

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In re Application of )  
)  
CALL COMMUNICATIONS GROUP, INC. ) FCC File No. 0000186693  
)  
For a Construction Permit ) Facility ID No. 61088  
For a Minor Modification of )  
WMFL, Palmetto Bay, FL )

To: Chief, Audio Division, Media Bureau

## Informal Objection

Bascomb Memorial Broadcasting Foundation (“Bascomb”), licensee of noncommercial educational station WDNA, Miami, Florida, Facility ID 4030, by its attorney and pursuant to Section 73.3587 of the Commission’s Rules, hereby respectfully objects to the application of Call Communications Group, Inc. (“Call Comm” or “WMFL”), to modify the facilities of noncommercial educational station WMFL to change its transmitter site, to change its city of license from Florida City, Florida, to Palmetto Bay, Florida, and to increase its operating power.

### Introduction

Call Comm’s application to modify WMFL does not comply with the requirements of FCC Rule 73.509. It seeks a waiver with respect to WDNA and another station but failed to make a sufficient showing. The WMFL application must be dismissed because (1) it proposed to create second-adjacent channel overlap to WDNA that impacts over 20,000 people; (2) it improperly encroaches on the service areas of another co-channel station and a first adjacent channel station which were not acknowledged in WMFL’s application; and (3) it violates the antenna rule prohibiting a greater than -15 dB change in pattern.

## **WMFL's Proposal Will Cause 100 dBu Overlap to 22,766 People in WDNA's Service Area**

Rule 73.509 states that an application to modify an NCE-FM station will not be accepted if the proposal would involve overlap of the 100 dBu and 60 dBu contour of a second- or third-adjacent channel with the 60 dBu or 100 dBu contour of another NCE-FM station. WDNA operates on a second-adjacent channel to WMFL. The 100 dBu contour of WMFL impermissibly overlaps the 60 dBu contour of WDNA.

As demonstrated in the attached Engineering Statement of Carl Gluck, the population of the area of prohibited overlap is 22,766 within WMFL's proposed 100 dBu contour inside WDNA's 60 dBu contour. WMFL's proposal would cause interference to the reception of WDNA in that area. The proposal would disrupt continuity of service to the population residing in that area who have long been able to receive WDNA's service.

Acknowledging that it does not comply with Rule 73.509, WMFL requests a waiver. It cites to *Educational Information Corporation (WCPE)*, 6 FCC Rcd 2207 (1991) ("EIC," also known as a *Raleigh* waiver), as the basis for its waiver. It touts the large increase in its proposed service area and population as justifying the additional impermissible overlap it will cause WDNA.<sup>1</sup> The new area of overlap, however, is densely populated and includes busy highway Route 1.<sup>2</sup> In contrast, the 100 dBu contour around WMFL's *existing* site has zero population.<sup>3</sup> Comparing its existing site to the proposed site completely ignores the damage that will be caused to WDNA's service area by WMFL's proposed move. Service to 22,766 people within

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<sup>1</sup> *Centenary College c/o Mark N. Lipp, Esq.*, 23 FCC Rcd. 17317, 17320 (F.C.C. 2008) (While a waiver of 73.509 "may have individual appeal," routine waiver of 73.509 "interrupts the continuity of existing service provided by the Station throughout its protected service area, and thus diminishes the quality of FM service provided by the Station.").

<sup>2</sup> See Engineering Statement of Carl Gluck, Exhibit 2.

<sup>3</sup> Engineering Statement of Carl Gluck, Exhibit 1.

WDNA's coverage will be sacrificed to WMFL's attempt to move to a more populated community of Palmetto Bay.

WMFL's waiver showing conflates the concept of causing and receiving the overlap. The Commission makes a distinction between overlap *caused* and overlap *received*. As the Audio Division summarized:

We find that this flexible approach is borne out in the Commission's holding on *received* overlap, as opposed to *caused* overlap, in *EIC* and the policy initially established by the Commission in 1981. While the Commission has and will, when sufficient justification is proposed, allow an existing NCE station to receive prohibited overlap when improving the station's facilities, [the applicant] has provided no precedent in which the staff has permitted such stations to cause prohibited overlap, and we are aware of none, particularly in circumstances in which an applicant has failed to show that rule-compliant operations are not feasible.<sup>4</sup>

In WMFL's case, it is *causing* the additional overlap to WDNA, not accepting increased overlap received from WDNA. Its showing is backwards. Instead, the "Commission has held that a *Raleigh* waiver is justified where an NCE station seeks to: (1) receive—not cause—overlap from (2) second- or third- adjacent channel stations, and (3) the benefit of increased NCE service heavily outweighs the potential for interference in a very small area."<sup>5</sup> WMFL is not arguing that the additional overlap caused to its own signal needs to be waived. It wants a waiver to punch a new "Swiss cheese" hole in WDNA's central coverage area.<sup>6</sup>

### **WMFL's Proposal Contains Additional Defects**

In addition to the violation of Rule 73.509 with respect to WDNA, the WMFL proposal fails to address overlap with co-channel station WKPX and first-adjacent station WGNK.

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<sup>4</sup> *Spirit Radio of North Florida, Inc.*, 24 FCC Rcd. 2958, 2961 (F.C.C. 2009) (emphasis in original).

<sup>5</sup> *Letter to Dennis J. Kelly, Esq.*, 32 FCC Rcd. 7441 (F.C.C. 2017)

<sup>6</sup> *Centenary College c/o Mark N. Lipp, Esq.*, 23 FCC Rcd. 17317, 17320 n.23 (F.C.C. 2008) ("This has been called the "Swiss cheese" effect, where a station's protected service contour is punctured by "holes" of interference from multiple second-and-third-adjacent channel FM stations. *Revision of FM Rules*, Notice of Proposed Rulemaking, 21 RR 1655, 1674 (1961)).

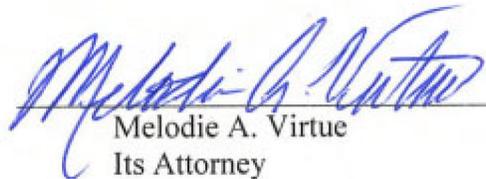
WMFL's application Figure 2 makes it appear that there is no prohibited overlap. A closer analysis, however, shows that there is prohibited overlap.<sup>7</sup> WMFL apparently realized it was too close because it proposed a directional antenna that exceeds -15 dB minimum to maximum field as required by FCC Rule 73.316(b)(1).<sup>8</sup>

### **Conclusion**

Owing to the noncompliance of WMFL's application with the Commission's rules, Bascomb asks that the Commission dismiss or deny WMFL's modification proposal.

Respectfully submitted,

BASCOMB MEMORIAL BROADCASTING FOUNDATION



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June 3, 2022

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<sup>7</sup> Engineering Statement of Carl Gluck, at p. 2 and Exhibit 3.

<sup>8</sup> Engineering Statement of Carl Gluck, at p. 2.



**Engineering Statement of Carl Gluck in support  
of an Informal Objection to the Application of  
WMFL 203(C3) Florida City, FL  
FCC Facility ID 61088**

I am employed as a senior engineer in the firm of Carl T Jones Corp located in Springfield, VA. Bascomb Memorial Broadcasting Foundation, licensee of radio station WDNA(FM) 205(C2) Miami, FL, has authorized this firm to prepare this statement to support an informal objection to the application (BLANK-0000186693) of Call Communications Group, Inc., licensee of radio station WMFL(FM) 203(C3) Florida City, FL.

Call Communications has submitted an application for Construction Permit proposing to change the City of License to Palmetto Bay, FL, change the transmitter site, and increase power. The facility proposed in the referenced application will create an area of new, prohibited, contour overlap with WDNA(FM) in violation of 47 C.F.R. 73.509. The application contains an exhibit entitled "Request for 73.509 Waiver for received interference with respect to WDNA and WRGP". That exhibit also mentions new interference caused to WDNA near the proposed relocation site, but fails to address that interference in accordance with 47 C.F.R. 73.509.

Exhibit 1, attached, shows a contour to contour evaluation of the new area of interference to WDNA that would result if the proposal is implemented. Exhibit 2, attached, is the proposed 100 dBu interfering area shown on a USGS Quadrangle Map



of the area near the tower. It shows not only the huge residential area within the proposed interfering contour but also a busy highway running within 200 meters of the base of the proposed supporting structure. There are 22,766 people (U.S. 2020 Census) within the proposed WMFL (FM) 100 dBu contour area that would receive new interference to WDNA's signal.

Furthermore, the WMFL (FM) application fails to show some other 73.509 prohibited contour overlaps. In general the application does not address received overlap interference to the application's 60 dBu protected contour. Exhibit 3, attached, shows the received prohibited contour overlap from adjacent stations WGNK and WKPX. In an attempt to avoid prohibited contour overlap caused to these two stations, the applicant has proposed a directional antenna exceeding -15 dB minimum to maximum field in violation of 47 C.F.R. 73.316(b)(1).

This statement and attached exhibits was prepared by me, or under my direct supervision, and is believed to be true and correct. So stated under penalty of perjury.

*Carl E. Gluck*



Carl E. Gluck, CPBE

June 3, 2022



# Exhibit 1 - WMFL App Non-Compliance with C.F.R. 47 Part 73.509

**WMFL.A - 88.5 MHz**  
 CH203C3 - FACID:61088  
 Palmetto Bay, FL  
 File:0000186693  
 Call Communications Group, In  
 Lat: 25-36-48.10 N  
 Long: 080-20-57.20 W  
 ERP: 11.30 kW HAAT: 37.5  
 RCAMSL: 40.3 m

**WDNA - 88.9 MHz**  
 CH205C2 - FACID:4030  
 Miami, FL  
 File:BMLED20130605AAC  
 Bascomb Memorial Broadcasting  
 Lat: 25-32-25.40 N  
 Long: 080-28-06.20 W  
 ERP: 7.40 kW HAAT: 349.0  
 RCAMSL: 351.0 m

**WMFL - 88.5 MHz**  
 CH203C3 - FACID:61088  
 Florida City, FL  
 File:BMLED20131118ALV  
 Call Communications Group, In  
 Lat: 25-19-32.40 N  
 Long: 080-24-15.20 W  
 ERP: 7.70 kW HAAT: 52.0  
 RCAMSL: 52.0 m

- WMFL.A (203)
- WDNA (205)
- WMFL (203)

**Population Inside of the 100 dBu Contour**

Station: WMFL.A (203)  
 Contour: FCC F(50-10)  
 100.00 dBu (FCC HAAT)  
 2020 US Census

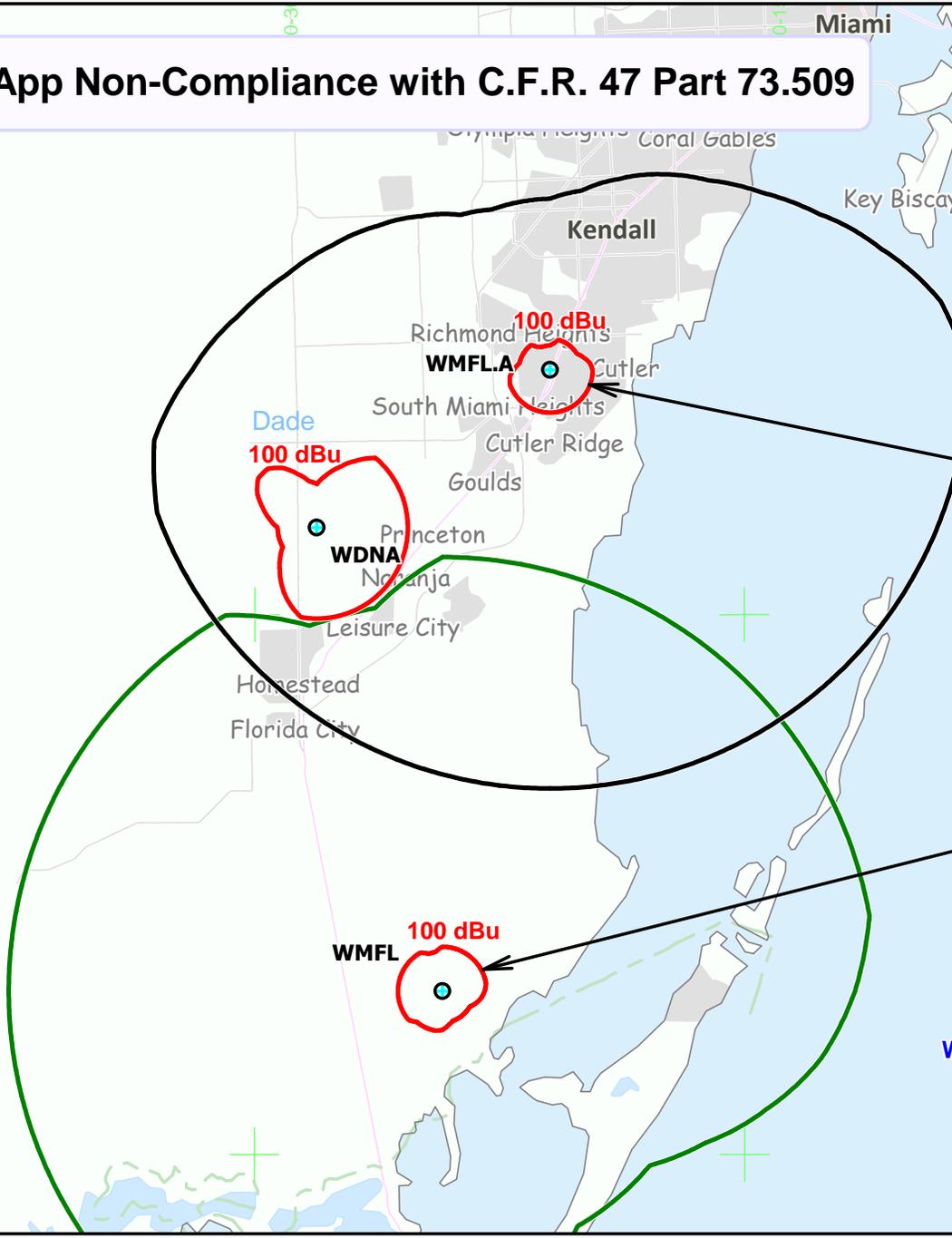
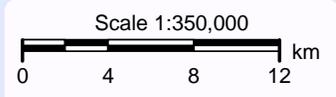
Total Population: 22,766  
 Housing Units: 8,049  
 Total Area: 11.5 sq. km

**Population Inside of the 100 dBu Licensed Contour**

Station: WMFL (203)  
 Contour: FCC F(50-10)  
 100.00 dBu (FCC HAAT)  
 2020 US Census

Total Population: 0  
 Housing Units: 0  
 Total Area: 14.1 sq. km

WDNA 60 dBu Contour



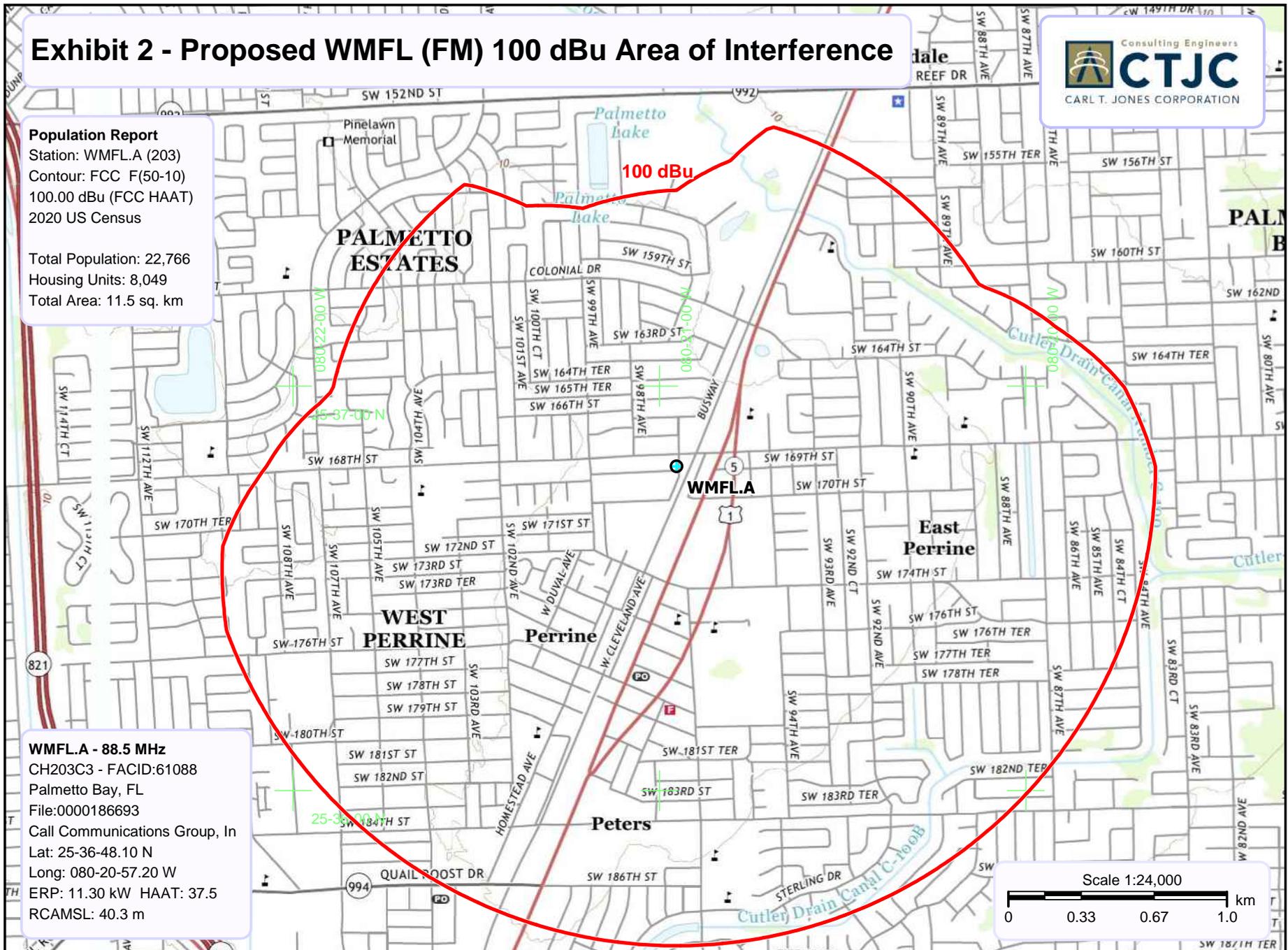
# Exhibit 2 - Proposed WMFL (FM) 100 dBu Area of Interference



**Population Report**  
Station: WMFL.A (203)  
Contour: FCC F(50-10)  
100.00 dBu (FCC HAAT)  
2020 US Census

Total Population: 22,766  
Housing Units: 8,049  
Total Area: 11.5 sq. km

**WMFL.A - 88.5 MHz**  
CH203C3 - FACID:61088  
Palmetto Bay, FL  
File:0000186693  
Call Communications Group, In  
Lat: 25-36-48.10 N  
Long: 080-20-57.20 W  
ERP: 11.30 kW HAAT: 37.5  
RCAMSL: 40.3 m



# Exhibit 3 - WMFL (FM) App - 47 C.F.R. 73.509 Prohibited Overlap Interference

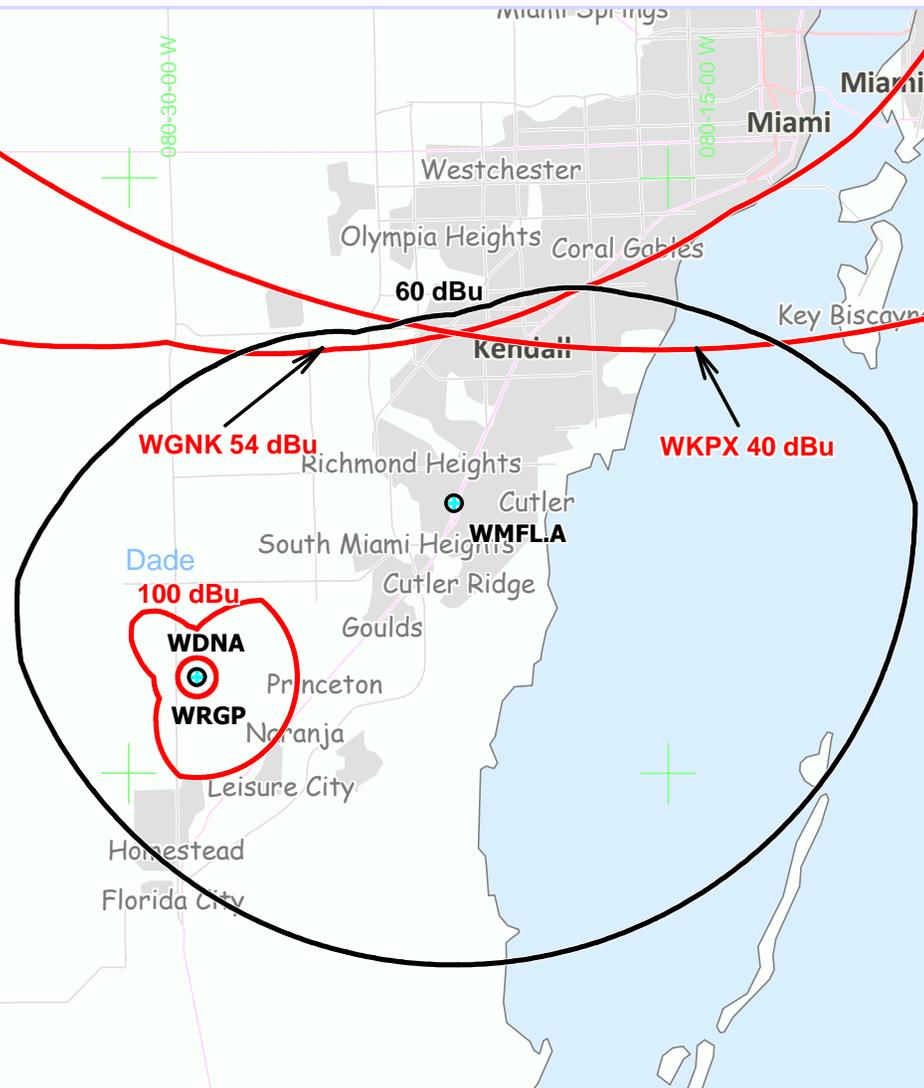
**WMFL.A - 88.5 MHz**  
 CH203C3 - FACID:61088  
 Palmetto Bay, FL  
 File:0000186693  
 Call Communications Group, In  
 Lat: 25-36-48.10 N  
 Long: 080-20-57.20 W  
 ERP: 11.30 kW HAAT: 37.5  
 RCAMSL: 40.3 m

**WRGP - 88.1 MHz**  
 CH201A - FACID:21777  
 Homestead, FL  
 File:BLED19990624KB  
 Florida International Unvers  
 Lat: 25-32-25.30 N  
 Long: 080-28-06.20 W  
 ERP: 0.165 kW HAAT: 129.0  
 RCAMSL: 131.0 m

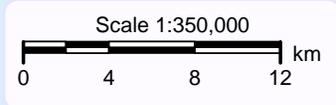
**WDNA - 88.9 MHz**  
 CH205C2 - FACID:4030  
 Miami, FL  
 File:BMLED20130605AAC  
 Bascomb Memorial Broadcasting  
 Lat: 25-32-25.40 N  
 Long: 080-28-06.20 W  
 ERP: 7.40 kW HAAT: 349.0  
 RCAMSL: 351.0 m

**WKPX - 88.5 MHz**  
 CH203A - FACID:66342  
 Sunrise, FL  
 File:BLED19830209AB  
 School Board Of Broward Count  
 Lat: 26-10-39.30 N  
 Long: 080-15-22.10 W  
 ERP: 3.00 kW HAAT: 30.0  
 RCAMSL: 33.0 m

**WGNK - 88.3 MHz**  
 CH202A - FACID:27304  
 Pennsuco, FL  
 File:BLED20040927AIM  
 Genesis License Subsidiary LL  
 Lat: 25-52-25.30 N  
 Long: 080-28-58.20 W  
 ERP: 6.00 kW HAAT: 86.0  
 RCAMSL: 86.0 m



**Application has Prohibited Overlap Interference as defined by 47 C.F.R. 73.509.**



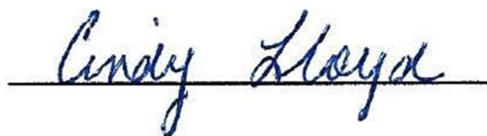
Certificate of Service

I, Cindy Lloyd, an employee with Foster Garvey PC, hereby certifies that a copy of the foregoing “Informal Objection” was served this date by via email to the following:

Albert Shuldiner, Chief  
Audio Division, Media Bureau  
[Albert.Shuldiner@FCC.gov](mailto:Albert.Shuldiner@FCC.gov)

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Robert Robbins  
President and Technical Consultant to Call Communications Group, Inc.  
[radiodataservices@radiodataservices.com](mailto:radiodataservices@radiodataservices.com)

A handwritten signature in black ink that reads "Cindy Lloyd". The signature is written in a cursive style and is positioned above a solid horizontal line.

June 3, 2022