

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

26 November 2019

Applications of)	
)	
RADIO TRAINING NETWORK, INC.)	FRN 0001843341
)	
For Renewal of License)	FCC File No. 0000082137
Call Sign W290BJ, West Tampa, Florida)	Facility ID 146619
)	
For Renewals of Licenses)	FCC File No. 0000082128
Lead Call Sign W237CW, Pinellas Park, Florida)	Facility ID 147104
)	

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Attn: Media Bureau, Audio Division

INFORMAL OBJECTION

Triangle Access Broadcasting, Inc. (“Triangle”), pursuant to 47 C.F.R. §73.3587, objects to the grant of the above-referenced applications. On September 25, 2019, Radio Training Network, Inc. (“RTN”) submitted the referenced applications (the “Applications”) to renew the licenses of FM translators W290BJ (facility ID 146619), W237CW (facility ID 147014), and W244BE (facility ID 86293). Triangle alleges that these translators have been operating as commercial stations without submitting required fees, therefore Triangle objects to grant of the renewal Applications.

The Bureau requires regulatory fees to be paid for broadcast stations.¹ Certain nonprofit entities and noncommercial radio stations are exempt from paying these fees.² Since all noncommercial radio

¹ 47 C.F.R. § 1.1153.

² 47 C.F.R. § 1.1162(c), (e) (“Section 1.1162”).

stations must in fact be owned by nonprofits,³ and also because there must certainly be a purpose that the explicit NCE condition was codified in Section 1.1162(e), the only reasonable interpretation of the exemptions is that commercial stations in the FM service are not exempted from regulatory fees—even if they are owned by nonprofits.

The translators have been operating as commercial stations⁴ and therefore have not qualified for regulatory fee exemptions during the license term. W290BJ is licensed to retransmit WXTB(FM)-HD2, a commercial news/talk programming simulcast of WFLA(AM). W237CW and W244BE are licensed to retransmit WBTP(FM)-HD3, a simulcast of WDAE(AM) sports radio.⁵ WXTB(FM), WBTP(FM), WFLA(AM) and WDAE(AM) are all iHeartMedia, Inc. entities.⁶

RTN's business of leasing out its translators clearly falls outside the umbrella of Section 501(c)(3)⁷ exemptions. Section 501(c)(3) nonprofit entities are “organized and operated exclusively for religious, charitable, [...] or educational purposes” (emphasis added).⁸ While nonprofits may engage in limited unrelated business activities, a trade or business is related to exempt purposes “only when the conduct of the business activities has causal relationship to achieving exempt purposes (other than through the production of income). The causal relationship must be substantial.”⁹ Just as nonprofits must pay taxes on income from unrelated business operations,¹⁰ regulatory fees must apply for facilities that are not substantially related to a charitable, educational or other purpose that is the basis for an organization's nonprofit status.

3 47 C.F.R. § 73.503(a).

4 47 C.F.R. § 74.1201(b).

5 See Exhibit A, the FM translator licenses showing primary stations.

6 WXTB(FM) and WFLA(AM) are owned by Citicasters Licenses, Inc. WBTP(FM) and WDAE(AM) are owned by Clear Channel Broadcasting Licenses, Inc.

7 26 U.S.C. § 501(c)(3) (“Section 501(c)(3)”).

8 Id.

9 Internal Revenue Service (2019). “Substantially related.” Retrieved from <https://www.irs.gov/charities-non-profits/substantially-related>. See 26 U.S.C. § 513(a).

10 U.S. Dept. of the Treasury, Internal Revenue Service. *Publication 598 (Rev. February 2019): Tax on Unrelated Business Income of Exempt Organizations*. Washington: GPO, 2019. Print, at Chapter 3.

Although the non-exempt purpose of the translators is reason enough to establish that regulatory fees have been owed, ownership attributions to iHeartMedia, Inc. (“iHeart”) also establish that nonprofit exemptions have been inappropriately availed. The Bureau should request from RTN and/or iHeart's commonly owned licensees copies of the agreements that authorize the commercial primary stations and the programming they air to be retransmitted on RTN's translators.¹¹ If RTN receives consideration in exchange for the use of the translators, then the Bureau should find that regulatory fees should have been paid due to iHeart's attributable business interest. The FCC recognizes that relationships involving substantial programming, control, or within the same market in a broadcast station are attributable.¹²

Triangle has analyzed regulatory fee records obtained from an FOIA request¹³ and was unable to locate any records indicating that RTN has ever paid a regulatory fee for its stations. Neither has another entity paid a regulatory fee on RTN's behalf in the time period analyzed.

The rules are clearly intended to exempt bona fide noncommercial stations from paying fees while subjecting commercial users to fees. RTN's “free pass” to operate commercial stations without paying fees is unfair to entities such as Positive Alternative Radio that have historically paid application and regulatory fees for similar commercial translators even though they are nonprofit entities and even transmitting NCE programming.¹⁴ The practice is also against the public interest as free regulatory services are being provided to the benefit of a commercial business entity.

11 See 47 C.F.R. § 73.3613.

12 See 47 C.F.R. § 73.3555 at Note 2.

13 FOIA Control No. FCC-2019-000364. “This is a request for records related to 47 CFR Part 74 FM Translators that have paid fees in years 2013 through 2018 (or beginning in later years immediately accessible in current FCC databases) such as would be applicable for commercial FM translators (translators where the primary is a commercial station, see 47 CFR 74.1201(b)). The records of interest are those for payment type codes (PTC) 1368, 1468, 1568, 1668, 1768 or 1868 (per-license regulatory fees for FM Translators) in Fee Filer, and for payments made with Form 159/Form 159C with fee codes MEF (for FM Translator new license) or MDF (for FM Translator license assignment or transfer of control).”

14 See, e.g., W273BB, Facility ID 139558, which claimed “fee applicable” for its license application BLFT-20140203APM and has been subjected to regulatory fees in years 2014-2018 even though the licensee is a nonprofit entity.

For the foregoing reasons, the Bureau should dismiss RTN's renewal application. The licenses for W290BJ, W237CW and W244BE should be canceled.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven L. White", with a long, sweeping horizontal line extending to the right.

Steven L. White
Director; *Triangle Access Broadcasting, Inc.*

7813 Highlandview Cir
Raleigh, NC 27613-4109

Exhibit A

W290BJ, W237CW and W244BE Authorizations

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United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER
STATION LICENSE

Authorizing Official:

Official Mailing Address:

RADIO TRAINING NETWORK, INC.
PO BOX 7217
LAKELAND FL 33807

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 146619

Call Sign: W290BJ

License File Number: BLFT-20120524AJN

Grant Date: July 26, 2012

This license expires 3:00 a.m.
local time, February 01, 2020.

This authorization re-issued 3/5/2019 to reflect a change in primary station to WXTB-FM, HD Channel 2.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: W290BJ

License No.: BLFT-20120524AJN

Name of Licensee: RADIO TRAINING NETWORK, INC.

Principal community to be served: FL-WEST TAMPA

Primary Station: WXTB (FM) , Channel 250, CLEARWATER, FL

Via: Microwave

Frequency (MHz): 105.9

Channel: 290

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 27 deg 55 min 54 sec

West Longitude: 82 deg 24 min 05 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules.

Transmitter output power: 0.641 kW

Antenna type: (directional or non-directional): Non-Directional

Description: ERI 100A-2H

Major lobe directions (degrees true): Not Applicable

	Horizontally Polarized Antenna:	Vertically Polarized Antenna:
Effective radiated power in the Horizontal Plane (kw):	0.25	0.25
Height of radiation center above ground (Meters):	139	139
Height of radiation center above mean sea level (Meters):	142	142

Antenna structure registration number: 1267122

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER
STATION LICENSE

Authorizing Official:

Official Mailing Address:

RADIO TRAINING NETWORK, INC.
PO BOX 7217
LAKELAND FL 33807

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 147104

Call Sign: W237CW

License File Number: BLFT-20120604ABJ

Grant Date: July 26, 2012

This license expires 3:00 a.m.
local time, February 01, 2020.

This authorization re-issued 3/6/2018 to reflect a change in the primary station to WBTP(FM), HD Channel 3.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: W237CW

License No.: BLFT-20120604ABJ

Name of Licensee: RADIO TRAINING NETWORK, INC.

Principal community to be served: FL-PINELLAS PARK

Primary Station: WBTP (FM) , Channel 239, CLEARWATER, FL

Via: Other

Frequency (MHz): 95.3

Channel: 237

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 27 deg 52 min 01 sec

West Longitude: 82 deg 37 min 27 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules.

Transmitter output power: 0.788 kW

Antenna type: (directional or non-directional): Non-Directional

Description: NIC BKG77-2 HALFWAVE

Major lobe directions (degrees true): Not Applicable

	Horizontally Polarized Antenna:	Vertically Polarized Antenna:
Effective radiated power in the Horizontal Plane (kw):	0.25	0.25
Height of radiation center above ground (Meters):	160	160
Height of radiation center above mean sea level (Meters):	162	162

Antenna structure registration number: 1020779

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER
STATION LICENSE

Authorizing Official:

Official Mailing Address:

RADIO TRAINING NETWORK, INC.
PO BOX 7217
LAKELAND FL 33807

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 86293

Call Sign: W244BE

License File Number: BMLFT-20180131AJR

Grant Date: February 07, 2018

This license expires 3:00 a.m.
local time, February 01, 2020.

This authorization re-issued 2/8/2019 to reflect a change in primary station to WBTP(FM), HD Channel 3.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: W244BE

License No.: BMLFT-20180131AJR

Name of Licensee: RADIO TRAINING NETWORK, INC.

Principal community to be served: FL-BRANDON

Primary Station: WBTP (FM) , Channel 239, CLEARWATER, FL

Via: Microwave

Frequency (MHz): 96.7

Channel: 244

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 28 deg 10 min 56 sec

West Longitude: 82 deg 46 min 06 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules.

Transmitter output power: 0.138 kW

Antenna type: (directional or non-directional): Directional
Description: SCA FMVMP

Major lobe directions 210
(degrees true):

Horizontally Polarized Antenna:	Vertically Polarized Antenna:
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Effective radiated power in the Horizontal Plane (kw):	0.087
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Height of radiation center above ground (Meters):	315
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Height of radiation center above mean sea level (Meters):	317
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Antenna structure registration number: 1246632

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***

Certification of Steven L. White

I, Steven L. White, declare under penalty of perjury that I have reviewed the foregoing Informal Objection and, to the best of my knowledge, the facts set forth therein are true and correct.

By: [Electronically Signed]_____
Steven L. White


Dated: November 26, 2019

Certificate of Service

I, Steven L. White, certify that a true and correct copy of the foregoing Informal Objection was sent, this 26th day of November, 2019, by first-class, postage paid mail to the following:

Radio Training Network (Licensee)
Attn: James L. Campbell
PO Box 7217
Lakeland, FL 33807-7217

Gammon & Grange, P.C. (Counsel to Licensee)
Attn: A. Wray Fitch, III
8280 Greensboro Dr Ste 140
McLean, VA 22102-3884

By: 
Steven L. White