

**Justification for STA**

Polnet Communications Ltd. (“Polnet”), licensee of W284DA, Chicago, IL (Fac. ID 155174) (the “Station”), hereby seeks special temporary authority to resume operations with the modified facilities specified herein. By letter order dated February 25, 2019, the Audio Division directed Polnet to cease operation of W284DA (the “Letter Order”) until it resolved the interference complaints identified in the Letter Order. Polnet has resolved all 43 interference complaints, and its contact with complainants clearly indicates that any interference was resolved long ago—when the broken antenna bracket was repaired, as explained by Polnet in multiple communications with FCC staff and IDCAG. Polnet has filed a Petition for Reconsideration seeking the reinstatement of its license and authorization to resume operations at its authorized parameters. While that Petition remains pending and the Audio Division reviews Polnet’s resolution of the complaints, Polnet requests authority to resume operations using the technical parameters specified herein, which as demonstrated in the attached engineering statement would further reduce W284DA’s signal strength at the locations reported in each of the contested complaints.

**Background**

On February 1, 2017, Commission staff granted Polnet’s application for a license to cover a modified construction permit to relocate the Station’s antenna, change the effective radiated power (ERP) to 50 Watts, and install a single-bay, vertically polarized, antenna mounted at 360 meters above ground level (AGL) at 325 degrees. *See* File No. BLFT-20170118ABH. Subsequently, on May 8, 2017, Commission staff granted Polnet’s application for a further minor modification of the Station’s facilities, which proposed only to increase the Station’s ERP to 99 Watts and “rotate the antenna 10 degrees clockwise in order to continue to protect WCFL(FM).” *See* File No. BPFT-20170410ACO. On August 21, 2017, Polnet filed a license application to cover the 2017 Permit, which was accepted for filing on August 22, 2017. *See* File No. BLFT- 20170821AAR. Commission staff granted that license on August 28, 2017.

On May 31, 2017, Illinois District Council of the Assemblies of God (“IDCAG”) filed a complaint arguing that the Station was causing actual interference to WCFL(FM). IDCAG included 24 signed listener declarations dated May 26-30, 2017 (the “Initial Complaints”). On June 13, 2017, IDCAG submitted 19 additional listener declarations dated May 26-31, 2017 (the “Supplemental Complaints”). Immediately after receiving the complaints, Polnet investigated. It determined that high winds in the area had damaged the supporting brace on its antenna platform, causing the antenna to rotate and go off pattern. This was purely accidental and the result of the storm’s damage to the brace. Polnet fixed the brace and recalibrated the antenna. Once the antenna was fixed and operating per its licensed parameters, Polnet has received no further complaints of interference. On June 13, 2017, Polnet reported that it had identified and fixed a damaged supporting brace on the antenna platform. Polnet submitted a declaration from its consulting engineer, Kent Gustafson, affirming that on June 4, 2017 (after the Initial Complaints and the Supplemental Complaints), Polnet repaired the Station’s facility and on June 5, 2017 and in March 2018, Mr. Gustafson visited each site where interference was reported to confirm that no actual interference continued. *See* April 2018 Supplemental Reply at 1-2 and Declaration of Kent Gustafson (dated Apr. 13, 2018), Exh. A., paras. 8-9. Nevertheless, in the Letter

Order, the Division refused to accept Mr. Gustafson's statement and concluded that because Polnet did not contact each of the 42 listeners individually (one failed to provide adequate contact information), Polnet failed to eliminate the interference.

### **Resolution of Complaints**

While Polnet disagrees with the Audio Division's cursory dismissal of Mr. Gustafson's declaration, it nevertheless timely discontinued operations on the Station. Polnet then made multiple attempts to contact each of the 24 individuals who submitted the Initial Complaints and the 19 individuals who submitted the Supplemental Complaints. Between March 1, 2019 and March 4, 2019, Mr. Gustafson attempted to call each of the complainants.<sup>1</sup> Mr. Gustafson reached 10 of the complainants, of which 9 (Jeff Lape, Katherine Aude, Kelly Duhamel, Bonnie Bulger, Amy Luetgert, Dorothy Carlson, Mark Ruschman, Kim Graf, and Thomas Rowley) indicated that they have not experienced interference in a long time. The tenth complainant, Todd A. Newton, reported interference on March 1, 2019, which was after the Station had discontinued operations and, therefore, could not have come from the Station. Ms. Graf followed up with Mr. Gustafson on March 15 to let him know that she was experiencing interference again—but this was after W284DA had ceased operations as directed, therefore, the interference could not be from W284DA. The remaining 33 complainants either did not respond to multiple telephone messages or their numbers were not in service. Polnet also sent letters to the 33 complainants that it was unable to reach by phone on March 1, 2018, requesting a response within five days of receipt. Now, almost three weeks later, Polnet has not received any telephone calls in response to these letters. The responses from the complainants clearly confirms that to the extent there was interference caused by the Station when its antenna was damaged in the wind storm, that interference was resolved long ago and the station is not causing any interference when it operates with its licensed parameters.<sup>2</sup>

### **Request for Special Temporary Authority**

Section 74.1203(e) of the Commission's rules provides that the operations of an FM translator suspended due to interference "shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the FM translator or FM booster station." 47 C.F.R. § 74.1203(e). Polnet stands by its previous assessment that it eliminated

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<sup>1</sup> See Declaration of Kent A. Gustafson ¶ 3, attached hereto as Ex. A.

<sup>2</sup> As a courtesy, Polnet shared the results of its outreach to complainants with IDCAG's counsel. In response, IDCAG's counsel sent Polnet's counsel 36 additional complaints that IDCAG has been sitting on for more than a year and a half – the most recent of which was dated September 5, 2017. Polnet has repeatedly reached out to IDCAG numerous times to resolve any interference caused from the damage to its antenna bracket, then to confirm interference was resolved. IDCAG has refused to work with Polnet at any point in good faith. IDCAG cannot now rely on complaints that are more than 18 months old that it never previously shared with Polnet or the Commission. Polnet has established that any interference caused by W284DA due to damage from a 2017 wind storm has long-since been resolved. Of the original complainants reached by Polnet, all reported no recent interference except two, who continued to experience interference after the Station suspended operations (and therefore cannot be receiving interference from W284DA). Indeed, none of the complaints mention the Station by name or describe the allegedly interfering programming aside from the language in the form letter stating that it is "programming from WRDZ(AM)." Given the compelling evidence that any interference from the Station is resolved, the burden should be on IDCAG to prove that any additional interference is actually caused by the Station.

whatever interference it may have caused when it repaired the Station's facility on June 4, 2017, as confirmed by its consultant's recent telephonic conversations with 9 of the complainants. Polnet further demonstrated that any remaining interference is not due to spurious emissions by the Station, as evidenced by two complainants continuing to receive interference after the Station discontinued operations. The remaining complainants failed to cooperate with Polnet's efforts by not returning Polnet's calls and/or declining to respond to Polnet's letter.

The responses from complainants clearly show that Polnet's licensed parameters do not cause impermissible interference. Rather, any interference resulted from the inadvertent rotation of the Station's antenna when the antenna bracket was damaged during a wind storm. That damage was fixed shortly after the complaints were received and each complainant that responded (absent two) told Polnet that they had not experienced interference in a long time. The two complainants that indicated they continued to experience interference were receiving interference when W284DA was off the air. Therefore, the interference could not be from W284DA—consistent with the findings Polnet submitted previously that demonstrated there was interference to the WCFL signal from another radio station.

In a recent email to Dale Bickel, Chief Engineer, Audio Division, Media Bureau, counsel for IDCAG, indicated that Polnet's Petition for Reconsideration (filed on March 20, 2019) provides "a better forum for resolution of this matter." While that may be accurate with regard to determining whether the original interference has been resolved, the instant application represents an interim plan to allow W284DA to operate with modified facilities that will avoid even the theoretical possibility of interference to WCFL, as explained in the attached Engineering Statement of Cavell Mertz.

Polnet requests prompt action on this request.

## DECLARATION OF KENT GUSTAFSON

I, Kent D. Gustafson, hereby declare as follows:

1. I am an independent media consultant in the Chicago area, where I provide management services for Polnet Communications, Ltd. ("Polnet").
2. I am providing this declaration to support Polnet's request for Special Temporary Authority to resume operations and its Petition for Reconsideration of the decision of the Audio Division in Re: Illinois District Counsel Assemblies of God, dated February 25, 2019.
3. On March 1 and March 4, 2019, I contacted each of the Complainants listed on Attachment A by phone to determine whether they were receiving (or had received) interference from W284DA. Polnet sent each Complainant that I was unable to reach by phone on March 1 a letter asking them to contact me if they were receiving interference.
4. The information provided in Attachment A accurately reflects the response of each Complainant to my phone call. No Complainant contacted me via phone or email in response to the letter.

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



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Kent D. Gustafson

Dated: March 15, 2019

**Attachment A**

**W284DA COMPLAINT RESOLUTION LOG**

Name	Location of Interference	Address listed on Complaint	Date of Call/Action	Letter Sent (date)	Resolved?	Notes from Call
Jeff Lape	15652 Stonewall, Newark, IL 60541; 301 W 2nd St. Lockport, IL 60441 (work)		03/01/19		Yes	Not receiving interference, haven't received interference in months.
Todd A. Newton	Home, Work, Car, While Exercising 60448		03/01/19		No	Radio fuzzy even today.  NOTE: W284DA was off the air on this date
Katy Newton	Everywhere - New Lenox; home and work	241 W. Woodlawn, New Lenox, IL 60451	03/01/19 -left message 03/04/18 – left message	03/01/19		
Katherine Aude	Car between work and home		03/01/19		Yes	
Angela Zheng	car travelling to school	2844 Sun Valley Rd., Lisle, IL 60532	03/01/19 – left message 03/04/19 – left message	03/01/19		
Amy Visser	Home and Car	844 Rockbridge Dr, Naperville, IL 60540	03/01/19 – hung up on me	03/01/19		
Stephanie Raquel	Home and Car	1665 Stanton Dr, Naperville, IL 60540	03/01/19 – left message 03/04/19 – left message	03/01/19		
Kelly Duhamel	In car travelling to Naperville, and Home		03/01/19		Yes	Listens every day. It has been fine for months.
Kay Zorn	Home, errands, travel in E. DuPage Co.	1544 Marquette Ave, Naperville, IL 60565	03/01/19– no answer/no voicemail option	03/01/19		
Susan Brown	In car, at home	104 E. 12th Ave, Naperville, IL 60563	03/01/19– wrong number	03/01/19		
Faith Allman	in the car	1325 Culpepper Dr, Naperville, IL 60540	Phone disconnected	03/01/19		
Bonnie Bulger	Car	1417 Killdeer Dr, Naperville, IL 60565	03/01/19 03/04/19		Yes	No problems for a very long time.

Name	Location of Interference	Address listed on Complaint	Date of Call/Action	Letter Sent (date)	Resolved?	Notes from Call
Cathy Hill	Home, car, office: 1783 S Washington St., Naperville, IL 60565	46 Sussex Ct, Naperville, IL 60540	Phone disconnected	03/01/19		
Joseph Kluber	Home, Work (8 E Galena Blvd, Aurora, IL 60506), travelling around the Fox Valley, IL area	508 Waterford Dr, Oswego, IL 60543	Phone disconnected	03/01/19		
Amy Luetgert	Home, in car when driving around town		03/01/19		Yes	No interference for a very long time.
Jordan Lints	Home, car (Aurora, Naperville, Oswego, Plainfield, Dekalb)	2620 Moss Ln, Aurora, IL 60504S	03/01/19 – left message 03/04/19– left message	03/01/19		
Deborah Lints	Home, automobile every time I go someplace Aurora/Naperville area, Dekalb area	2620 Moss Ln, Aurora, IL 60504	Number disconnected	03/01/19		
Karlene Endres	My home, at work and in car around town	2715 Frank Turk Dr Plainfield, IL 60586	03/01/19 – hung up on me	03/01/19		
Scott Parsons	Home and Work (110 Bridge St, Wheaton, IL 60187)	2S957 Shagbark Dr, Batavia, IL 60510	03/01/19 – left message 03/04/19 – left message	03/01/19		
Sheri Parsons	Home, car (Batavia to Elgin)	2S957 Shagbark Dr, Batavia, IL 60510	03/01/19 – left message 03/04/19 – left message	03/01/19		
Abbylyn Parsons	Car from Batavia to Carol Stream	2S957 Shagbark Dr, Batavia, IL 60510	03/01/19 – left message 03/04/19 - left message	03/01/19		
Donald R. Walker	Home and car	2046 Mission Hills Dr, Elgin, IL 60123	Number disconnected	03/01/19		
L. O'hara	Home and in car between Carol Stream and Lombard	112 Arbor Drive Carol Stream, IL 60188	03/01/19– left message 03/04/19 – left message	03/01/19		
Margaret Ereneta	Lisle, Naperville, Woodridge, Home, Car	6806 Telluride Ct, Lisle, IL 60532	03/01/19 – left message 03/04/19 – left message	03/01/19		
Nancy B. Baird	In car, between home and work (2000 N. Naperville Rd, Naperville, IL)	1789 Gone Away Lane Wheaton, IL 60189	03/01/19 – left message 03/04/19 – left message	03/01/19		
Margaret A. Orland (Peg)	home, in car, at work (620 E. Main St., St. Charles, IL 60175)	4N435 Knoll Creek Dr., St. Charles, IL 60175	03/01/19 – left message 03/04/19 – left message	03/01/19		

Name	Location of Interference	Address listed on Complaint	Date of Call/Action	Letter Sent (date)	Resolved?	Notes from Call
Kieth Orland	In my car between home and work in Elgin, IL 60120	4N435 Knoll Creek Dr., St. Charles, IL 60175	03/01/19 – left message 03/04/19 – left message	03/01/19		
Dorothy Carlson	my home, my car		03/01/19		Yes	Fine for months.
Debbi Briggs	work, car, home (Wheaton, Warrenville, Aurora, West Chicago, Lombard)	1S791 Ascot Ln, Warrenville, IL 60555	03/01/19 – left message 03/04/19 – left message	03/01/19		
Darnell Barrett	Car - at studio in chicago	[no street address]	03/01/19 – left message 03/04/19 – left message			
Cameron Briggs	Home, car (Warrenville, Glendale Heights, Bloomingdale)	1S791 Ascot Ln, Warrenville, IL 60555	03/01/19 – left message 03/04/19 – left message	03/01/19		
Josh Adam	Wheaton Warrenville	Drake Terrace L4, Wheaton, IL 60187	03/01/19 – left message 03/04/19 – left message	03/01/19		
Madison Briggs	My work - car (wheaton, Geneva, West Chicago, Naperville, Lisle)	Drake Terrace L4, Wheaton, IL 60187	03/01/19 – left message 03/04/19 – left message	03/01/19		
Rich Briggs	Car - Geneva West Chicago - Warrenville	1S791 Ascot Ln, Warrenville, IL 60555	03/01/19 03/04/19	03/01/19		
Carly Briggs	Car - Home (Warrenville, Wheaton, Lisle, North Aurora)	1S791 Ascot Ln, Warrenville, IL 60555	03/01/19 – left message 03/04/19 – left message	03/01/19		
Cynthia Panza	Home and in car	344 Persimmon Ln, Oswego, IL 60543	03/01/19 – left message 03/04/19 – left message	03/01/19		
Christine Murray	In my car, travelling to and from Palatine, IL and around Naperville & Lisle	1385 Green Trials Drive, Naperville, IL 60540	03/01/19 – left message 03/04/19 – left message	03/01/19		
Sandra Seifert	In my truck, wherever I go: home, work, stores	1731 Richard Ave, Aurora, IL 60505	03/01/19 – hung up on me	03/01/19		
Peggy A. Glaser-Silva	my home, and my car anywhere I travel, especially Dixon, IL, and Chicago, IL	142 Boulderhill Pass, Montgomery, IL 60538	03/01/19 – left message 03/04/19 – left message	03/01/19		
Mark Ruschman	My home and travel from home to work in Warrenville, IL		03/01/19		Yes	No interference for a very long time.

Name	Location of Interference	Address listed on Complaint	Date of Call/Action	Letter Sent (date)	Resolved?	Notes from Call
Kim L. Graf	my home, my car		03/01/19 03/15/19 – Ms. Graf called Mr. Gustafson		Yes	3/15/19 Update: Ms. Graf called back to indicate that she began receiving interference again on March 1, 2019. NOTE: This was shortly after Polnet suspended operations on W284DA.  3/1/19: There used to be big interference. Stopped listening for a while. Listened last week and there was no interference. NOTE: W284DA was on the air during the week she listened and did not experience interference.
Laura Koran	home, work, car	2610 Sierra Ave, Plainfield, IL 60586	03/01/19 – left message 03/04/19 – left message	03/01/19		
Linda V. Luedtke	At work in Naperville (1260 Iroquois Ave Naperville, IL 60563) and when I travel to visit family downstate IL from Naperville, south on I55	1713 Hall Pl Downers Grove, IL 60516	Number disconnected	03/01/19		
Julie Diveley	home, travelling to and from work in Yorkville, IL 60560	17090 Frazier Rd, Plano, IL 60545	03/01/19 – left message 03/04/19 – left message	03/01/19		
Thomas Rowley	Home, work, auto, motorcycle work (23855 W Andrew Rd, Plainfield, IL 60585)		03/01/19		Yes	No interference, it's been good for a very long time
Sandra Shelton	auto	325 W Janet Dr, Braidwood, IL 60408	Number Disconnected	03/01/19		
Victoria Foley	in my car traveling to work in St. Charles & elsewhere	505 Indiana St, St Charles, IL 60174	Number Disconnected	03/01/19		
Lisa Rowley	Home, auto, work (23855 W Andrew Rd, Plainfield, IL 60585)	12605 Shenandoah Trail, Plainfield, IL 60585	03/01/19 – left message 03/04/19 – left message	03/01/19		