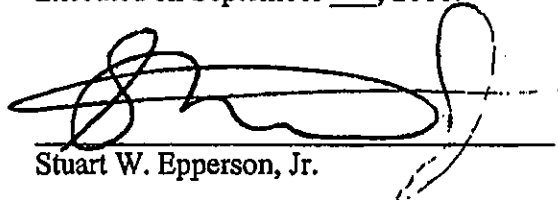
I, the undersigned, have read the preceding Opposition to Petition for Rescission.

Among others statements therein, I reaffirm that:

1. I am a member of the board of directors of Delmarva Educational Association ("Delmarva") and conduct business on behalf of Delmarva in that capacity.
2. I am also the sole shareholder, president and a director of Truth Broadcasting Corporation, an FCC radio licensee ("Truth").
3. I have a longstanding professional and community relationship with Don Curtis and relied on his assurances regarding the WDUR tower facility obtained during our meetings in the summer of 2013.
4. Based on my discussions with Mr. Curtis in 2013, it was my expectation that Mr. Curtis' company would purchase the WDUR tower and that he would negotiate a lease with Delmarva to operate its proposed translator from the tower.
5. At the same time, I undertook research and planning for a possible acquisition by Truth of the WDUR station license and had conversations with Henry Hoot about this possibility.

I declare under penalty of perjury that the factual statements herein are correct to the best of my knowledge and belief.

Executed on September 22, 2016.



Stuart W. Epperson, Jr.

## DECLARATION OF DONALD W. CURTIS

I, the undersigned, have read the preceding Opposition to Petition for Rescission.

Among others statements therein, I reaffirm that:

1. I am the principal owner of several radio stations licensee entities holding radio broadcast licenses across the state of North Carolina.
2. I have a longstanding professional and community relationship with Stuart Epperson, Jr. and meet with him on occasion to discuss business opportunities.
3. In the summer of 2013, my company was in negotiations to purchase the tower facility for WDUR(AM), and I conveyed to Mr. Epperson that I would be willing let Delmarva use space on the WDUR tower for its translator.

I declare under penalty of perjury that the factual statements herein are correct to the best of my knowledge and belief.

Executed on September 21, 2016.

  
\_\_\_\_\_  
Donald W. Curtis

## DECLARATION OF HENRY HOOT

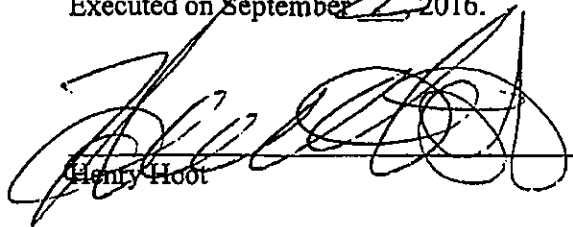
I, the undersigned, have read the preceding Opposition to Petition for Rescission.

Among others statements therein, I reaffirm that:

1. I am Regional Operations Manager for Delmarva Educational Association.
2. Based on conversations with Stuart Epperson, Jr. in the summer of 2013, I believed his company, Truth Broadcasting, was in the process of purchasing WDUR and intended that station to be rebroadcast on the Delmarva translator. It was with this understanding that I directed the filing of the 2013 Application.
3. I made multiple attempts in late 2013 and early 2014 to reach Katherine Zarzour, the principal of the WDUR licensee, including phone calls to contact numbers listed in the FCC's databases and emails to the contact email address provided on FCC applications, to reach terms that included long-term lease of space on the WDUR tower, assistance in returning WDUR to the air, and purchase of the station by Delmarva. None of my calls or emails were answered.

I declare under penalty of perjury that the factual statements herein are correct to the best of my knowledge and belief.

Executed on September 22, 2016.

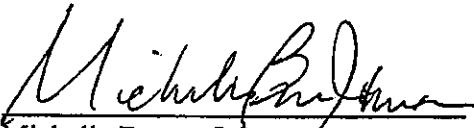


Henry Hoot

**CERTIFICATE OF SERVICE**

I, Michelle Brown Johnson, a legal secretary at Fletcher, Heald & Hildreth, PLC, do hereby certify that a copy of the foregoing Opposition to Petition for Rescission is being sent via first-class, U.S. Mail, postage prepaid, this 23rd day of September, 2016, to the following:

Dan J. Alpert, Esq.  
The Law Office of Dan J. Alpert  
2120 North 21<sup>st</sup> Road  
Arlington, VA 22201  
*Counsel to Northstar Broadcasting Corporation*

  
Michelle Brown Johnson