



### **Background**

On December 21, 2017, Absolute filed on FCC Form 350, an amendment to its pending license application. *See* BLFT-20171221AAJ (Attachment C).

On February 21, 2018, Absolute filed a minor modification to the construction permit. *See* BMPFT-20180221AAB (Attachment D). The purpose of the application was to more fully fill in the service contour of co-owned primary station WGHM(AM). On February 12, 2018, Saga Communications of New England, LLC (“Saga”), licensee of FM Translator W260CF, Manchester, New Hampshire, filed an informal objection (Attachment E). Saga contended that grant of the application would cause interference. Saga also filed an Interference Complaint (Attachment F). Absolute filed a Response to Interference Complaint and Informal Objection (Attachment G) and a Response to Interference Complaint (Attachment H). Saga filed a Consolidated Reply to Responses to Interference Complaint and Informal Objection (Attachment I). *See also* Absolute’s Second Response to Interference Complaint and Informal Objections (Attachment J). The aforementioned pleadings put the matter at issue in the proper context.<sup>3</sup>

On March 8, 2019, Saga filed a Petition to Declare License Expired (Attachment M). The predicate for Saga’s submission was Absolute’s February 22, 2018 Response to Interference Complaint wherein it stated that W235AF had been taken off the air.<sup>4</sup> On April 1, 2019, Absolute filed an Opposition to Declare License Expired (Attachment N). In that Opposition, Absolute argued that Saga’s submission was deficient in that it failed to establish unequivocally that the station did not broadcast during the twelve (12) month period in question. On April 24,

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<sup>3</sup> *See also* Reply to Second Response to Interference Complaint and Informal Objection (Attachment K) and Reply to Opposition to Petition to Declare License Expired (Attachment L).

<sup>4</sup> *See* Attachment H.

2019, Absolute submitted a Statement for the Record (Attachment O) in which it submitted statements under penalty of perjury stating that the station was operating.

### **Commission Letter of September 18, 2019**

By letter dated September 18, 2019, the Chief, Audio Division, Media Bureau, asked Absolute to provide information relative to the Station's operational status (Attachment P). On October 28, 2019, Absolute responded to the Commission's letter (Attachment Q). In that response, Absolute referred to the previously submitted Statement for the Record referencing the statements attesting to station operation between July 2, 2018 and July 11, 2018.

### **May 26, 2020 Letter Ruling**

At page 4, the following was stated in the Commission's ruling:

“Absolute has not provided such evidence documenting the Translator's purported July 2018 Operations. For the Translator's alleged July 2018 Operations, Absolute proffered only two statements from individuals who worked for Absolute and none of the evidence requested by the Bureau in the OSI Letter. The Bureau has long held that uncorroborated statements from persons such as employees and consultants who are not disinterested witnesses are to be accorded little weight.”

At the outset it should be noted that W253AF is an FM translator. It is passive. It only rebroadcasts the signal of WGHM. As a translator, it does not have employees, payroll records, etc. Furthermore, it does not sell advertising, and, thus, there does not exist any translator billing. It should be noted that there are two (2) operative leases relative to the translator. The transmitter building is owned by the City of Nashua and the lease is with WSMN(AM). The tower is shared

with WSMN. The tower is owned by Tom Monahan, the principal of Absolute. The tower site (*i.e.* the land) is leased. The Lessee is Absolute. Thus, there are no separate leases for the translator. In addition, all maintenance and service for the translator is done by WGHM personnel. There is no separate payroll or personnel for the translator. Furthermore, the translator does not have a separate income stream.

### **Discussion**

The basis for the draconian action by the Commission is that the staff was not convinced that W253AF was operational during the period in question.

The Letter Ruling dismissed the license application and cancelled the license. The ruling discussed the one-year limit in Section 312(g) of the Communications Act as an absolute mandate from Congress. Yet, a plain reading of Section 312(g) makes clear that the Commission can and should consider whether to extend or reinstate a license for a station that has been off-air for more than one year. Specifically, Section 312(g) provides that:

“If any broadcast station fails to transmit for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license...for any...reason to promote equity and fairness.” *See* 47 U.S.C. § 312(g) (emphasis added).

*See, for example, V.I. Stereo Commc’n Corp., Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006); Harry Martin, Esq., Letter Order, 23 FCC Rcd 15012 (MB 2008); and Mark Chapman, Court-Appointed Agent, Letter Order, 22 FCC Rcd 6578 (MB 2007).*

### **Listener Declarations**

The Letter Ruling gave little weight to the tendered declarations attesting to July 2018 operations. However, attached to the instant submission are Declarations of Tim Richmond (Attachment R), Michael Hemeon (Attachment S), Eugene Vallee (Attachment T), Jim Callahan (Attachment U) and Christopher Porter (Attachment V). It is important to note that all of the Declarants state their independence from the ownership of Absolute. Moreover, none of the Declarants are either current or past employees of Absolute. Thus, the attached Declarations are clearly consistent with the type of information the Commission referenced in the Letter Ruling. The Declarants all state recollections of listening to the translator between July 2, 2018 and July 11, 2018.

### **Engineering Statement**

Attachment W is an Engineering Statement prepared by Jeremy Ruck, Jeremy Ruck & Associates, Inc., dated June 26, 2020. Mr. Ruck does an analysis of electrical consumption predicted on bills provided by Eversource, the electricity provider. Specifically, Mr. Ruck finds the following:

“...Thus the translator would have commenced operation during the December 2017 billing cycle, and continued through the January 2018 billing cycle. As this graph demonstrates, there is a small increase in energy consumption on an average basis between November and December of 2017...

...As was previously stated, the translator ceased operation late in the month in February 2018. This reduction in energy consumption continued through March and April, with an increase in June, to levels of consumption similar to those in December 2017 and January 2018 for July and August of 2018. The apparent increase

in consumption during the months of June and July is consistent with the translator being operational during that time period...  
... In conclusion, the attached electric service invoice, which spans 2018, including December of 2017 when the translator was first licensed, appears to demonstrate that not only was the translator operational in the summer of 2018, but also into the autumn months of that year as well. As a result, it is respectfully submitted that based on the foregoing analysis, W253AF was not silent for a period of consecutive time equal to or greater than one calendar year.”

The Engineering Statement’s finding electrical consumption attendant to the translator operations would also satisfy the concern expressed in the Letter Ruling. *See* Letter Ruling, p. 4, footnote 23. *See* WHYC(FM), *Memorandum Opinion and Order* and Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 3895, 3897 and n. 18 (MB 2016).

The Declarations and the Engineering Analysis of the electric bills demonstrate that the Station was operational during the period in question. Thus, predicated on the foregoing, it is submitted that reconsideration is appropriate. Since the Station was operational for a portion of the period in question, the requirement of Section 312(g) is not mandated.<sup>5</sup>

### **Conclusion**

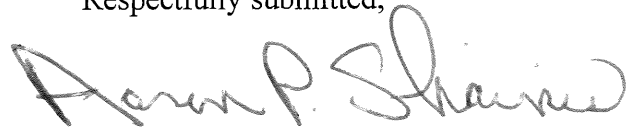
Absolute has demonstrated that the Station was not silent for a consecutive 365 days. Thus, cancellation pursuant to Section 312(g) was not appropriate. Absolute urges that the

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<sup>5</sup> The exception to Section 312(g) need not be addressed under the circumstances present in light of the fact that the Station was not silent for a consecutive twelve month period.

Commission reconsider the Letter Ruling and reinstate the W253AF license and reinstate the associated submissions (*See* BLFT-20171221AAJ and BMPFT-20180221AAB).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Aaron P. Shainis". The signature is fluid and cursive, with the first name "Aaron" and last name "Shainis" clearly legible.

Aaron P. Shainis  
Shainis & Peltzman, Chartered  
Counsel to  
Absolute Broadcasting, LLC

Shainis & Peltzman, Chartered  
1850 M Street NW  
Suite 240  
Washington, DC 20036

June 29, 2020

# ATTACHMENT A





Federal Communications Commission  
Washington, D.C. 20554

May 26, 2020

*In Reply Refer to:*  
1800B3-KV

**SENT BY EMAIL ONLY**

Absolute Broadcasting, LLC  
c/o Christopher D. Imlay, Esq.  
Booth, Freret & Imlay, LLC  
14356 Cape May Road  
Silver Spring, MD 20904-6011

Saga Communications of New England, LLC  
c/o Gary S. Smithwick, Esq.  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue, N.W.  
Suite 301  
Washington, DC 20016

In re: W253AF, Bennington, Vermont  
Absolute Broadcasting, LLC  
Facility ID No. 83187  
File Nos. BLFT-19980824TA, BLFT-20171221AAJ, and  
BMPFT-20180221AAB

**Notification of License Expiration/  
Deletion of Call Letters/Dismissal of Applications/  
Revocation of Program Test Authority**

Dear Counsel:

This letter concerns our investigation of W253AF's (W253AF or Translator)<sup>1</sup> broadcast operations. For the reasons discussed below, we find that the Translator's license has expired pursuant to

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<sup>1</sup> W253AF, Bennington, Vermont, channel 253, is licensed (File No. BLFT-19980824TA) to Absolute Broadcasting, LLC (Absolute or Licensee). On December 21, 2017, Absolute filed an application for a license to cover (File No. BLFT-20171221AAJ) (Nashua License Application) the permitted facilities (File Nos. BPFT-20160727ADA as modified by BMPFT-20170713AHQ) (Nashua Permit) to operate the Translator as W260DB, Nashua, New Hampshire, channel 260 (W260DB). The Nashua License Application is currently pending. On February 21, 2018, Absolute filed a minor modification application (File No. BMPFT-20180221AAB) (Minor Modification Application) to modify the Nashua Permit. The Minor Modification Application is currently pending.

section 312(g) of the Communications Act of 1934, as amended (Act).<sup>2</sup>

**Background.** On September 18, 2019, the Media Bureau (Bureau) sent an Operational Status Inquiry letter (*OSI Letter*)<sup>3</sup> to Absolute informing the Licensee that the Bureau had received information indicating that the Translator had been silent (or failed to operate with authorized facilities) for more than one year in violation of section 312(g) of the Act.

The Bureau requested information concerning the Translator's operations since February 22, 2018.<sup>4</sup> Specifically, the Bureau directed Absolute to submit the following: information indicating the Translator's location, effective radiated power, and antenna height above ground level for all periods of operation from February 22, 2018, to the present; copies of all leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station logs for the same period of time; copies of all invoices, bills, checks written or received, credit card charges, and wire transfers or deposits of funds relating to the Station's operation; pictures of the Translator's studio facilities and transmission facilities during this timeframe; and exact Station coordinates.<sup>5</sup>

On October 28, 2019, Absolute responded to the *OSI Letter*.<sup>6</sup> In its response, Absolute confirmed that the Translator ceased broadcasting "on or about February 22, 2018,"<sup>7</sup> due to Saga's

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<sup>2</sup> 47 U.S.C. § 312(g).

<sup>3</sup> See *Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, to Absolute Broadcasting, LLC* (dated Sep. 18, 2019) (*OSI Letter*). The Bureau sent Absolute the *OSI Letter* after Saga Communications of New England, LLC (Saga) filed a petition urging the Bureau to find that the Translator's license had expired. See "Petition to Declare License Expired" (Petition) filed on March 8, 2019, by Saga. In the Petition, Saga asserted that Absolute had admitted to taking the Translator off the air on February 22, 2018. Saga also contended that even if the Translator had resumed operations as W260DB such operations were unauthorized because an unauthorized antenna was installed at the Translator's registered antenna site. Specifically, Saga claimed that the Nashua Permit authorized a "one-bay NIC Model BLD-1/P," but a two-bay antenna was mounted on Translator's registered antenna structure for its Nashua facilities. Petition at 2, Exhibits 2 and 2A. Thereafter, the parties filed a series of filings: an "Opposition to Petition to Declare License Expired" (Petition Opposition) filed on April 2, 2019, by Absolute; a "Reply to Opposition to Petition to Declare License Expired" (Petition Reply) filed on April 11, 2019, by Saga; a "Statement for the Record" (Absolute Statement) filed on April 24, 2019, by Absolute; a "Counterstatement for the Record" (Saga Counterstatement) filed on May 3, 2019, by Saga; a "Renewed Petition to Declare License Expired" (Renewed Petition) filed on August 14, 2019, by Saga; a "Renewed Petition to Declare License Expired with Corrected Certificate of Service" (Corrected Renewed Petition) filed on August 15, 2019, by Saga; an "Opposition to Renewed Petition to Declare License Expired" (Renewed Petition Opposition) filed on August 29, 2019, by Absolute; and a "Reply to Opposition to Renewed Petition Declare License Expired" (Renewed Petition Reply) filed on September 11, 2019, by Saga.

<sup>4</sup> *OSI Letter* at 1.

<sup>5</sup> *Id.*

<sup>6</sup> See "Response of Absolute Broadcasting, LLC to Operational Status Inquiry Letter dated September 18, 2019 (1800B3-VM)" (dated Oct. 28, 2019) (OSI Response). Absolute's response was due within 30 days of the *OSI Letter*; Commission staff, however, extended the deadline until October 28, 2019. See *Email from Victoria McCauley, Attorney Advisor, Audio Division, Media Bureau to Christopher D. Imlay, Esq.* (dated Oct. 16, 2019). Additionally, on November 18, 2019, Saga filed a "Further Statement for the Record Concerning W253AF Response to FCC Letter" commenting on Absolute's OSI Response. Saga cites no grounds for the acceptance of this filing in the Bureau's OSI investigation of the Translator. Therefore, we will not consider it further.

<sup>7</sup> OSI Response at 3. Absolute reported that in December 2017 it completed construction of the Translator's Nashua facilities, as specified in the Nashua Permit, and that the Translator commenced operations as W260DB under the Nashua License Application pursuant to program test authority. Absolute stated the Translator's antenna "as finally installed . . . is a two-bay array of Nicom Model BLD-1/P antennas spaced 0.75 wavelengths apart. The Translator has not been operated with other than a two-bay antenna." *Id.* at 2, n.4. Absolute noted that on February 21, 2018,

interference complaint.<sup>8</sup> However, Absolute denied that the Translator had been silent for a consecutive 12-month period.<sup>9</sup>

Absolute claimed that the Translator resumed operations on July 2, 2018, through July 11, 2018, (July 2018 Operations), and then again on June 17, 2019, through June 25, 2019, (June 2019 Operations).<sup>10</sup> In support of the purported July 2018 Operations, Absolute provided only sworn statements from its consulting engineer, Thomas R. Ray, III (Ray), and its on-air personality Gary Blue.<sup>11</sup> In support of the alleged June 2019 Operations, Absolute attached a second sworn statement from Ray; the Translator's transmitter log for the period of June 17, 2019, through June 25, 2019; and screenshots of the Translator's transmitter screen on specified days between June 17, 2019, through June 25, 2019.<sup>12</sup> Absolute also submitted five undated photographs of the Translator's facilities and equipment.<sup>13</sup> Absolute stated that it did not have "personnel records, invoices, bills, checks etc."<sup>14</sup>

**Discussion.** Section 312(g) of the Act provides that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate the such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness."<sup>15</sup> Well-established

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it amended the Nashua License Application "to clarify the antenna characteristics of the permitted, constructed facility at Nashua." *Id.* at 3.

<sup>8</sup> In its interference complaint, Saga alleged that the Translator's operations as W260DB caused interference to W260CF, Manchester, New Hampshire, licensed to Saga. *See* "Interference Complaint" (Complaint) and "Informal Objection" (Objection), both filed on February 12, 2018, by Saga. Thereafter, the parties filed a series of filings: a "Response to Interference Complaint" (Complaint Response) filed on February 22, 2018, by Absolute; a "Response to Interference Complaint and Informal Objection" (Absolute First Consolidated Response) filed on March 2, 2018, by Absolute; a "Consolidated Reply to Responses to Interference Complaint and Informal Objection" (Saga First Consolidated Reply) filed on March 13, 2018, by Saga; an "Informal Objection" (Modified Permit Objection) to Absolute's Minor Modification Application filed on March 29, 2018, by Saga; a "Second Response to Interference Complaint and Informal Objections" (Absolute Second Consolidated Response), filed on June 12, 2018, by Absolute; and a "Reply to Second Response to Interference Complaint and Informal Objections" (Saga Second Consolidated Reply) filed on June 27, 2018, by Saga.

<sup>9</sup> OSI Response at 4.

<sup>10</sup> *Id.* at 4. On March 25, 2020, Absolute filed a "Notification of Suspension of Operations" stating that the Translator ceased operations on June 25, 2019, and on March 26, 2020, Absolute filed a "Resumption of Operations" notice stating that the Translator had resumed operations on March 24, 2020.

<sup>11</sup> *See* OSI Response, Exhibits, "Statement of Thomas R. Ray, III" (dated Apr. 23, 2019) (First Ray Statement) and "Statement of Gary Blue" (dated Apr. 23, 2019) (Blue Statement). Absolute originally filed these statements in April 2019. *See* Absolute Statement for the Record, Exhibits (filed Apr. 24, 2019).

<sup>12</sup> *See* OSI Response attaching the Renewed Petition Opposition, "Statement of Thomas R. Ray, III" (dated Aug. 27, 2019) (Second Ray Statement); Exhibit A, "Transmitter Log for FM Translator" (June 2019 Transmitter Log); and Exhibit B, "Transmitter Screenshots for FM Translator."

<sup>13</sup> *See Email from Christopher D. Imlay, Esq. to Albert Shuldiner, Chief, Audio Division, Media Bureau, et al.* (dated Oct. 28, 2019).

<sup>14</sup> OSI Response at 3.

<sup>15</sup> 47 U.S.C. § 312(g). The Commission conducts a case-by-case factual analysis to determine whether reinstatement would "promote equity and fairness." *Id.* The Commission has exercised this statutory discretion only when the failure to timely resume broadcasts was for a compelling reason beyond the licensee's control. *See, e.g., V.I. Stereo Comm'n Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006) (destruction of towers in hurricane and damage to rebuilt tower in subsequent hurricane); *Harry Martin, Esq.*, Letter Order, 23 FCC

Commission precedent dictates that licensees cannot avoid the statutory deadline set forth in section 312(g) through the use of unauthorized facilities.<sup>16</sup> Thus, a station is subject to section 312(g)'s license expiration provision if: (a) the station fails to operate for twelve consecutive months or longer; (b) the station operates with unauthorized facilities for such a period; or (c) a combination of the prior two situations occurs for such a period.<sup>17</sup>

Based on the record evidence, we find that the Translator's license has expired pursuant 312(g) of the Act. We further find that the facts of this case do not support reinstatement of the license to promote fairness and equity.<sup>18</sup>

It is undisputed that the Translator ceased operations on February 22, 2018.<sup>19</sup> As discussed above, in the *OSI Letter*, the Bureau directed Absolute to provide specific types of documentation for all periods of the Translator's operations since February 22, 2018, including "leases, personnel records . . . , engineering records, and station logs," as well as "invoices, bills, checks, . . . credit card charges, wire transfers or deposits of funds relating to the Station's operations."<sup>20</sup>

Absolute has not provided such evidence documenting the Translator's purported July 2018 Operations. For the Translator's alleged July 2018 Operations, Absolute proffered only two statements from individuals who worked for Absolute and none of the evidence requested by the Bureau in the *OSI Letter*.<sup>21</sup> The Bureau has long held that uncorroborated statements from persons, such as employees and consultants, who are not disinterested witnesses are to be accorded little weight.<sup>22</sup> Moreover, relevant caselaw reveals that the Bureau has consistently required evidence from employees and other interested witnesses to be corroborated by the specific types of evidence identified in the *OSI Letter*.<sup>23</sup> Because

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Rcd 15012 (MB 2008) (licensee completed all steps to resume broadcasts but remained silent to promote air safety due to Federal Aviation Administration error for which licensee was not responsible); and *Mark Chapman, Court-Appointed Agent*, Letter Order, 22 FCC Rcd 6578 (MB 2007) (silence to comply with court order).

<sup>16</sup> See *Eagle Broad. Group, Ltd.*, 563 F.3d 543, 553 (D.C. Cir. 2009) ("Under the statute, unauthorized and unlicensed transmissions are no better than silence"); see also *James McCluskey*, Letter Order, 27 FCC Rcd 6252, 6254-55 (MB 2012) ("an unauthorized transmission counts for nothing").

<sup>17</sup> *Id.*

<sup>18</sup> See *supra* note 15.

<sup>19</sup> See OSI Response at 4.

<sup>20</sup> *OSI Letter* at 1.

<sup>21</sup> See *supra* note 11. In contrast, for the Translator's purported June 2019 Operations, Absolute submitted the Translator's transmission logs dated June 17-25, 2019, as requested by the Bureau, along with screenshots the Translator's transmitter screen for specified days in June 2019, and a second sworn statement from its consulting engineer. See *supra* note 12. The Translator's June 2019 Operations, however, occurred several months after its license had expired.

<sup>22</sup> See e.g., *Iglesia Jesucristo Es Mi Refugio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 16310, 16319 (MB 2010) (petitioner's engineering consultant's hearsay statement, uncorroborated by independent documentation, should be given little weight because he was not a disinterested witness); and *Second Samoan Congregation Church*, Letter, 23 FCC Rcd 16630, 16636 (MB 2008) (applicant's counsel's statements should be given little weight because he is not a disinterested witness).

<sup>23</sup> See e.g., *WBNZ(FM), Frankfort, Michigan*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 5223, 5227 (MB 2018) (citing as proof of operations declarations from station's employees corroborated by a contemporaneous agreement for station's electrical power supply along with advertising orders and payments); see also *WHYC(FM)*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 3895, 3897, and n.18 (MB 2016) (citing as proof of operations declaration from station's general manager corroborated by station's transmitter logs).

Absolute has failed to document the Translator's alleged July 2018 Operations as directed in the *OSI Letter*, we find the Translator's license expired as a matter of law on February 23, 2019, at the end of 12 consecutive months of silence. Given our finding that the Translator's license expired on February 23, 2019, we do not need to consider the Translator's purported June 2019 Operations, which occurred several months after its license expired.<sup>24</sup> Similarly, the pending Nashua License Application<sup>25</sup> and Minor Modification Application,<sup>26</sup> as well as Saga's pending petitions,<sup>27</sup> interference complaint,<sup>28</sup> and informal objections,<sup>29</sup> are rendered moot by our finding that the Translator's license has expired; therefore, we will dismiss these applications and pleadings.

**Conclusion.** ACCORDINGLY, pursuant to section 312(g) of the Communications Act of 1934, as amended,<sup>30</sup> the Commission's public and internal databases have been modified to indicate that the broadcast license for the Translator<sup>31</sup> EXPIRED as a matter of law, at 12:01 a.m. on February 23, 2019, and we HEREBY DELETE the Translator's call sign W253AF.

In addition, pursuant to sections 0.61, 0.111, and 0.283 of the Commission's rules,<sup>32</sup> IT IS ORDERED that the application of Absolute Broadcasting, LLC, for a license to cover (File No. BLFT-20171221AAJ) and the application to modify the construction permit (File No. BMPFT-20180221AAB) ARE DISMISSED; all program test authority IS REVOKED; and the Translator MUST CEASE BROADCAST OPERATIONS IMMEDIATELY.<sup>33</sup>

IT IS FURTHER ORDERED that Saga Communications of New England, LLC's "Renewed Petition to Declare License Expired" filed on August 14, 2019; "Petition to Declare License Expired" filed on March 8, 2019; "Informal Objection" filed on March 29, 2018; "Interference Complaint" filed on February 12, 2018; "Informal Objection" filed on February 12, 2018; and "Informal Objection" filed on March 29, 2018, ARE DISMISSED.

Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Translator's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower where the Translator's transmitting antenna is located is required, pursuant to Section

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<sup>24</sup> See *supra* note 21.

<sup>25</sup> See *supra* note 1.

<sup>26</sup> See *supra* note 1.

<sup>27</sup> See *supra* note 3.

<sup>28</sup> See *supra* note 8.

<sup>29</sup> See *supra* note 8.

<sup>30</sup> 47 U.S.C. § 312(g).

<sup>31</sup> File No. BLFT-19980824ATA.

<sup>32</sup> 47 CFR §§ 0.61, 0.111, and 0.283.

<sup>33</sup> See *supra* note 10.

303(q) of the Act, to maintain the tower in the manner prescribed by the Commission's rules and the terms of the cancelled license.<sup>34</sup>

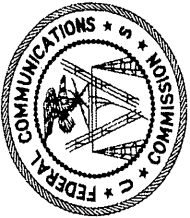
Sincerely,

Albert Shuldiner  
Chief  
Audio Division  
Media Bureau

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<sup>34</sup> See 47 U.S.C. § 303(q). See also 47 CFR §§ 17.1 *et seq.* and 73.1213; *Streamlining the Commission's Antenna Structure Clearance Procedure*, Report and Order, 11 FCC Rcd 4272 (WTB 1995).

## ATTACHMENT B



# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 29748

Broadcast Applications

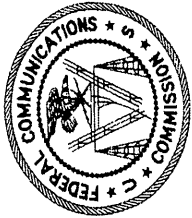
5/29/2020

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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FM TRANSLATOR APPLICATIONS FOR LICENSE TO COVER

VT	BLFT-20171221AAJ	W253AF 83187	ABSOLUTE BROADCASTING, LLC
		E 98.5 MHZ	VT, BENNINGTON





# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 29748

## Broadcast Applications

5/29/2020

STATE FILE NUMBER      E/P CALL LETTERS      APPLICANT AND LOCATION      N A T U R E   O F   A P P L I C A T I O N

License to cover.

Informal Objection filed 02/12/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Informal Objection filed 02/12/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Reply filed 02/22/2018 by ABSOLUTE BROADCASTING, LLC

Reply filed 03/02/2018 by ABSOLUTE BROADCASTING, LLC

Reply filed 03/13/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Reply filed 06/12/2018 by ABSOLUTE BROADCASTING, LLC

Reply filed 06/27/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC  
Engineering Amendment filed 02/20/2018

Supplement filed 03/08/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Opposition filed 04/02/2019 by ABSOLUTE BROADCASTING, LLC

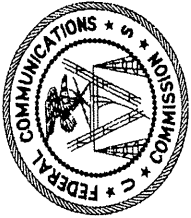
Reply filed 04/11/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Supplement filed 04/24/2019 by ABSOLUTE BROADCASTING, LLC

Supplement filed 05/03/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Supplement filed 08/14/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Supplement filed 08/14/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC



# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 29748

## Broadcast Applications

5/29/2020

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

N A T U R E   O F   A P P L I C A T I O N

Supplement filed 08/13/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

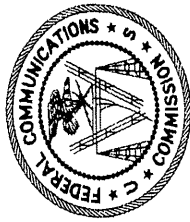
Opposition filed 08/29/2019 by ABSOLUTE BROADCASTING, LLC

Reply filed 09/11/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

OSI sent 9/19/2019

Supplement filed 11/18/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Application Dismissed and Informal Objections Dismissed 5/26/2020 per letter ref 1800B3-KV



# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 29748

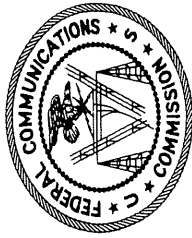
## Broadcast Applications

5/29/2020

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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### FM TRANSLATOR APPLICATIONS FOR MINOR MODIFICATION TO A CONSTRUCTION PERMIT

VT	BMPFT-20180221AAB	W253AF 83187	ABSOLUTE BROADCASTING, LLC	Mod of CP
	E	98.5 MHZ	VT, BENNINGTON	
				Informal Objection filed 03/29/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
				Informal Objection filed 05/16/2018 by PROMETHEUS ET. AL.
				Application Dismissed and Informal Objection Dismissed 5/26/2020 per letter ref 1800B3-KV



# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49748

## Broadcast Actions

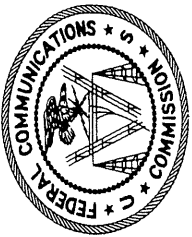
5/29/2020

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 05/26/2020

FM TRANSLATOR APPLICATIONS FOR LICENSE TO COVER DISMISSED

VT	BLFT-20171221AAJ	W253AF 83187	ABSOLUTE BROADCASTING, LLC	
	E	99.9 MHZ	VT, BENNINGTON	



# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49748

## Broadcast Actions

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

N A T U R E   O F   A P P L I C A T I O N

5/29/2020

License to cover.

Informal Objection filed 02/12/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Informal Objection filed 02/12/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Reply filed 02/22/2018 by ABSOLUTE BROADCASTING, LLC

Reply filed 03/02/2018 by ABSOLUTE BROADCASTING, LLC

Reply filed 03/13/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Reply filed 06/12/2018 by ABSOLUTE BROADCASTING, LLC

Reply filed 06/27/2018 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC  
Engineering Amendment filed 02/20/2018

Supplement filed 03/08/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Opposition filed 04/02/2019 by ABSOLUTE BROADCASTING, LLC

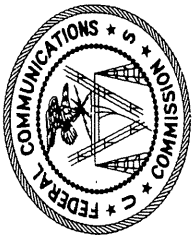
Reply filed 04/11/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Supplement filed 04/24/2019 by ABSOLUTE BROADCASTING, LLC

Supplement filed 05/03/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Supplement filed 08/14/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Supplement filed 08/15/2019 by SAGA COMMUNICATIONS OF NEW



# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49748

## Broadcast Actions

5/29/2020

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

NATURE OF APPLICATION

ENGLAND, LLC

Opposition filed 08/29/2019 by ABSOLUTE BROADCASTING, LLC

Reply filed 09/11/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

OSI sent 9/19/2019

Supplement filed 11/18/2019 by SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

Application Dismissed and Informal Objections Dismissed 5/26/2020 per letter ref 1800B3-KV

# ATTACHMENT C

Federal Communications Commission Washington, D.C. 20554  <b>FCC 350</b>	Approved by OMB 3060-0404 (April 2001)  FOR FCC USE ONLY
<b>APPLICATION FOR AN FM TRANSLATOR OR FM BOOSTER STATION LICENSE</b>  Read INSTRUCTIONS Before Filling Out Form	FOR COMMISSION USE ONLY FILE NO. BLFT - 20171221AAJ

**SECTION I - General Information**

1. Legal Name of the Applicant ABSOLUTE BROADCASTING, LLC  Mailing Address 141 MAIN STREET  <table border="1"> <tr> <td>City NASHUA</td> <td>State or Country (if foreign address) NH</td> <td>ZIP Code 03060 -</td> </tr> </table> <table border="1"> <tr> <td>Telephone Number (include area code) 6038800502</td> <td>E-Mail Address (if available) THOMASFMONAHAN@HOTMAIL.COM</td> </tr> </table> <table border="1"> <tr> <td>FCC Registration Number: 0013567789</td> <td>Call Sign W253AF</td> <td>Facility Identifier 83187</td> </tr> </table>	City NASHUA	State or Country (if foreign address) NH	ZIP Code 03060 -	Telephone Number (include area code) 6038800502	E-Mail Address (if available) THOMASFMONAHAN@HOTMAIL.COM	FCC Registration Number: 0013567789	Call Sign W253AF	Facility Identifier 83187
City NASHUA	State or Country (if foreign address) NH	ZIP Code 03060 -						
Telephone Number (include area code) 6038800502	E-Mail Address (if available) THOMASFMONAHAN@HOTMAIL.COM							
FCC Registration Number: 0013567789	Call Sign W253AF	Facility Identifier 83187						
2. Contact Representative (if other than Applicant) RUSSELL H. FOX  Mailing Address 701 PENNSYLVANIA AVE., NW SUITE 900  <table border="1"> <tr> <td>City WASHINGTON</td> <td>State or Country (if foreign address) DC</td> <td>ZIP Code 20004 -</td> </tr> </table> <table border="1"> <tr> <td>Telephone Number (include area code) 2024347483</td> <td>E-Mail Address (if available) RFOX@MINTZ.COM</td> </tr> </table>	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20004 -	Telephone Number (include area code) 2024347483	E-Mail Address (if available) RFOX@MINTZ.COM			
City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20004 -						
Telephone Number (include area code) 2024347483	E-Mail Address (if available) RFOX@MINTZ.COM							
3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input type="radio"/> Other <input checked="" type="radio"/> N/A (Fee Required)								
4. Facility Information:  a. <input type="radio"/> FM Booster <input checked="" type="radio"/> FM Translator  b. Community or communities being served: City: NASHUA   State: NH								
5. <b>Purpose of Application</b> <input type="radio"/> Cover construction permit (list original construction permit file number -- starts with the prefix BPFT, or BPFTB): BMPFT-20170713AHQ <input type="radio"/> Modify an authorized license (list license file number -- starts with the prefix BLFT, BMLFT, BLFTB, or BMLFTB): - <input checked="" type="radio"/> Amend a pending application If an amendment, <b>submit as an Exhibit</b> a listing by Section and Question Number of the portions of the pending application that are being revised. [Exhibit 1]								

**NOTE:** In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided. See General Instruction I.



## Section II - Legal

1.	<b>Certification.</b> Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	<b>Conditions.</b> Licensee/Permittee certifies that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 2]
3.	<b>Changed Circumstances.</b> Licensee/Permittee certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would cause any statement or representation contained in the construction permit application to be incorrect now.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 3]
4.	<b>Programming.</b> The applicant is the licensee of the primary station or the applicant certifies that written authority has been obtained from the licensee of the primary station whose programming is to be retransmitted.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
5.	<b>Station ready for operation.</b> The applicant certifies that the station is now in satisfactory operating condition and ready for regular operation.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 5]
6.	<b>Station identification.</b> The applicant certifies that it will comply with applicable station identification rules. See 47 C.F.R. Sections 73.1201 and 74.1283.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
7.	<b>Character Issues.</b> Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with:  a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]
8.	<b>Adverse Findings.</b> Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]
9.	<b>Anti-Drug Abuse Act Certification.</b> Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)		
Typed or Printed Name of Person Signing THOMAS F. MONAHAN		Typed or Printed Title of Person Signing MANAGER
Signature		Date 02/20/2018

**SECTION III - PREPARER'S CERTIFICATION**

I certify that I have prepared Section III (Engineering data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name DENNIS JACKSON		Relationship to Applicant (e.g., Consulting Engineer) TECHNICAL CONSULTANT	
Signature		Date 02/20/2018	
Mailing Address 19 BOAS LANE			
City WILTON	State or Country (if foreign address) CT	Zip Code 06897 - 1301	
Telephone Number (include area code) 2037629425	E-Mail Address (if available) WWDJ@OPTIMUM.NET		

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

<b>Section III - Engineering</b>			
<b>TECHNICAL SPECIFICATIONS</b>			
Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.			
<b>TECH BOX</b>			
1.	Channel: 260		
2.	Effective Radiated Power:	kW(H)	0.25 kW(V)
3.	Transmitter Power Output:	0.2 kW	
<b>NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.</b>			
<b>CERTIFICATION</b>			
<b>All applicants must complete this section.</b>			
4.	<b>Constructed Facility.</b> The facility was constructed as authorized in the the underlying construction permit.	<input checked="" type="radio"/> Yes <input type="radio"/> No	See Explanation in [Exhibit 9]
5.	<b>Special Operating Conditions.</b> The facility was constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit.	<input checked="" type="radio"/> Yes <input type="radio"/> No	See Explanation in [Exhibit 10]
<b>An Exhibit may be required.</b> Review the underlying construction permit.		[Exhibit 11]	
6.	<b>Transmitter Power Output.</b> The operating transmitter power output produces the authorized effective radiated power	<input checked="" type="radio"/> Yes <input type="radio"/> No	See Explanation in [Exhibit 12]
7.	<b>Directional Antenna.</b> The facility does not use a directional antenna or the antenna is mounted in accordance with the specific instructions provided by the antenna manufacturer and is oriented in the	<input checked="" type="radio"/> Yes <input type="radio"/> No	

proper direction.

See Explanation in  
[Exhibit 13]

**PREPARER'S CERTIFICATION ON SECTION 3 MUST BE COMPLETED AND SIGNED.**

**Exhibits**

**Exhibit 1**

**Description:** PORTIONS BEING REVISED

IN SECTION III (TECH BOX) ANSWERS TO QUESTIONS 3 AND 4 ARE REVISED HEREIN, TOGETHER WITH NARRATIVE EXHIBITS:

3. TPO IS REVISED TO ACCOUNT FOR ADDITION OF A SECOND BAY.
4. REVISED TO ANSWER 'YES'

**Attachment 1**

**Exhibit 10**

**Description:** COMPLIANCE WITH SPECIAL OPERATING CONDITIONS

THE FACILITY WILL OPERATE WITH WGHM(AM) AS PRIMARY.

A SECOND BAY IDENTICAL BAY TO THE FIRST WAS ADDED TO THE ARRAY WITH SPACING OF 0.75 WAVELENGTHS TO ACCOMPLISH INTERFERENCE PROTECTION AS PROPOSED IN THE UNDERLYING FORM 349 APPLICATION.

THE ANTENNA WAS MOUNTED ORIENTED AT 160 DEGREES TRUE WITH CR AT 58 METERS AGL ON THE SERIES-FED TOWER EMPLOYED BY BOTH WGHM(AM) (LICENSE) AND WSMN(AM)(STA) COMBINED. THE FM TRANSMISSION LINE WAS ISOLATED FROM THE AM TOWER BY A KINTRONICS ISOCOUPLER. THE BASE IMPEDANCE WAS MEASURED FOR BOTH STATIONS BEFORE AND AFTER THE ADDITIONAL BAY WAS MOUNTED. THERE WAS NO CHANGE IN RESISTANCE FOR EITHER STATION, AND A SLIGHT CHANGE IN REACTANCE THAT WAS ADJUSTED OUT TO MATCH THE LINES TO 50J0. SINCE THERE WAS NO RESISTANCE CHANGE, THE APPLICANT BELIEVES IT IS NOT NECESSARY TO FILE A 302-AM FOR EITHER STATION.

THE APPLICANT WILL CEASE OPERATION OR REDUCE POWER AS NECESSARY, IN ORDER TO PREVENT UNCONTROLLED OR CONTROLLED EXPOSURE IN EXCESS OF THE GUIDELINES OF OET-65.

**Attachment 10**

# ATTACHMENT D

Federal Communications Commission Washington, D.C. 20554  <div style="text-align: center;"><b>FCC 349</b></div>	Approved by OMB 060-0405 (April 2017)  <div style="text-align: center;"><b>FOR FCC USE ONLY</b></div>
<div style="text-align: center;"><b>APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN AN FM TRANSLATOR OR FM BOOSTER STATION</b></div> <div style="text-align: center;">Read INSTRUCTIONS Before Filling Out Form</div>	FOR COMMISSION USE ONLY FILE NO. <b>BMPFT - 20180221AAB</b>

**Section I - General Information**

1.	Legal Name of the Applicant ABSOLUTE BROADCASTING, LLC										
	Mailing Address 141 MAIN STREET										
	City NASHUA	State or Country (if foreign address) NH	ZIP Code 03060 -								
	Telephone Number (include area code) 6038800502		E-Mail Address (if available) THOMASFMONAHAN@HOTMAIL.COM								
	FCC Registration Number: 0013567789	Call Sign W253AF	Facility Identifier 83187								
2.	Contact Representative (if other than Applicant) RUSSELL H. FOX		Firm or Company Name MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, PC								
	Mailing Address 701 PENNSYLVANIA AVE., NW SUITE 900										
	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20004 -								
	Telephone Number (include area code) 2024347483		E-Mail Address (if available) RFOX@MINTZ.COM								
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input type="radio"/> Other <input checked="" type="radio"/> N/A (Fee Required)										
4.	Facility information: a. <input checked="" type="radio"/> FM Translator <input type="radio"/> FM Booster b. Community or communities to which the proposed facility will be licensed: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Community(ies)</td> <td style="width: 50%;">State</td> </tr> <tr> <td>NASHUA</td> <td>NH</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>			Community(ies)	State	NASHUA	NH				
Community(ies)	State										
NASHUA	NH										
5.	<b>Application Purpose</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="radio"/> New station  <input type="radio"/> Major Change in licensed facility  <input type="radio"/> Minor Change in licensed facility         </div> <div> <input type="radio"/> Major Modification of construction permit  <input checked="" type="radio"/> Minor Modification of construction permit  <input type="radio"/> Major Amendment to pending application  <input type="radio"/> Minor Amendment to pending application         </div> </div> <p>a. File number of original construction permit: <span style="float: right;">BMPFT-20170713AHQ</span></p> <p>If an amendment, <b>submit as an Exhibit</b> a listing by Section and Question Number the portions of the pending application that are being revised. <span style="float: right;">[Exhibit 1]</span></p>										

**NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided. See General Instruction J.**

## Section II - Legal

1.	<b>Certification.</b> Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	Applicant is:	
	<input type="radio"/> an individual	<input type="radio"/> a general partnership
	<input type="radio"/> a limited partnership	<input type="radio"/> a not-for-profit corporation
	<input type="radio"/> other	<input checked="" type="radio"/> a limited liability company (LLC/LC)
	a. If "other", describe nature of applicant in an Exhibit.	[Exhibit 2]
3.	a. Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast. See 47 C.F.R. Section 74.1232(d).	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A  See Explanation in [Exhibit 3]
	b. Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A  See Explanation in [Exhibit 4]
<p><b>NOTE: If No to a. and b., and no waiver has been requested in an Exhibit, this application is unacceptable for filing. See 47 C.F.R. Section 74.1232(d).</b></p> <p>If Yes to (a) and No to (b) applicant is prohibited from receiving any support, before or after construction, either directly or indirectly from the commercial primary station being rebroadcast or from any person or entity having any interest whatsoever, or any connection with the primary FM station. Interested and connected parties include group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. See 47 C.F.R. Section 74.1232(e).</p>		
4.	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee/permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A  See Explanation in [Exhibit 5]
5.	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 to be retransmitted. <b>If No, this application is unacceptable for filing.</b>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
6.	<b>Character Issues.</b> Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with:	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 6]
	a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or	
	b. any pending broadcast application in which character issues have been raised.	
7.	<b>Adverse Findings.</b> Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 7]

	provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.  If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and date of filing; and (ii) the disposition of the previously reported matter.	
8.	<b>Alien Ownership and Control.</b> Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 8]
9.	<b>Program Service Certification.</b> Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	<input checked="" type="radio"/> Yes <input type="radio"/> No
10.	<b>Local Public Notice.</b> Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.	<input checked="" type="radio"/> Yes <input type="radio"/> No
11.	<b>Auction Authorization.</b> If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.  An exhibit is required unless this question is inapplicable.	<input type="radio"/> Yes <input type="radio"/> No  <input checked="" type="radio"/> N/A  See Explanation in [Exhibit 9]
12.	<b>Anti-Drug Abuse Act Certification.</b> Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
13.	<b>Equal Employment Opportunity (EEO).</b> If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	<input type="radio"/> Yes <input type="radio"/> No  <input checked="" type="radio"/> N/A

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing THOMAS F. MONAHAN	Typed or Printed Title of Person Signing MANAGER
Signature	Date 02/21/2018

### SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name DENNIS JACKSON	Relationship to Applicant (e.g., Consulting Engineer) TECHNICAL CONSULTANT
Signature	Date 02/21/2018
Mailing Address	

19 BOAS LANE		
City WILTON	State or Country (if foreign address) CT	Zip Code 06897 - 1301
Telephone Number (include area code) 2037629425	E-Mail Address (if available) WWDJ@OPTIMUM.NET	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

### Section III-A - Engineering

#### TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

#### TECH BOX

1.	Channel: 260											
2.	Primary Station:											
	Facility ID Number	Call Sign	City	State								
	41256	WGHM	NASHUA	NH								
3.	Delivery Method (Select One): <input type="radio"/> Off-air <input type="radio"/> Microwave <input type="radio"/> Satellite <input type="radio"/> Via <input checked="" type="radio"/> Other											
4.	Antenna Location Coordinates: (NAD 27)											
	Latitude:											
	Degrees 42 Minutes 45 Seconds 34 <input checked="" type="radio"/> North <input type="radio"/> South											
	Longitude:											
	Degrees 71 Minutes 28 Seconds 37 <input checked="" type="radio"/> West <input type="radio"/> East											
5.	Antenna Structure Registration Number: 1236652 <input type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA											
6.	Antenna Location Site Elevation Above Mean Sea Level:										38 meters	
7.	Overall Tower Height Above Ground Level:										60 meters	
8.	Height of Radiation Center Above Ground Level:										meters(H) 58 meters(V)	
9.	Effective Radiated Power:										kW(H) 0.25 kW(V)	
10.	Transmitting Antenna:											
	Before selecting Directional "Off-the-Shelf", refer to "Search for Antenna Information" under <a href="http://licensing.fcc.gov/prod/cdbb/pubacc/prod/cdbb_pa.htm">CDBS Public Access</a> (http://licensing.fcc.gov/prod/cdbb/pubacc/prod/cdbb_pa.htm). Make sure that the Standard Pattern is marked Yes and that the relative field values shown match your values. Enter the Manufacturer (Make) and Model exactly as displayed in the Antenna Search.											
	<input type="radio"/> Nondirectional <input type="radio"/> Directional Off-the Shelf <input checked="" type="radio"/> Directional composite											
	Manufacturer NIC Model BLD-2/P											
	Rotation: 160degrees <input type="checkbox"/> No Rotation											
	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
	0	1	10	0.99	20	0.978	30	0.956	40	0.927	50	0.882
	60	0.8	70	0.733	80	0.646	90	0.543	100	0.43	110	0.324
	120	0.24	130	0.183	140	0.158	150	0.163	160	0.157	170	0.165
	180	0.161	190	0.165	200	0.157	210	0.163	220	0.158	230	0.183
	240	0.24	250	0.324	260	0.43	270	0.543	280	0.646	290	0.733
	300	0.808	310	0.882	320	0.927	330	0.956	340	0.978	350	0.99
	Additional Azimuths											

#### Relative Field Polar Plot



11.	<b>For FM Boosters and Fill-in translators only.</b> <b>a. FM Fill-in translators.</b> Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.  <b>b. FM Boosters.</b> Applicant certifies that the FM Booster station's service contour is entirely within the primary station's protected coverage contour.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A  See Explanation in [Exhibit 10]  <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A  See Explanation in [Exhibit 11]
12.	<b>Interference.</b> The proposed facility complies with all of the following applicable rule sections. Check all that apply:  <b>Overlap Requirements.</b> <input checked="" type="checkbox"/> a) 47 C.F.R. Section 74.1204 <b>Exhibit Required.</b>  <b>Television Channel 6 Protection.</b> <input type="checkbox"/> b) 47 C.F.R. Section 74.1205 with respect to station(s) <b>Exhibit Required.</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 12]  [Exhibit 13]  [Exhibit 14]
13.	<b>Unattended operation.</b> Applicant certifies that unattended operation is not proposed, or if this application proposes unattended operation, the applicant certifies that it will comply with the requirements of 47 C.F.R. Section 74.1234.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 15]
14.	<b>Multiple Translators.</b> Applicant certifies that it does not have any interest in an application or an authorization for an FM translator station that serves substantially the same area and rebroadcasts the same signal as the proposed FM translator station.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 16]
15.	<b>Environmental Protection Act.</b> Applicant certifies that the proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an <b>Exhibit is required.</b>  By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 17]
<b>PREPARER'S CERTIFICATION ON PAGE 4 MUST BE COMPLETED AND SIGNED.</b>		

**Section IV -- Noncommercial Educational Point System Factors - -New and Major Change Applications on Reserved Channels Only** ( used to select among mutually exclusive applications for new stations and major modifications) **NOTE:** Applicants will not received any additional points for amendments made after the close of the application filing window.

<b>Preliminary Matter:</b> Does this application provide fill-in service only?	<input type="radio"/> Yes <input type="radio"/> No
<b>1. Established Local Applicant:</b> Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed	<input type="radio"/> Yes <input type="radio"/> No

	documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.	
2.	<b>Diversity of Ownership:</b> Applicant certifies that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized radio station (including AM, FM, and non-fill-in FM translator stations, commercial or noncommercial) in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity qualification in a local public inspection file and has submitted to the Commission copies of the documentation.	<input type="radio"/> Yes <input type="radio"/> No
3.	<b>State-wide Network:</b> Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.	<input type="radio"/> Yes <input type="radio"/> No
4.	<b>Technical Parameters:</b> Applicant certifies that the numbers in the boxes below accurately reflect the new (increased) area and population that its proposal would serve with a 60 dBu signal measured in accordance with the standard predicted contours in 47 C.F.R. Section 73.713(c) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include the area of proposed increase only (exclude the station's existing service area). (Points, if any, will be determined by FCC)	<input type="radio"/> Yes <input type="radio"/> No
	New (increased) area served in square kilometers (excluding areas of water):	
	Population served based on the most recent census block data from the United States Bureau of Census using the centroid method:	
<b>Tie Breakers</b>		
5.	<p><b>Existing Authorizations.</b> a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations.</p> <p>(number of attributable commercial and non-commercial licenses and construction permits)</p> <p>b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of FM translators.</p>	
6.	<p><b>Pending Applications.</b> a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, pending applications for new or major changes to the following number of relevant broadcast stations, AM and FM, commercial and non-commercial and FM translator stations other than fill-in stations.</p> <p>(number of attributable commercial and non-commercial applications)</p> <p>b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of FM translators.</p>	

## Section VI -- Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)	
Typed or Printed Name of Person Signing THOMAS F. MONAHAN	Typed or Printed Title of Person Signing MANAGER
Signature	Date 02/21/2018

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**Exhibits**

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**Exhibit 1****Description:** PORTIONS BEING REVISED

SECTION III TECH BOX QUESTION 10 IS AMENDED TO SPECIFY A 2-BAY ANTENNA MODEL.

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**Attachment 1**

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**Exhibit 4****Description:** TRANSLATOR FILL-IN COMPLIANCE

APPLICANT IS THE LICENSEE OF PRIMARY STATION WGHM(AM) AT NASHUA. PLEASE SEE ALSO ATTACHED TECHNICAL STATEMENT IN EXHIBIT 12.

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**Attachment 4**

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**Exhibit 10****Description:** TRANSLATOR FILL-IN COMPLIANCE

PLEASE SEE ATTACHED TECHNICAL STATEMENT IN EXHIBIT 12.

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**Attachment 10**

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**Exhibit 12****Description:** COMPLIANCE WITH APPLICABLE RULES

PLEASE SEE ATTACHED TECHNICAL STATEMENT.

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**Attachment 12**

Description
Technical Statement

---

**Exhibit 13****Description:** SECTION 74.1204 COMPLIANCE

PLEASE SEE ATTACHED TECHNICAL STATEMENT IN EXHIBIT 12.

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**Attachment 13**

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**Exhibit 17****Description:** ENVIRONMENTAL CONSIDERATIONS

NO PHYSICAL CHANGES ARE PROPOSED. RFR COMPLIANCE WAS DETERMINED THROUGH THE USE OF THE RF WORKSHEETS IN APPENDIX A. THE APPLICANT WILL CEASE OPERATION OR REDUCE POWER AS NECESSARY, IN ORDER TO PREVENT UNCONTROLLED OR CONTROLLED EXPOSURE IN EXCESS OF THE GUIDELINES OF OET-65. PLEASE SEE ALSO ATTACHED TECHNICAL STATEMENT IN EXHIBIT 12.

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**Attachment 17**

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## Proposed Minor CP Modification to W253AF at Nashua, NH

Facility ID 83187

### Technical Statement

#### Summary

This application proposes a minor change to W253AF in order to more fully fill in the service contour of co-owned primary station WGHM(AM) at Nashua. This is an allowed second move of 145 km. under Footnote 22 in FCC 17-14. The antenna will be mounted on the WGHM tower, and the proposed service contour lies entirely within 25 miles of the WGHM site (Fig. 1.)

#### 74.1204 Study

The following facilities were studied

Call Sign	C	ST	City	Freq.	ERP	Class	Status	D
W253AF	1	NH	NASHUA	93.3	25.0	D	CP	10.88
W253AF	1	VT	BENNINGTON	98.5	42.0	D	LIC	145.63
WCRB	1	MA	LOWELL	99.5	27000.0	B	LIC	20.16
W260AS	1	MA	LAWRENCE	99.9	10.0	D	LIC	24.62
WQEB-LP	1	MA	WINCHESTER	99.9	26.0	LP100	CP	36.87
W260CF	1	NH	MANCHESTER	99.9	110.0	D	LIC	27.89
Proposed	6	NH	NASHUA	99.9	250.0	A	APP	6.43
WFNX	1	MA	ATHOL	99.9	1850.0	A	LIC	68.52
WHEB	1	NH	PORTSMOUTH	100.3	50000.0	B	LIC	60.27

Figure 1 illustrates the absence of prohibited overlap between the proposed translator interfering contours and the pertinent service of each of these facilities (Key: same colors may not overlap.)

The site lies within the service contour of WCRB. Therefore, the applicant respectfully requests a waiver pursuant to 74.1204(d) as described below.

WCRB places a 74.6 dBu service contour over the proposed site (purple contour in Figure 1.) The Commission has generally considered overlap from a proposed translator interfering contour to be acceptable where the ratio of undesired to desired signal (U/D) does not exceed 40 dB i.e. where in this case the proposed translator F(50,10) interfering signal does not exceed 114.6 dBu.

### **Interference Protection On The Ground**

The proposed translator facility will operate with an ERP of 0.250 kW. For an ERP of 0.250 kW, the distance to the 114.6 dBu F(50,10) contour in free space is 207 meters.

The antenna is a two bay 0.75 wavelength spaced Nicom BLD-1/P with the center of radiation at 58 meters AGL. The array produces a vertical radiation pattern that prevents the 114.6 dBu F(50,10) interfering contour from reaching the ground within 207 meters of the antenna site. The antenna vertical pattern is illustrated and field values tabulated in Figures 3 and 4.

Based on the actual distance in space from the antenna center of radiation to points on the ground within 207 meters of the antenna site, the table in Figure 2 provides calculations of the interference protection at each point in order to establish that the 114.6 dBu interfering contour does not reach the ground.


For each point, the downward or depression angle and actual distance in space from the proposed antenna CR is shown together with the maximum allowable ERP, and the corresponding maximum allowable antenna field. This is compared with the actual antenna field at the pertinent downward or depression angle. The comparison is shown as a safety margin in dB. As described and illustrated in Figure 4, the margin of safety is not less than 0.85 dB at any point.

The applicant therefore believes its application meets the requirements of Section 74.1204(d) with respect to "other factors" insuring no actual interference to WCRB. Should any actual interference occur, the applicant will take the required steps to eliminate it.

### **Environmental Considerations**

No physical changes are proposed. RFR compliance was determined through the use of the RF worksheets in Appendix A. The applicant will cease operation or reduce power as necessary, in order to prevent uncontrolled or controlled exposure in excess of the guidelines of OET-65.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dennis Jackson', with a stylized flourish at the end.

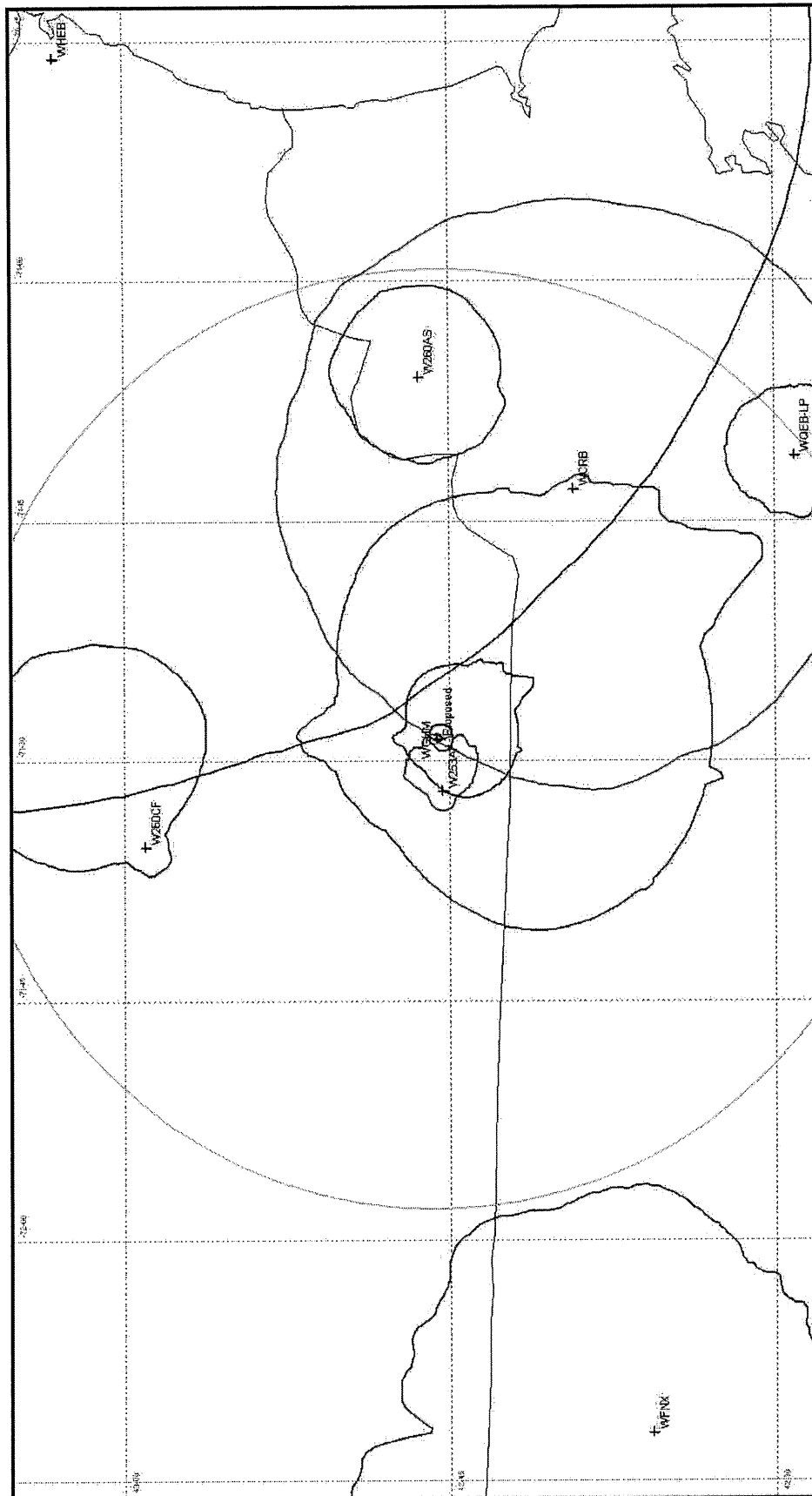
Dennis Jackson  
Technical Consultant  
July 12, 2017

**Figure 1 - 74.1204 Study and Fill-In Status**

**Second adjacent WCRB places a 74.6 dBu service contour over site (purple.)**

**No other prohibited overlap is created. (Key: Same colors may not overlap.)**

**Proposed service contour does not exceed 25 miles (gray circle) from AM site.**



**Figure 2 - Calculation of Protection to WCRB Illustrating Margin of Safety**

**Maximum Allowable Field At Pertinent Distances and Angles  
Compared to Actual Antenna Field Values**

**Margin of Safety is not less than 0.85 dB at any point within  
the 114.6 dBu F(50,10) interfering contour distance in free space (207 meters.)**

**Notes:**

**Antenna Center of Radiation is at 58 meters AGL.**

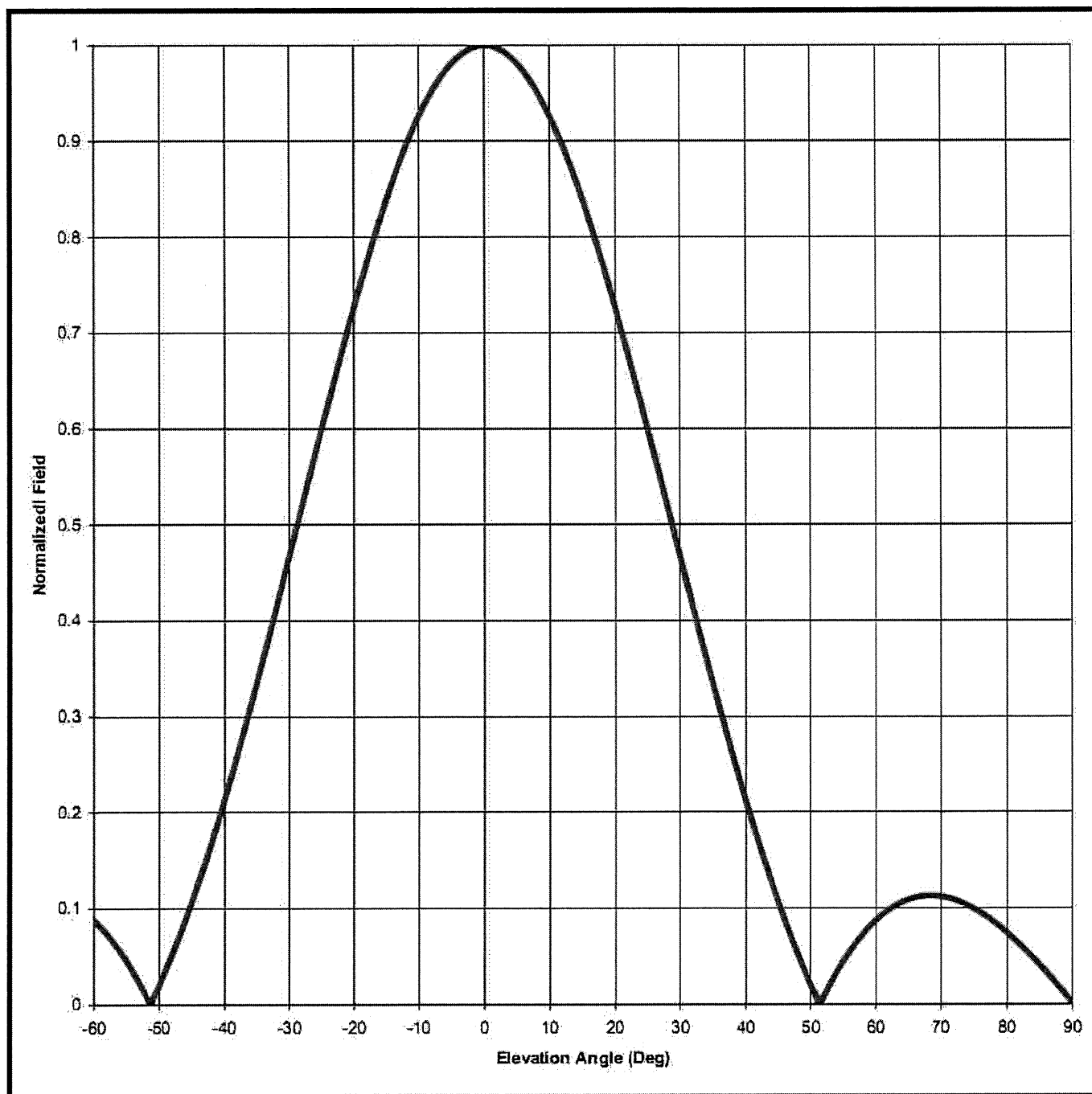
**For each point, the following is shown:**

- A. Horizontal distance from antenna tower base to residence or area**
- B. Downward or depression angle from antenna CR to ground**
- C. Actual distance in space from antenna CR to residence or area**
- D. ERP at which 114.6 dBu interfering contour extends actual distance in space.**
- E. Corresponding antenna field limit (250 Watts = 1.000 field value)**
- F. Actual antenna vertical field at downward or depression angle**
- G. Margin of safety in dB**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
<b>Horizontal</b>	<b>Downward</b>	<b>Actual</b>		<b>Corresponding</b>	<b>Antenna</b>	<b>Margin</b>
<b>Distance</b>	<b>Vertical</b>	<b>Distance</b>	<b>Power</b>	<b>Antenna</b>	<b>Vertical</b>	
<b>From Site</b>	<b>Angle</b>	<b>in Space</b>	<b>Limit</b>	<b>Field</b>	<b>Field</b>	<b>of</b>
<b>(meters)</b>	<b>(degrees)</b>	<b>(meters)</b>	<b>(Watts)</b>	<b>Limit</b>	<b>at Angle</b>	<b>Safety</b>
						<b>(dB)</b>
<b>25</b>	<b>66.7</b>	<b>63.2</b>	<b>23</b>	<b>0.303</b>	<b>0.112</b>	<b>8.65</b>
<b>50</b>	<b>49.2</b>	<b>76.6</b>	<b>34</b>	<b>0.369</b>	<b>0.033</b>	<b>20.97</b>
<b>75</b>	<b>37.7</b>	<b>94.8</b>	<b>53</b>	<b>0.460</b>	<b>0.267</b>	<b>4.73</b>
<b>100</b>	<b>30.1</b>	<b>115.6</b>	<b>78</b>	<b>0.559</b>	<b>0.464</b>	<b>1.61</b>
<b>125</b>	<b>24.9</b>	<b>137.8</b>	<b>111</b>	<b>0.666</b>	<b>0.604</b>	<b>0.85</b>
<b>150</b>	<b>21.1</b>	<b>160.8</b>	<b>152</b>	<b>0.780</b>	<b>0.701</b>	<b>0.92</b>
<b>175</b>	<b>18.3</b>	<b>184.4</b>	<b>199</b>	<b>0.892</b>	<b>0.769</b>	<b>1.29</b>
<b>200</b>	<b>16.2</b>	<b>208.2</b>	<b>250</b>	<b>1.000</b>	<b>0.815</b>	<b>1.78</b>

**Figure 3**

**2-Bay 0.75 Wavelength Spaced Antenna Vertical Radiation Profile**





**Figure 4**

**2-Bay 0.75 Wavelength Spaced Antenna Vertical Profile Field Values**

<b>ELEVATION PATTERN TABULATION</b>			
<b>Degrees</b>	<b>Relative Field</b>	<b>Degrees</b>	<b>Relative Field</b>
1	0.999	46	0.088
2	0.997	47	0.069
3	0.993	48	0.052
4	0.988	49	0.036
5	0.981	50	0.020
6	0.973	51	0.005
7	0.963	52	0.009
8	0.952	53	0.021
9	0.940	54	0.033
10	0.926	55	0.045
11	0.911	56	0.055
12	0.895	57	0.064
13	0.877	58	0.073
14	0.859	59	0.080
15	0.839	60	0.087
16	0.819	61	0.093
17	0.797	62	0.098
18	0.775	63	0.103
19	0.752	64	0.106
20	0.728	65	0.109
21	0.703	66	0.111
22	0.678	67	0.112
23	0.653	68	0.113
24	0.627	69	0.113
25	0.601	70	0.112
26	0.574	71	0.110
27	0.547	72	0.108
28	0.521	73	0.106
29	0.494	74	0.103
30	0.467	75	0.099
31	0.440	76	0.095
32	0.413	77	0.090
33	0.387	78	0.085
34	0.361	79	0.080
35	0.335	80	0.074
36	0.309	81	0.068
37	0.284	82	0.061
38	0.260	83	0.055
39	0.236	84	0.048
40	0.213	85	0.040
41	0.190	86	0.033
42	0.168	87	0.025
43	0.147	88	0.017
44	0.126	89	0.009
45	0.107	90	0.000

# ATTACHMENT E

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	File No. BMPFT-20180221AAB
	)	<b>Facility ID No. 83187</b>
<b>ABSOLUTE BROADCASTNG, LLC</b>	)	
For Construction Permit to Modify	)	
<b>W260DB (formerly W253AF)</b>	)	
<b>Nashua, NH</b>	)	

To: The Secretary  
Attn: Chief, Audio Division, Media Bureau

**INFORMAL OBJECTION**

Saga Communications of New England, LLC, ("Saga"), licensee of FM Translator W260CF, Manchester, New Hampshire, pursuant to Sections 73.3587 and 74.1204(f) of the Commission's Rules, hereby objects to the above-captioned application ("Application") for construction permit to modify the construction permit (BMPFT-20170713AHQ) of W260DB (formerly W253AF) filed by Absolute Broadcasting, LLC. ("Absolute"). If the Application were granted, listeners to Saga's W260CF would receive interminable and intolerable interference from Absolute's Translator.<sup>1</sup> In support whereof, the following is shown:

**Basis of the Objection**

Attached hereto is the Technical Statement of Asher Broadcast Consulting LLC ("Technical Statement") that furnishes the basis for this Objection, which is incorporated herein by reference.

---

<sup>1</sup> The translator is licensed as "W253AF," however, the Application modifies a construction permit (BMPFT-20170713AHQ) to change the operating channel from 253 (98.5 MHz) to 260 (99.9 MHz) as W260DB. An application for license to cover BMPFT-20170713AHQ is pending, to which Saga has filed a separate Informal Objection. To avoid confusion, Absolute's translator is referred to herein as "W260DB."

Saga's W260CF rebroadcasts the HD2 signal of Saga's WMLL(FM), Bedford, NH. WMLL(FM)-HD2 carries the same programming that is broadcast on another station licensed to Saga, WFEA(AM), 1370 kHz, Manchester, NH. Therefore, in their complaints, listeners identify Saga's FM translator broadcasts as "1370 WFEA" and/or "WFEA 99.9."

The Technical Statement includes complaints of potential interference from three listeners: Deborah Lussier, Hollis, NH; Brenda Clark, Nashua, NH, and Catherine Ackerman, Nashua, NH.

The listeners' addresses, telephone numbers, and email addresses are set forth in the Technical Statement, along with a map of the areas where the listeners expect to suffer interference from Absolute's W260DB.

In accordance with Section 74.1204(f) of the Rules, an FM translator application will not be deemed acceptable for filing even though the proposed operation would not involve overlap of field strength contours of any other station if the predicted 1 mV/m (60 dB $\mu$ ) field strength contour of the FM translator 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, and a grant of the authorization will result in interference to the reception of such signal. As demonstrated in the Technical Statement, the three declarations all meet the four-criteria test set forth in *The Association for Community Education, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682, 12685-6 (2004). It is uncontroverted that Saga's W260CF, which began operating on November 5, 2015, must be protected by Absolute's W260DB, which began operating on

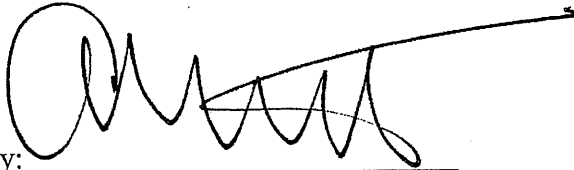
December 23, 2017, but Absolute reports was shut down after Saga's Informal Objection was filed.<sup>2</sup>

### **Conclusion**

Absolute's W260DB is predicted to cause interference to the reception of Saga's W260CF. Accordingly, Saga requests the Commission to dismiss the Application.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, LLC**

By:   
\_\_\_\_\_  
Gary S. Smithwick  
Its Attorney

**Smithwick & Belendiuk, P.C.**  
5028 Wisconsin Ave., N.W.  
Suite 301  
Washington, DC 20016  
(202) 363-4050

March 29, 2018

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<sup>2</sup> Although W260DB has apparently been off the air for more than 30 days, the Commission's records do not reflect the filing of a Notice of Suspension of Operations or a Request for Special Temporary Authority to remain silent.

ATTACHMENT  
TECHNICAL STATEMENT

# Technical Report In Support of a 47 C.F.R. Section 74.1204(f) Based Informal Objection

*against*

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*W260DB(formerly W253AF) - Nashua, NH  
BMPFT-20180221AAB  
(Facility ID: 83187)  
CH260D - 99.9 MHz*

---

*47 C.F.R. Section 74.1204(f)  
Dismissal of FM Translator Application due  
to predicted interference within  
the 1.0 mV/m Contour.*

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March, 2018

**EXPLANATION OF STATEMENT:** This Technical Statement has been prepared to support a 47 C.F.R. Section 74.1204(f) based Informal Objection as submitted by Saga Communications of New England, LLC ("Saga"), licensee of station W260CF - Manchester, NH, License BLFT-20151105AJJ (Facility ID: 154234). This Objection is being filed against pending FM Translator Application BMPFT-20180221AAB for W260DB (formerly W253AF) - Nashua, NH (Facility ID: 83187) held by Absolute Broadcasting, LLC ("Absolute"). The W260DB application in question proposes operation on CH260D (99.9 MHz) with 0.250 kW ERP at 96 meters AMSL. Saga station W260CF operates with 0.110 kW ERP at 411 meters AMSL on CH260D (99.9 MHz). Therefore, Saga's W260CF operates co-channel to the proposed Absolute W260DB Translator application.

In accordance with 47 C.F.R. Section 74.1204(f), an FM Translator Proposal will not be deemed acceptable 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 §74.1204, if the predicted 1 mV/m (60 dBμ) 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, and a grant of the authorization will result in interference to the reception of such signal. In implementing 47 C.F.R. Section 74.1204(f), the Commission has established no less than four (4) criteria necessary to demonstrate a grant of an FM Translator Construction Permit Application "*will result in interference to the reception*" of an existing full-service station. As noted herein, Saga has documented these four (4) criteria. Therefore, the application in question is no longer acceptable for filing and is thus subject to immediate dismissal. The necessary criteria, as previously established by the Commission, have been addressed below.

**EXPLANATION OF FINDINGS.** The four (4) criteria and findings are:

**Criteria 1 - The name and specific address of each potentially affected listener.** There are three (3) total W260CF listeners participating in this 47 C.F.R. Section 74.1204(f) based Objection. Areas of listenership include home or other addresses and defined sections of roads or highways. A summary of each location has been provided below. Each location has also been noted on the **Exhibit 1.1** map showing. The name and contact information of each listener also appears in the Listener Declarations as found in **Exhibit(s) 2.1 to 2.3**.



Name	Address	Contact Info Phone/email	Description of Listening Area
Deborah Lussier <sup>1</sup>	P.O. Box 81 Hollis, NH 03049	1(603)721-9068 deb100265@aol.com	Road Section(s) - Proctor Hill Road (Hollis, NH to Nashua, NH)
Brenda Clark <sup>1</sup>	8 12th Street Nashua, NH 03060	1(603)595-9546 nhtkd@aol.com	Home Address - 8 12th Street; Nashua, NH 03060
Catherine Ackerman	12 Margaret Circle Nashua, NH 03062	1(603)930-0954	Home Address - 12 Margaret Circle; Nashua, NH 03062 Road Section(s) - Everett Turnpike Intersection with Highway 111 Everett Turnpike Intersection with Highway 101A

Within the **Exhibit 1.1** Listener Map, these three (3) individual listener locations have been plotted. Listener areas include two (2) stationary home address and three (3) sections of roads or highways. The stationary locations have been identified by the physical mailing addresses as well as latitude and longitude coordinates expressed as Degree-Minutes-Seconds. The segments of road-based listenership have been highlighted on the map as well. *Based on the beginning and ending landmarks as noted from each complaint (and the proliferation of road mapping software available on the internet), the locations of each of these road-based segments is considered a matter of record before the Commission. Therefore, no further documentation is believed required. However additional coordinate or other identifying documentation of these road-based segments will be supplied upon request.*

**Criteria 2 - Some demonstration that the address of each purported listener falls within the 60 dBμ service contour of the proposed Translator station.** The address or relevant listening location of each W260CF listener participating in this 47 C.F.R. Section 74.1204(f) based Objection has been depicted on the attached **Exhibit 1.1** map showing. In all cases, each listener location (or portion there-of) resides within the 60 dBμ service contour of the proposed Translator station.

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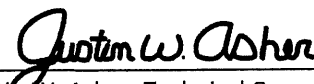
<sup>1</sup> In this instance, existing 47 C.F.R. Section 74.1203(a) based interference complaints as submitted in a February 12, 2018 Informal Objection against a separate W260DB (formerly W253AF) pending license BLFT-20171221AAJ may also be used for this 47 C.F.R. Section 74.1204(f) based objection as these statements also indicate each listener listens to W260CF at identified addresses or locations which reside within the 60 dBμ service contour of the proposed Translator application in question.

**Criteria 3 - A declaration from each of the affected listeners that he or she listens to the full-service station at the specified location.** Declarations of the three (3) total W260CF listeners participating in this 47 C.F.R. Section 74.1204(f) based Objection have been included in **Exhibit(s) 2.1 to 2.3**. In all cases, each listener declares he or she listens to W260CF at the identified address or location. As previously stated, each listener address or location resides within the 60 dBμ service contour of the Translator station.

**Criteria 4 - Some evidence that a grant of the authorization will result in interference to the reception of the "desired" full-service station at that location.** The plotted "U to D", Undesired to Desired, contour relationship between W260CF and the Translator station has been outlined on the attached **Exhibit 1.1** map showing. In all cases, W260CF reception throughout the entire proposed Translator's 60 dBμ (1.0 mV/m) contour remains subject to co-channel channel interference greater than 20 dB as allowed per 47 C.F.R. Section 74.1204(a).

**SUMMARY OF STATEMENT.** As Saga has documented compliance with these four (4) criteria, Application BMPFT-20180221AAB is no longer deemed acceptable for filing and is therefore subject to immediate dismissal pursuant to 47 C.F.R. Section 74.1204(f).

**CERTIFICATION OF TECHNICAL CONSULTANT:** *I declare, under penalty of perjury, that the contents of this report are true and accurate to the best of my knowledge and belief. I further certify I have over eighteen years of experience as a broadcast technical consultant before the Federal Communications Commission ("the FCC"); and am familiar with the Code of Federal Regulations Title 47 ("the Rules") as pertaining to this report and its contents herein. The underlying data utilized in this report was taken directly from FCC databases or indirectly through third party software vendors securing data directly from FCC databases. This firm cannot be held liable for errors or omissions resulting from the underlying data. The information contained herein is believed accurate to the date reported below.*






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Justin W. Asher, Technical Consultant  
March 28, 2018

202

W260CF.L to W260DB.A

-  26.0 dBμ F(50:50) to 6.0 dBμ F(50:10)
-  23.0 dBμ F(50:50) to 3.0 dBμ F(50:10)
-  20.0 dBμ F(50:50) to 0.0 dBμ F(50:10)

# Exhibit 1.1

## Map of Projected

### 47 C.F.R. Section 74.1204(f)

#### Listener Interference from

#### W260DB.A - Nashua, NH

*W260CF.L - 60 dBμ F(50:50) Contour*

**W260CF.L**  
 Manchester, NH  
 BLFT20151105AJJ  
 Facility ID: 154234  
 Latitude: 42-59-02 N  
 Longitude: 071-35-22 W  
 ERP: 0.11 kW  
 Channel: 260D (99.9 MHz)  
 AMSL Height: 411.0 m  
 Horiz. Pattern: Directional

Deborah Lussier  
 Proctor Hill Road  
 (Hollis, NH to Nashua, NH)

Brenda Clark (home)  
 8 12th Street  
 Nashua, NH 03060  
 42-45-14 NL; 071-29-04 WL

Catherine Ackerman (home)  
 12 Margaret Circle  
 Nashua, NH 03062  
 42-43-19 NL; 71-29-53 WL

The intersection of the  
 Everett Turnpike & Highway 111  
 42-46-31 NL; 071-29-37 WL

The intersection of the  
 Everett Turnpike & Highway 101A  
 42-44-44 NL; 071-29-35 WL

**W260DB.A (formerly W253AF.A)**  
 Nashua, NH  
 BMPFT20180221AAB  
 Facility ID: 83187  
 Latitude: 42-45-34 N  
 Longitude: 071-28-37 W  
 ERP: 0.25 kW  
 Channel: 260D (99.9 MHz)  
 AMSL Height: 96.0 m  
 Horiz. Pattern: Directional

*W260DB.A - 60 dBμ F(50:50) Contour*

Turnpike & Highway 111

Nashua, NH

Hollis, NH

W260DB.A

8 12th Street

Turnpike & Highway 101A

1/2 Margaret Circle

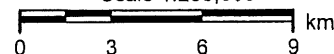
Asher Broadcast Consulting LLC  
 justinasher@consultant.com  
 1 (202) 875-2986

NED 03 SEC Terrain Database  
 US Census 2010 PL Database

### Study Notes:

W260CF.L reception within the Translator 60 dBμ (1.0 mV/m)  
 Contour will be subject to co-channel "U to D" (Undesired to  
 Desired) interference greater than 20 dB per 47 C.F.R. §74.1204(a).

Scale 1:250,000



**Exhibit 2.1**  
**Copy of Listener Declaration(s)**



**Listener Declaration:**

I am a regular listener of the "99FM and 1370 WFEA" programing which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHI(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

Hollis, N.H. - I live in Hollis, N.H. and I am a regular listener of 1370 WFEA  
and lately I hear music + static bleeding through my favorite program.  
Also when I go to listen to WFEA 99.9FM, it is a different station that  
comes through. Its call letters are WGHI out of Nashua.  
In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

I listen to 1370AM on my way to work (Nashua) and still have music +  
static bleeding through the program I listen to. AND WFEA 99.9  
comes in as a totally different station called WGHI Nashua!  
I hope this resolves quickly! Thank you!

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: 1/17/2018

Signed: [Signature] Printed Name: Deborah Lussier

Address: PO Box 81 (341 Locust) Phone: 603 721-9068

Hollis, N.H. 03049 Email: deb100265@aol.com

**Exhibit 2.2**  
**Copy of Listener Declaration(s)**



**Listener Declaration:**

I am a regular listener of the "99FM and 1370 WFEA" programing which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHN(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

8 12<sup>th</sup> St. Nashua, NH 03060

In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

While driving in 03062 and 03060  
area codes.

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: 2/4/18

Signed: Brenda Clark Printed Name: Brenda Clark

Address: 8 12TH ST Phone: 603-595-9546

Nashua, NH 03060 Email: nhtkd@aol.com

**Exhibit 2.3**  
**Copy of Listener Declaration(s)**



**More stimulating talk.**

**Listener Declaration**

I am a regular listener of "WFEA - 99.9 MHz" which broadcasts on 99.9 MHz FM to Southern New Hampshire.

Soon a new radio station will begin broadcasting on 99.9 MHz. I am concerned this station will interfere with my regular listening to "WFEA - 99.9 MHz".

I regularly listen to "WFEA - 99.9 MHz" at my home and at the following other locations which I fear will be subject to future interference:

My car

In addition, I regularly listen to "WFEA - 99.9 MHz" along the following mobile routes which I fear will be subject to future interference as well:



No

I regularly listen to "WFEA - 99.9 MHz" traveling on the Everett Turnpike near the exchange with Highway 111.



No

I regularly listen to "WFEA - 99.9 MHz" traveling on the Everett Turnpike near the exchange with Highway 101A.

I am providing this declaration to ask the Federal Communications Commission in Washington, D.C. to take action to keep this interference from occurring. Other than being a regular listener, I am not connected in any way with "WFEA - 99.9 MHz".

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this Date of

3/27/15

Catherine Ackerman

Catherine Ackerman

12 Dargant Circle

Phone: 603-930-0954

Nashua NH 03062



## CERTIFICATE OF SERVICE

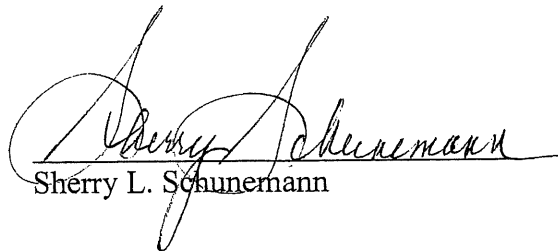
I, Sherry L. Schunemann, a secretary in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on March 29, 2018, copies of the foregoing Informal Objection were sent via First Class Mail, postage pre-paid to the following:

Mr. James Bradshaw\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov)

Mr. Robert Gates\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov)

Parul Desai, Esq.\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov)

Russell H. Fox, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC  
701 Pennsylvania Avenue, NW  
Suite 900  
Washington, DC 20004  
(Counsel for Absolute Broadcasting, LLC)



Sherry L. Schunemann

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	File No. BLFT-20171221AAJ
	)	<b>Facility ID No. 83187</b>
<b>ABSOLUTE BROADCASTNG, LLC</b>	)	
	)	
<b>W253AF (W260DB), Nashua, NH</b>	)	
	)	

To: The Secretary  
Attn: Chief, Audio Division, Media Bureau

**INFORMAL OBJECTION**

Saga Communications of New England, LLC, ("Saga"), licensee of FM Translator W260CF, Manchester, New Hampshire, pursuant to Section 73.3587 of the Commission's Rules, hereby objects to the above-captioned application for license to cover ("Application") filed by Absolute Broadcasting, LLC. ("Absolute"). If the Application were granted, listeners to Saga's W260CF would receive interminable and intolerable interference being caused by Absolute's FM Translator W253AF (new call sign: W260DB), Nashua, New Hampshire.<sup>1</sup> In support whereof, the following is shown:

**Basis of the Objection**

Attached hereto is a copy of an Interference Complaint being filed concurrently herewith, which is incorporated herein by reference. Part of the Complaint is the Technical Statement of Asher Broadcast Consulting LLC ("Technical Statement") that furnishes the basis for this Objection.

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<sup>1</sup> The translator is licensed as "W253AF," however, the Application covers a construction permit (BMPFT-20170713AHQ) to change the operating channel from 253 (98.5 MHz) to 260 (99.9 MHz) as W260DB. To avoid confusion, the offending translator is referred to herein as "W260DB."



Saga's W260CF rebroadcasts the HD2 signal of Saga's WMLL(FM), Bedford, NH. WMLL(FM)-HD2 carries the same programming that is broadcast on another station licensed to Saga, WFEA(AM), 1370 kHz, Manchester, NH. Therefore, in their complaints, listeners identify Saga's FM translator broadcasts as "1370 WFEA" and/or "WFEA 99.9."

The Technical Statement includes complaints of interference from four listeners: Deborah Lussier, Hollis, NH; James Robertson, Bedford, NH; Edward Szumiesz, Manchester, NH; and Brenda Clark, Nashua, NH.

The listeners' addresses, telephone numbers, and email addresses are set forth in the Technical Statement, along with a summary of the areas where the listeners are experiencing interference from Absolute's W260DB.

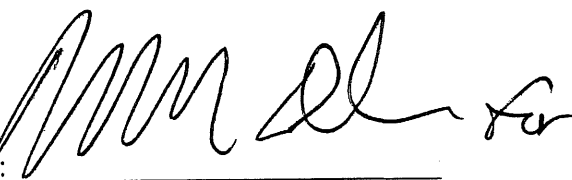
In short, until Absolute resolves the complaints of the listeners to Saga's W260CF as set forth in the Interference Complaint, the Commission should not grant the pending Application. That is because, as set forth in the Interference Complaint, Section 74.1203 of the Commission's rules guarantees existing FM translator stations protection from FM translators that commence broadcasting later in time. It is uncontroverted that Saga's W260CF, which began operating on November 5, 2015, must be protected by Absolute's W260DB, which began operating on December 23, 2017.

### **Conclusion**

Absolute's W260DB is causing prohibited interference to the reception of Saga's W260CF. Accordingly, Saga requests the Commission to deny or dismiss the Application.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, LLC**

By: 

Gary S. Smithwick  
Its Attorney

**Smithwick & Belendiuk, P.C.**  
5028 Wisconsin Ave., N.W.  
Suite 301  
Washington, DC 20016  
(202) 363-4050

February 12, 2018

ATTACHMENT  
INTERFERENCE COMPLAINT

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of	)	File No. BLFT-20171221AAJ
	)	<b>Facility ID No. 83187</b>
<b>ABSOLUTE BROADCASTNG, LLC</b>	)	
	)	
<b>W253AF (W260DB), Nashua, NH</b>	)	
	)	

To: The Secretary  
Attn: Chief, Audio Division, Media Bureau

**INTERFERENCE COMPLAINT**

Saga Communications of New England, LLC, ("Saga"), licensee of FM Translator W260CF, Manchester, New Hampshire, pursuant to Section 74.1203 of the Commission's Rules, hereby complains of interference to the reception of W260CF caused by FM Translator W253AF (new call sign: W260DB), Nashua, New Hampshire.<sup>1</sup> W260DB is licensed to Absolute Broadcasting, LLC. ("Absolute"). The Commission should order Absolute to cease operation of W260DB.<sup>2</sup> In support whereof, the following is shown:

**Basis of the Complaint**

Attached hereto is the Technical Statement of Asher Broadcast Consulting LLC ("Technical Statement") that furnishes the basis for this complaint. The Technical Statement is incorporated herein by reference.

---

<sup>1</sup> The translator is licensed as "W253AF," however, the above-captioned application for license ("Application") covers a construction permit (BMPFT-20170713AHQ) to change the operating channel from 253 (98.5 MHz) to 260 (99.9 MHz). To avoid confusion, the offending translator is referred to herein as "W260DB."

<sup>2</sup> Concurrently herewith, Saga also is filing an Informal Objection against the Application.

Saga's W260CF rebroadcasts the HD2 signal of Saga's WMLL(FM), Bedford, NH. WMLL(FM)-HD2 carries the same programming that is broadcast on another station licensed to Saga, WFEA(AM), 1370 kHz, Manchester, NH. Therefore, in their complaints, listeners identify Saga's FM translator broadcasts as "1370 WFEA" and/or "WFEA 99.9."

The Technical Statement includes complaints of interference from four listeners: Deborah Lussier, Hollis, NH; James Robertson, Bedford, NH; Edward Szumiesz, Manchester, NH; and Brenda Clark, Nashua, NH.

The listeners' addresses, telephone numbers, and email addresses are set forth in the Technical Statement, along with a summary of the areas where the listeners are experiencing interference from Absolute's W260DB.

Saga's W260CF began operating on November 5, 2015, and has been providing continuous service to Manchester and the surrounding area since its commencement of operation. On the other hand, Absolute's W260DB commenced operation on December 23, 2017. Pursuant to Section 74.1203(a)(3)<sup>3</sup> of the Commission's Rules, because

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<sup>3</sup> Section 74.1203 provides in pertinent part:

(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to:

\*\*\*

(3) The direct reception by the public of the off-the-air signals of any authorized broadcast station including TV Channel 6 stations, Class D (secondary) noncommercial educational FM stations, **and previously authorized and operating FM translators** and FM booster stations. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted [emphasis added].

(b) If interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending FM translator... shall be suspended and shall not be resumed until the interference has been eliminated.

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(e) It shall be the responsibility of the licensee of an FM translator or FM booster station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee that

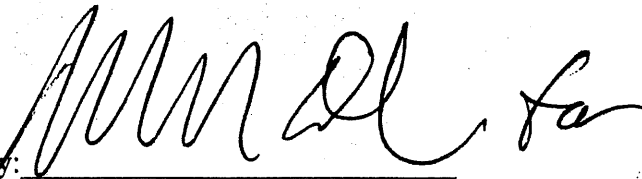
Absolute's operation of W260DB interferes with listeners' reception of Saga's W260CF, Absolute must satisfy complaints of interference to Saga's W260CF because W260CF was authorized first.

### **Conclusion**

Absolute's W260DB is causing prohibited interference to the reception of Saga's W260CF. Saga requests the Commission to order Absolute to cease and desist from causing further interference to the reception of W260CF, and to terminate Absolute's authority to operate W260CF.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, LLC**

By: 

Gary S. Smithwick  
Its Attorney

**Smithwick & Belendiuk, P.C.**  
5028 Wisconsin Ave., N.W.  
Suite 301  
Washington, DC 20016  
(202) 363-4050

February 12, 2018

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such interference is being caused, the operation of the FM translator or FM booster station shall be suspended within three minutes and 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; provided, however, that short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

# Technical Statement In Support of a 47 C.F.R. Section 74.1203(a) Interference Complaint

*against*

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*W260DB(formerly W253AF) - Nashua, NH  
BLFT-20171221AAJ  
(Facility ID: 83187)  
CH260D - 99.9 MHz*

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*Concerning Reception of  
W260CF - Manchester, NH  
BLFT-20151105AJJ  
(Facility ID: 154234)  
CH260D - 99.9 MHz*

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February, 2018

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*Asher Broadcast Consulting LLC*  
justinasher@consultant.com  
1(202)875-2986

# **Technical Statement**

**1**

**EXPLANATION OF STATEMENT:** This Technical Statement has been prepared to support a 47 C.F.R. Section 74.1203(a) based Interference Complaint as submitted by Saga Communications of New England, LLC ("Saga"), licensee of station W260CF - Manchester, NH, License BLFT-20151105AJJ (Facility ID: 154234). This Complaint is being filed against the recent commencement of operations of FM Translator W260DB(formerly W253AF) - Nashua, NH, BLFT-20171221AAJ (Facility ID: 83187) held by Absolute Broadcasting, LLC ("Absolute"). The W260DB facility in question operates on CH260D (99.9 MHz) with 0.250 kW ERP at 96 meters AMSL. Saga station W260CF operates with 0.053 kW ERP at 411 meters AMSL on CH260D (99.9 MHz). Therefore, Saga's W260CF operates co-channel to the Absolute W260DB Translator facility.

**HISTORY:** The Saga W260CF Translator commenced operation on November 5, 2015 and has been providing continuous service to the Manchester and surrounding areas for the past three years. The Absolute W260DB Translator recently commenced operation on December 21, 2017. Therefore, pursuant to 47 C.F.R. Section 74.1203(a)(3), Saga's W260CF has standing as an existing service concerning resolution of interference initiated by subsequent Translator operations.

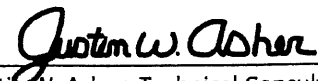
**SUPPORT:** Attached to this Technical Statement is the **Exhibit 1.1** map demonstrating the present contour relationship between the Saga W260CF and Absolute W260DB Translators. As noted in the showing, the Absolute W260DB 40 dBμ F(50:10) co-channel interference contour extends into the Everett Turnpike / Route 3 & 3A valley as does the Saga W260CF 60 dBμ F(50:50) service contour. Therefore, there is a realistic expectation any Saga reception in the south Manchester area would be subject to interference from the Absolute facility. This is further bolstered by documented listener complaints of actual interference from the Absolute facility to the reception of Saga's W260CF. Copies of listener complaints have been included in **Exhibit(s) 2.1 to 2.4** and also summarized below. Additional complaints will be forwarded to the Commission as they become available.

Name	Address	Description of Received Interference from W260DB
Deborah Lussier	P.O. Box 81; Hollis, NH 03049 1(603)721-9068 deb100265@aol.com	<b>Mobile Route:</b> Proctor Hill Road (Hollis, NH to Nashua, NH)
James Robertson	284 N Amherst Rd; Bedford, NH 03110 1(603)472-8506 jrobertson222@comcast.net	<b>Stationary Points:</b> Home Address at 284 N Amherst Road; Bedford, NH Hannaford Supermarket at 4 Jenkins Road (Route 101); Bedford, NH <b>Mobile Routes:</b> Amherst Rd's & Hardy Rd's (Home to Hannaford Supermarket) Route 101 (Hannaford Supermarket to Old Route 3) Old Route 3 (Route 101 to Merrimack, NH)
Edward Szumiesz	14 Davingnon St; Manchester, NH 03102 1(603)264-7603 ELS1146@comcast.net	<b>Mobile Routes:</b> Route 3A (Manchester, NH to Litchfield, NH) Old Route 3 (Manchester, NH to Litchfield, NH) Everett Turnpike (Manchester, NH to Litchfield, NH)
Brenda Clark	8 12th Street; Nashua, NH 03060 1(603)595-9546 nhtkd@aol.com	<b>Stationary Point:</b> Home Address of 8 12th Street; Nashua, NH <b>General Locations:</b> Driving in (zip code) 03062 - Community of Nashua, NH Driving in (zip code) 03060 - Community of Nashua, NH



Within the **Exhibit 1.1** map, these twelve (12) individual listener locations have been plotted. Listener areas include two (2) stationary home addresses; one (1) stationary business address; seven (7) sections of roads or highways; and two (2) general areas (zip codes of Nashua) of noted listenership. The stationary home and business locations have been identified by the physical mailing addresses as well as (Deg-Min-Sec) coordinates on the **Exhibit 1.1** map. The zip code areas for Nashua have been represented by U.S. Census 2010 boundaries for the Township of Nashua, NH and are a matter of public record before the Commission. The segments of road based interference complaints have been highlighted on the map as well. *Based on the beginning and ending landmarks as noted from each complaint (and the proliferation of road mapping software available on the internet), the locations of each of these road based segments is considered a matter of record before the Commission. Therefore, no further documentation is believed required. However additional coordinate or other identifying documentation of these road based segments will be supplied upon request.*

**CERTIFICATION OF TECHNICAL CONSULTANT:** *I declare, under penalty of perjury, that the contents of this report are true and accurate to the best of my knowledge and belief. I further certify I have over eighteen years of experience as a broadcast technical consultant before the Federal Communications Commission ("the FCC"); and am familiar with the Code of Federal Regulations Title 47 ("the Rules") as pertaining to this report and its contents here-in. The underlying data utilized in this report was taken directly from FCC databases or indirectly through third party software vendors securing data directly from FCC databases. This firm cannot be held liable for errors or omissions resulting from the underlying data. The information contained herein is believed accurate to the date reported below.*



Justin W. Asher, Technical Consultant  
February 9, 2018

**Exhibit 1.1**  
**Co-Channel Interference Map**  
**Manchester, NH - W260CF.L**  
**(BLFT-20151105AJJ)**  
**to**  
**Nashua, NH - W260DB.L**  
**(formerly W253AF)**  
**(BLFT-20171221AAJ)**

**W260CF.L**  
 Manchester, NH  
 BLFT20151105AJJ  
 Facility ID: 154234  
 Latitude: 42-59-02 N  
 Longitude: 071-35-22 W  
 ERP: 0.11 kW  
 Channel: 260D (99.9 MHz)  
 AMSL Height: 411.0 m  
 Horiz. Pattern: Directional

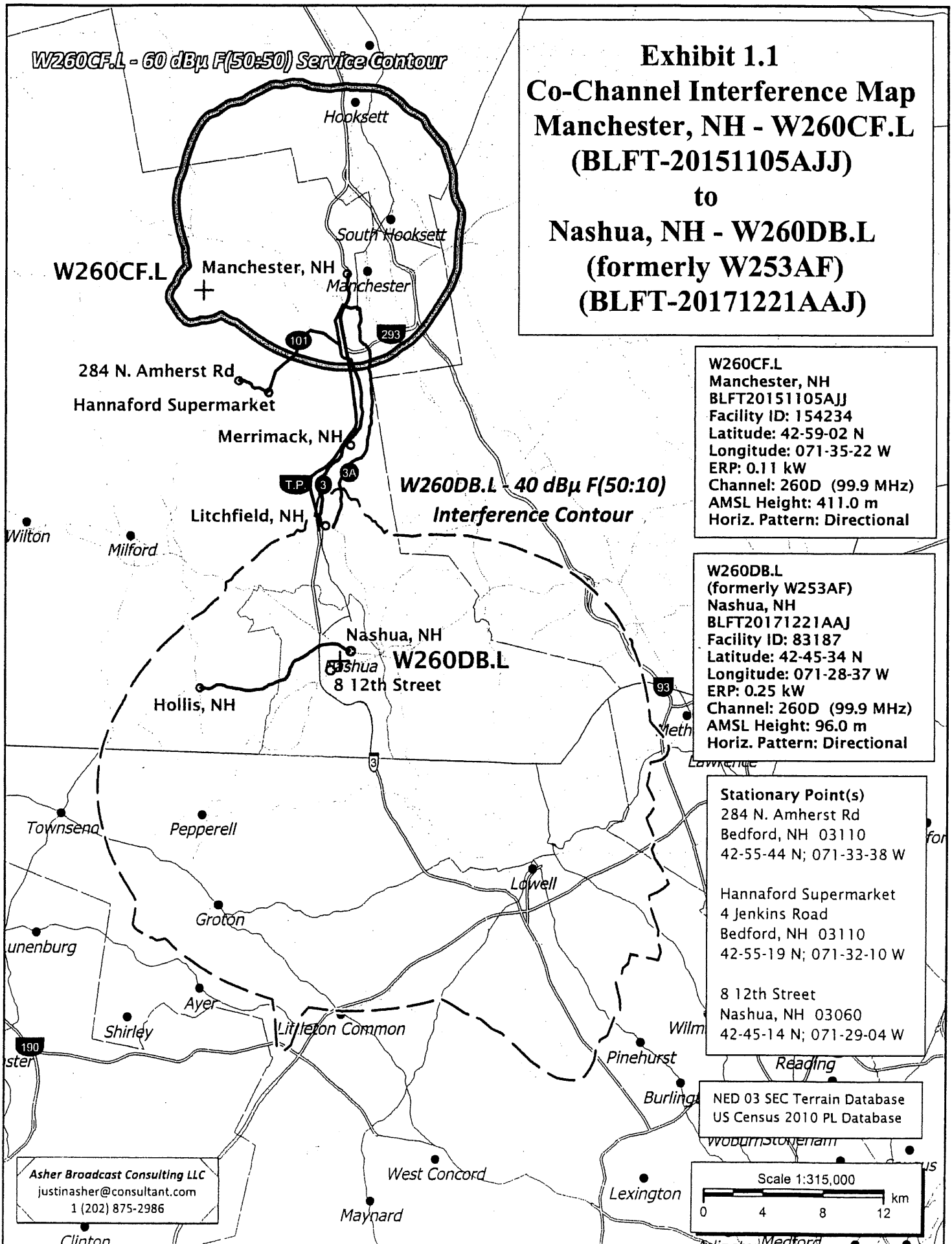
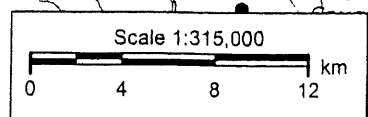
**W260DB.L**  
 (formerly W253AF)  
 Nashua, NH  
 BLFT20171221AAJ  
 Facility ID: 83187  
 Latitude: 42-45-34 N  
 Longitude: 071-28-37 W  
 ERP: 0.25 kW  
 Channel: 260D (99.9 MHz)  
 AMSL Height: 96.0 m  
 Horiz. Pattern: Directional

**Stationary Point(s)**  
 284 N. Amherst Rd  
 Bedford, NH 03110  
 42-55-44 N; 071-33-38 W

Hannaford Supermarket  
 4 Jenkins Road  
 Bedford, NH 03110  
 42-55-19 N; 071-32-10 W

8 12th Street  
 Nashua, NH 03060  
 42-45-14 N; 071-29-04 W

NED 03 SEC Terrain Database  
 US Census 2010 PL Database



## Exhibit 2.1

### Copy of Listener Complaint(s)



#### Listener Declaration:

I am a regular listener of the "99FM and 1370 WFEA" programing which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHM(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

Hollis, N.H. - I live in Hollis N.H. and I am a regular listener of 1370 WFEA and lately I hear music + static bleeding through my favorite program. Also when I go to listen to WFEA 99.9 FM, it is a different station that comes through, its call letters are WGHM out of Nashua.  
In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

I listen to 1370 AM on my way to work (Nashua) and still have music + static bleeding through the program I listen to. AND WFEA 99.9 comes in as a totally different station called WGHM Nashua!  
I hope this resolves quickly! Thank you!

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: 1/17/2018

Signed: [Signature] Printed Name: Deborah Lussier

Address: P.O. Box 81 (34 Locust) Phone: 603 721-9068  
Hollis, N.H. 03049 Email: deb100265@aol.com

# Exhibit 2.2

## Copy of Listener Complaint(s)

1/20/2018

XFINITY Connect

WFEA Declaration Interference W253AF (W260DB) Nas...  
WFEA Interference

Open in browser tab

### Details

Name: WFEA Declaration Interference  
W253AF (W260DB) Nashua NH.doc  
Size: 211 KB  
Modified: JAMES ROBERTSON



### Listener Declaration:

I am a regular listener of the "99FM and 1370 WFEA" programming which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHI(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

*Hamersley Supermarket on Rt. 101 and Junction Rt. Bedford A.V. around my house at 284 N. Amherst Rd. Bedford*

In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

*old Rt. 3 South towards Merrimack NH*

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: *Jan 21, 2018*

Signed: *James Robertson* Printed Name: *James Robertson*

Address: *284 N. Amherst Rd. Bedford N.H. 03110* Phone: *603-472-8506* Email: *robert222@comcast.net*

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## Exhibit 2.3

### Copy of Listener Complaint(s)



#### Listener Declaration:

I am a regular listener of the "99FM and 1370 WFEA" programming which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHN(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

SOUTH MANCHESTER, MERRIMACK AND LITCHFIELD NH.

In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

WHEN TRAVELING SOUTH ON ROUTE 3 OR THE EVERETT TURNPIKE

I START TO GET INTERFERENCE FROM WGHN FM. THIS IS

A OLDIES STATION. THIS HAPPENS ABOUT 2 MILES SOUTH OF MANCHESTER,  
ABOUT 5 MILES SOUTH OF MANCHESTER, WGHN HAS COMPLETELY  
BLOCKED OUT WGIR FM. THIS ALSO HAPPENS ON ROUTE 3A SOUTH.

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: 1-22-2018

Signed: Edward L. Szumiesz

Printed Name: EDWARD L. SZUMIESZ

Address: 14 DAVIDSON ST.

Phone: 603-264-7603

MANCHESTER, NH 03102

Email: ELS114C@COMCAST.NET

## Exhibit 2.4

### Copy of Listener Complaint(s)



#### Listener Declaration:

I am a regular listener of the "99FM and 1370 WFEA" programing which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHI(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

8 12th St. Nashua, NH 03060

In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

While driving in 03062 and 03060  
area codes.

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of:

2/4/18

Signed:

Brenda Clark

Printed Name:

Brenda Clark

Address:

8 12TH ST

Phone:

603-595-9546

Nashua, NH 03060

Email:

nhtrk@aol.com

## CERTIFICATE OF SERVICE

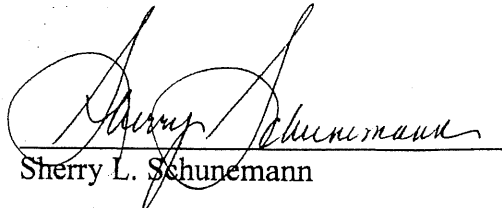
I, Sherry L. Schunemann, a secretary in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on February 12, 2018, copies of the foregoing Interference Complaint were sent via First Class Mail, postage pre-paid to the following:

Mr. James Bradshaw\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov)

Mr. Robert Gates\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov)

Parul Desai, Esq.\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov)

Russell H. Fox, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC  
701 Pennsylvania Avenue, NW  
Suite 900  
Washington, DC 20004  
(Counsel for Absolute Broadcasting, LLC)



Sherry L. Schunemann

## CERTIFICATE OF SERVICE

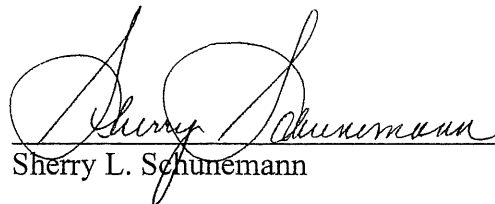
I, Sherry L. Schunemann, a secretary in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on February 12, 2018, copies of the foregoing Informal Objection were sent via First Class Mail, postage pre-paid to the following:

Mr. James Bradshaw\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov)

Mr. Robert Gates\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov)

Parul Desai, Esq.\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov)

Russell H. Fox, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC  
701 Pennsylvania Avenue, NW  
Suite 900  
Washington, DC 20004  
(Counsel for Absolute Broadcasting, LLC)



Sherry L. Schunemann



# ATTACHMENT F

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of	)	File No. BLFT-20171221AAJ
	)	<b>Facility ID No. 83187</b>
<b>ABSOLUTE BROADCASTNG, LLC</b>	)	
	)	
<b>W253AF (W260DB), Nashua, NH</b>	)	
	)	

To: The Secretary  
Attn: Chief, Audio Division, Media Bureau

**INTERFERENCE COMPLAINT**

Saga Communications of New England, LLC, ("Saga"), licensee of FM Translator W260CF, Manchester, New Hampshire, pursuant to Section 74.1203 of the Commission's Rules, hereby complains of interference to the reception of W260CF caused by FM Translator W253AF (new call sign: W260DB), Nashua, New Hampshire.<sup>1</sup> W260DB is licensed to Absolute Broadcasting, LLC. ("Absolute"). The Commission should order Absolute to cease operation of W260DB.<sup>2</sup> In support whereof, the following is shown:

**Basis of the Complaint**

Attached hereto is the Technical Statement of Asher Broadcast Consulting LLC ("Technical Statement") that furnishes the basis for this complaint. The Technical Statement is incorporated herein by reference.

---

<sup>1</sup> The translator is licensed as "W253AF," however, the above-captioned application for license ("Application") covers a construction permit (BMPFT-20170713AHQ) to change the operating channel from 253 (98.5 MHz) to 260 (99.9 MHz). To avoid confusion, the offending translator is referred to herein as "W260DB."

<sup>2</sup> Concurrently herewith, Saga also is filing an Informal Objection against the Application.

Saga's W260CF rebroadcasts the HD2 signal of Saga's WMLL(FM), Bedford, NH. WMLL(FM)-HD2 carries the same programming that is broadcast on another station licensed to Saga, WFEA(AM), 1370 kHz, Manchester, NH. Therefore, in their complaints, listeners identify Saga's FM translator broadcasts as "1370 WFEA" and/or "WFEA 99.9."

The Technical Statement includes complaints of interference from four listeners: Deborah Lussier, Hollis, NH; James Robertson, Bedford, NH; Edward Szumiesz, Manchester, NH; and Brenda Clark, Nashua, NH.

The listeners' addresses, telephone numbers, and email addresses are set forth in the Technical Statement, along with a summary of the areas where the listeners are experiencing interference from Absolute's W260DB.

Saga's W260CF began operating on November 5, 2015, and has been providing continuous service to Manchester and the surrounding area since its commencement of operation. On the other hand, Absolute's W260DB commenced operation on December 23, 2017. Pursuant to Section 74.1203(a)(3)<sup>3</sup> of the Commission's Rules, because

---

<sup>3</sup> Section 74.1203 provides in pertinent part:

(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to:

\*\*\*

(3) The direct reception by the public of the off-the-air signals of any authorized broadcast station including TV Channel 6 stations, Class D (secondary) noncommercial educational FM stations, **and previously authorized and operating FM translators** and FM booster stations. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted [emphasis added].

(b) If interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending FM translator... shall be suspended and shall not be resumed until the interference has been eliminated.

\*\*\*

(e) It shall be the responsibility of the licensee of an FM translator or FM booster station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee that

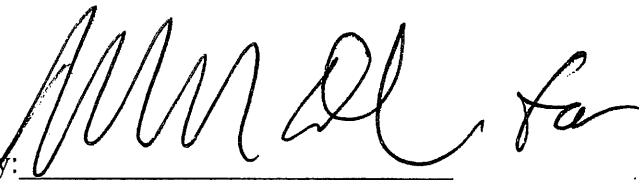
Absolute's operation of W260DB interferes with listeners' reception of Saga's W260CF, Absolute must satisfy complaints of interference to Saga's W260CF because W260CF was authorized first.

### **Conclusion**

Absolute's W260DB is causing prohibited interference to the reception of Saga's W260CF. Saga requests the Commission to order Absolute to cease and desist from causing further interference to the reception of W260CF, and to terminate Absolute's authority to operate W260CF.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, LLC**

By: 

Gary S. Smithwick  
Its Attorney

**Smithwick & Belendiuk, P.C.**  
5028 Wisconsin Ave., N.W.  
Suite 301  
Washington, DC 20016  
(202) 363-4050

February 12, 2018

---

such interference is being caused, the operation of the FM translator or FM booster station shall be suspended within three minutes and 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; provided, however, that short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

# Technical Statement In Support of a 47 C.F.R. Section 74.1203(a) Interference Complaint

*against*

---

*W260DB(formerly W253AF) - Nashua, NH  
BLFT-20171221AAJ  
(Facility ID: 83187)  
CH260D - 99.9 MHz*

---

*Concerning Reception of  
W260CF - Manchester, NH  
BLFT-20151105AJJ  
(Facility ID: 154234)  
CH260D - 99.9 MHz*

---

February, 2018

# Technical Statement

1

**EXPLANATION OF STATEMENT:** This Technical Statement has been prepared to support a 47 C.F.R. Section 74.1203(a) based Interference Complaint as submitted by Saga Communications of New England, LLC ("Saga"), licensee of station W260CF - Manchester, NH, License BLFT-20151105AJJ (Facility ID: 154234). This Complaint is being filed against the recent commencement of operations of FM Translator W260DB(formerly W253AF) - Nashua, NH, BLFT-20171221AAJ (Facility ID: 83187) held by Absolute Broadcasting, LLC ("Absolute"). The W260DB facility in question operates on CH260D (99.9 MHz) with 0.250 kW ERP at 96 meters AMSL. Saga station W260CF operates with 0.053 kW ERP at 411 meters AMSL on CH260D (99.9 MHz). Therefore, Saga's W260CF operates co-channel to the Absolute W260DB Translator facility.

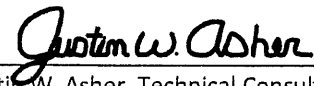
**HISTORY:** The Saga W260CF Translator commenced operation on November 5, 2015 and has been providing continuous service to the Manchester and surrounding areas for the past three years. The Absolute W260DB Translator recently commenced operation on December 21, 2017. Therefore, pursuant to 47 C.F.R. Section 74.1203(a)(3), Saga's W260CF has standing as an existing service concerning resolution of interference initiated by subsequent Translator operations.

**SUPPORT:** Attached to this Technical Statement is the **Exhibit 1.1** map demonstrating the present contour relationship between the Saga W260CF and Absolute W260DB Translators. As noted in the showing, the Absolute W260DB 40 dBμ F(50:10) co-channel interference contour extends into the Everett Turnpike / Route 3 & 3A valley as does the Saga W260CF 60 dBμ F(50:50) service contour. Therefore, there is a realistic expectation any Saga reception in the south Manchester area would be subject to interference from the Absolute facility. This is further bolstered by documented listener complaints of actual interference from the Absolute facility to the reception of Saga's W260CF. Copies of listener complaints have been included in **Exhibit(s) 2.1 to 2.4** and also summarized below. Additional complaints will be forwarded to the Commission as they become available.

Name	Address	Description of Received Interference from W260DB
Deborah Lussier	P.O. Box 81; Hollis, NH 03049 1(603)721-9068 deb100265@aol.com	<b>Mobile Route:</b> Proctor Hill Road (Hollis, NH to Nashua, NH)
James Robertson	284 N Amherst Rd; Bedford, NH 03110 1(603)472-8506 jrobertson222@comcast.net	<b>Stationary Points:</b> Home Address at 284 N Amherst Road; Bedford, NH Hannaford Supermarket at 4 Jenkins Road (Route 101); Bedford, NH <b>Mobile Routes:</b> Amherst Rd's & Hardy Rd's (Home to Hannaford Supermarket) Route 101 (Hannaford Supermarket to Old Route 3) Old Route 3 (Route 101 to Merrimack, NH)
Edward Szumiesz	14 Davingnon St; Manchester, NH 03102 1(603)264-7603 ELS1146@comcast.net	<b>Mobile Routes:</b> Route 3A (Manchester, NH to Litchfield, NH) Old Route 3 (Manchester, NH to Litchfield, NH) Everett Turnpike (Manchester, NH to Litchfield, NH)
Brenda Clark	8 12th Street; Nashua, NH 03060 1(603)595-9546 nhtkd@aol.com	<b>Stationary Point:</b> Home Address of 8 12th Street; Nashua, NH <b>General Locations:</b> Driving in (zip code) 03062 - Community of Nashua, NH Driving in (zip code) 03060 - Community of Nashua, NH

Within the **Exhibit 1.1** map, these twelve (12) individual listener locations have been plotted. Listener areas include two (2) stationary home addresses; one (1) stationary business address; seven (7) sections of roads or highways; and two (2) general areas (zip codes of Nashua) of noted listenership. The stationary home and business locations have been identified by the physical mailing addresses as well as (Deg-Min-Sec) coordinates on the **Exhibit 1.1** map. The zip code areas for Nashua have been represented by U.S. Census 2010 boundaries for the Township of Nashua, NH and are a matter of public record before the Commission. The segments of road based interference complaints have been highlighted on the map as well. *Based on the beginning and ending landmarks as noted from each complaint (and the proliferation of road mapping software available on the internet), the locations of each of these road based segments is considered a matter of record before the Commission. Therefore, no further documentation is believed required. However additional coordinate or other identifying documentation of these road based segments will be supplied upon request.*

**CERTIFICATION OF TECHNICAL CONSULTANT:** *I declare, under penalty of perjury, that the contents of this report are true and accurate to the best of my knowledge and belief. I further certify I have over eighteen years of experience as a broadcast technical consultant before the Federal Communications Commission ("the FCC"); and am familiar with the Code of Federal Regulations Title 47 ("the Rules") as pertaining to this report and its contents here-in. The underlying data utilized in this report was taken directly from FCC databases or indirectly through third party software vendors securing data directly from FCC databases. This firm cannot be held liable for errors or omissions resulting from the underlying data. The information contained herein is believed accurate to the date reported below.*



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Justin W. Asher, Technical Consultant  
February 9, 2018

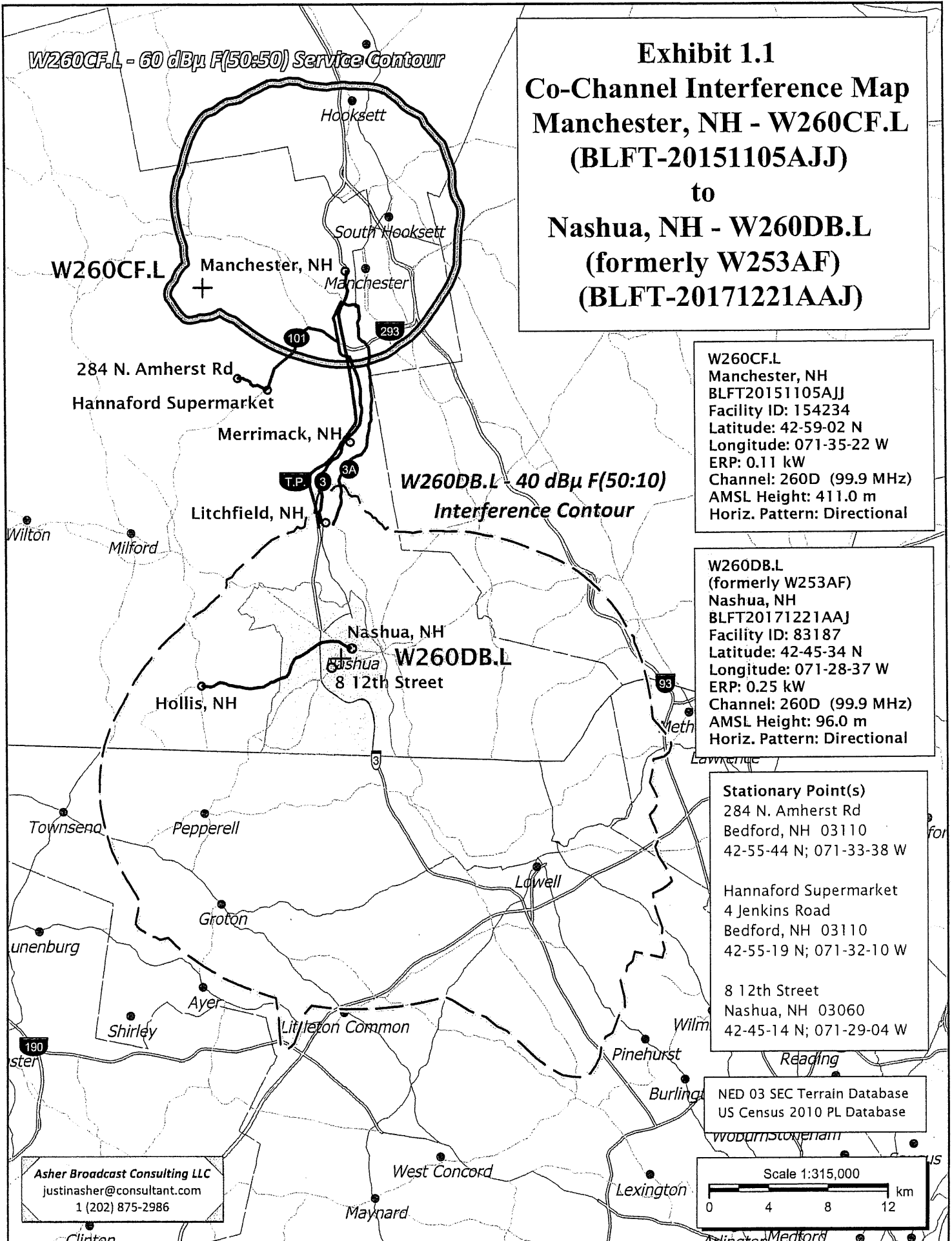
# Exhibit 1.1

## Co-Channel Interference Map

### Manchester, NH - W260CF.L (BLFT-20151105AJJ)

to

### Nashua, NH - W260DB.L (formerly W253AF) (BLFT-20171221AAJ)





## Exhibit 2.1

### Copy of Listener Complaint(s)



#### Listener Declaration:

I am a regular listener of the "99FM and 1370 WFEA" programing which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGFM(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

Hollis, N.H. - I live in Hollis N.H. and I am a regular listener of 1370 WFEA  
and lately I hear music + static bleeding through my favorite program.  
Also when I go to listen to WFEA 99.9 FM, it is a different station that  
comes through. Its call letters are WGFM out of Nashua.  
In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

I listen to 1370 AM on my way to work (Nashua) and still have music +  
static bleeding through the program I listen to. AND WFEA 99.9  
comes in as a totally different station called WGFM Nashua!  
I hope this resolves quickly! Thank you!

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: 1/17/2018

Signed: [Signature] Printed Name: Deborah Lussier

Address: PO Box 81 (34 Locust) Phone: 603 721-9068  
Hollis, N.H. 03049 Email: deb100265@aol.com

# Exhibit 2.2

## Copy of Listener Complaint(s)

1/20/2018

XFINITY Connect

WFEA Declaration Interference W253AF (W260DB) Nas...  
WFEA Interference

Open in browser tab

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### Listener Declaration:

I am a regular listener of the "99FM and 1370 WFEA" programming which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz. which I believe to be WGHM(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

*Hamersmith Supermarket Rd. Rt. 101 and Jenkins Rd. - Bedford N.H. around my house at 284 N. Amherst Rd. Bedford*

In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

*old Rt. 3 south towards Merrimack N.H.*

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: *Jan 21, 2018*

Signed: *James Robertson* Printed Name: *James Robertson*

Address: *284 N. Amherst Rd. Bedford N.H.* Phone: *603-472-8506*

Email: *robert222@comcast.net*

*83110*

### Details

Name: WFEA Declaration Interference W253AF (W260DB) Nashua NH.doc  
Size: 211 KB  
Modified: JAMES ROBERTSON

## Exhibit 2.3

### Copy of Listener Complaint(s)



#### Listener Declaration:

I am a regular listener of the "99FM and 1370 WFEA" programing which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHM(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

SOUTH MANCHESTER, MERRIMACK AND LITCHFIELD NH.

In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

WHEN TRAVELING SOUTH ON ROUTE 3 OR THE EVERETT TURNPIKE

I START TO GET INTERFERENCE FROM WGHM FM. THIS IS

A OLDIES STATION. THIS HAPPENS ABOUT 2 MILES SOUTH OF MANCHESTER,  
ABOUT 5 MILES SOUTH OF MANCHESTER, WGHM HAS COMPLETELY  
BLOCKED OUT WGIR FM. THIS ALSO HAPPENS ON ROUTE 3A SOUTH.

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of: 1-22-2018

Signed: Edward L. Szumiesz

Printed Name: EDWARD L. SZUMIESZ

Address: 14 DAVIDSON ST.

Phone: 603-264-7603

MANCHESTER, NH 03102

Email: ELS114C@COMCAST.NET

**Exhibit 2.4**  
**Copy of Listener Complaint(s)**



**Listener Declaration:**

I am a regular listener of the "99FM and 1370 WFEA" programing which is rebroadcast on 99.9 MHz FM (on FM Translator W260CF) to the Manchester area.

A new radio station has also begun broadcasting on 99.9 MHz, which I believe to be WGHI(AM), Nashua, NH, that is rebroadcast on 99.9 MHz by FM Translator W253AF (new call sign: "W260DB-"). The Nashua station is interfering with my regular listening to "99FM and 1370 WFEA." This interference is occurring at the following locations:

8 12th St. Nashua, NH 03060

In addition, I regularly listen to "99FM and 1370 WFEA" along the follow mobile routes which are receiving interference as well:

While driving in 03062 and 03060  
area codes.

I am providing this declaration to ask the Federal Communications Commission in Washington D.C. to take action to eliminate this existing interference. Other than being a regular listener, I am not connected in any way with "99FM and 1370 WFEA."

I declare under penalty of perjury that this Listener Declaration is true and correct to the best of my knowledge and belief.

Executed this date of:

2/4/18

Signed:

Brenda Clark

Printed Name:

Brenda Clark

Address:

8 12TH ST

Phone:

603-595-9546

Nashua, NH 03060

Email:

nhtkd@aol.com

## CERTIFICATE OF SERVICE

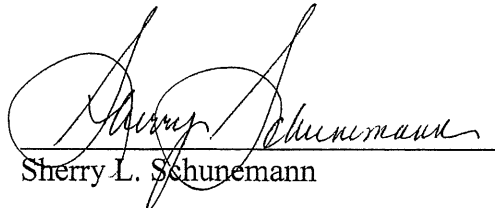
I, Sherry L. Schunemann, a secretary in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on February 12, 2018, copies of the foregoing Interference Complaint were sent via First Class Mail, postage pre-paid to the following:

Mr. James Bradshaw\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov)

Mr. Robert Gates\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov)

Parul Desai, Esq.\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov)

Russell H. Fox, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC  
701 Pennsylvania Avenue, NW  
Suite 900  
Washington, DC 20004  
(Counsel for Absolute Broadcasting, LLC)



Sherry L. Schunemann

# ATTACHMENT G

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Absolute Broadcasting, LLC	)	File No. BLFT-20171221AAJ
	)	
W253AF (W260DB), Nashua, NH	)	Facility ID No. 83187
	)	

**RESPONSE TO INTERFERENCE COMPLAINT AND INFORMAL OBJECTION**

Absolute Broadcasting, LLC (“Absolute”), through counsel, hereby responds to the complaint of interference filed by Saga Communications of New England, LLC (“Saga”), licensee of FM Translator W260CF, Facility ID No. 154234, Manchester, New Hampshire<sup>1/</sup> and the informal objection filed by Saga<sup>2/</sup> against the pending license to cover application<sup>3/</sup> concerning Absolute’s Nashua translator station, W260DB.<sup>4/</sup> In the Pleadings, Saga states that the Nashua Translator is causing prohibited interference to listeners’ reception of Saga’s station W260CF.

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<sup>1/</sup> Interference Complaint, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018) (the “Complaint”).

<sup>2/</sup> Informal Objection, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018) (the “Objection” and, with the Complaint, the “Pleadings”).

<sup>3/</sup> Form 350 License to Cover Application, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Dec. 21, 2017) (the “License to Cover”). Absolute has subsequently filed a new Form 349 application, File No. BMPFT-20180221AAB, to resolve an issue unrelated to the alleged interference, and once application is granted and the facilities are modified accordingly, will amend the pending Form 350 to conform to the granted application.

<sup>4/</sup> This translator, Facility ID No. 83187, is currently licensed as W253AF, but there is a pending construction permit (File No. BMPFT-20170713AHQ, granted Jul. 25, 2017) that permits operation as W260DB. The station was operating under this permit, pursuant to program test authority, at the time of the alleged interference. To avoid confusion, this pleading refers to the station as the “Nashua Translator.”

As detailed in Absolute's February 22 filing in response to the Complaint, Absolute has taken the Nashua Translator off the air until the alleged interference can be resolved.<sup>5/</sup> The Pleadings paint an inaccurate picture of the alleged interference, and offers the following clarifying information. Absolute expects that this information will lead to one of two results. *First*, the Commission may find that the additional information addresses the Pleadings, permitting the Commission to process the License to Cover. *Second*, the Commission may seek additional information from Saga in order to resolve the issues presented in the Pleadings.

As detailed in the attached Affidavits of Tom Ray and Dennis Jackson, both engineers that regularly practice before the Commission, the locations at which Saga alleges interference occurred should not be locations where W260CE is even audible.<sup>6/</sup> In July of 2017, as it was preparing its Form 349 application to move the Nashua Translator to channel 260, staff for Absolute conducted tests in the area around Nashua to confirm that the station would not cause interference with W260CF.<sup>7/</sup> They were unable to receive W260CF in any of the several locations around the city tested, losing the station's signal far to the North near the WFEA tower site, a point marked as '4' on the map in the attached Absolute Technical Exhibit.<sup>8/</sup> This aligned with their own analysis: because W260CF's contour's southern border is more than 16 kilometers from the city, reception of the signal there should not be possible.<sup>9/</sup> The application

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<sup>5/</sup> See, Response to Interference Complaint, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 22, 2018).

<sup>6/</sup> See, Declaration of Thomas Ray and Technical Statement Prepared in Support of Reply of Absolute Broadcasting, LLC ("Absolute Technical Exhibit").

<sup>7/</sup> See, Declaration of Gary Blue and Absolute Technical Exhibit.

<sup>8/</sup> See, *ibid*.

<sup>9/</sup> See, Exhibit 1.1 of Technical Statement attached to Pleadings. See also, Absolute Technical Exhibit.



was designed to allow a buffer zone of over 4 kilometers between the 40 dBu contour of the Nashua Translator and the 60 dBu contour of W260CF.<sup>10/</sup>

If the signal from W260CF is not audible where interference is alleged to have occurred, there can be no interference – there can only be interference where there is a signal to which interference can occur. There has been no authorized change to W260CF's facilities during the subsequent months.<sup>11/</sup>

After receipt of the interference complaint, Absolute engineering staff performed these tests again and discovered that W260CF is audible in several locations where it was not in July.<sup>12/</sup> In order to determine the possible cause of this change, Absolute engineering staff traveled to the W260CF broadcast site and observed that there seem to be other antennas, perhaps owned and installed by third-parties, which are inside the W260CF antenna's aperture.<sup>13/</sup> This installation, which could have occurred without Saga's knowledge or consent, is likely reflecting some of the station's signals and causing distortions in the broadcast pattern.<sup>14/</sup> This may cause a change in the areas where the station's signals are received – to locations where reception has not been authorized by the Commission.

Once this issue is resolved and the signal from W260CF is consistent with its licensed parameters, there should be no interference between the Nashua Translator and W260CF and the Commission should process the License to Cover once it has been appropriately revised, as discussed above. Absolute therefore asks that the Commission either proceed in processing the

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<sup>10/</sup> See, Absolute Technical Exhibit.

<sup>11/</sup> A CDBS search for applications related to W260CF shows that none have been filed since a Form 350 License to Cover application filed in 2015.

<sup>12/</sup> See, Declarations of Thomas Ray and Gary Blue.

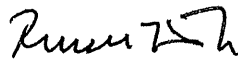
<sup>13/</sup> See, Declaration of Thomas Ray.

<sup>14/</sup> See, Absolute Technical Exhibit.

License to cover or seek additional information from Saga regarding W260CF's operations and until it receives that information, refrain from any action on the License to Cover for the Nashua Translator.

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell H. Fox", written over a horizontal line.

Russell H. Fox

Jonathan R. Markman

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

701 Pennsylvania Ave., NW, Suite 900

Washington, DC 20004

(202) 434-7300

*Counsel for Absolute Broadcasting, LLC*

March 2, 2018

## CERTIFICATE OF SERVICE

I, Jonathan R. Markman, with the law offices of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., hereby certify that on March 2, 2018, copies of the foregoing Response to Interference Complaint and Informal Objection were sent, as indicated, to the following:

James Bradshaw  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov))

Robert Gates  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov))

Parul Desai  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov))

Gary S. Smithwick  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Ave., NW  
Suite 301  
Washington, D.C. 20016  
*Counsel for Saga Communications of New England, LLC*  
(Via first class mail, postage pre-paid)



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**Prepared in Support  
Of the Reply of Absolute Broadcasting, LLC  
To an Informal Objection filed by Saga Communications on New England, LLC  
To Form 350 Application for License to Cover  
for  
FM Translator W260DB at Nashua, New Hampshire  
File Number BLFT-20171221AAJ ♦ Facility ID 83187**

This technical exhibit was prepared in support of the reply of Absolute Broadcasting, LLC (“Absolute”) to an Informal Objection (the “complaint”) filed by Saga Communications on New England, LLC (“Saga”) to the Form 350 Application for License to Cover as amended for the above-captioned FM translator.

The Saga complaint claims that interference to its co-channel FM translator W260CF was allegedly caused by the Absolute FM translator W260DB rebroadcasting WGHM(AM) at Nashua. The primary station for W260CF is WZID-HD3 at Manchester, New Hampshire, which, in turn, rebroadcasts its WFEA(AM). Saga claims that the alleged interference was reported by four listeners in several locations and along several major roads, including directly in front of the WFEA antenna site operating at 5 kW day and night.

Absolute selected FM Channel 260 for a cross-service FM translator for its daytime AM station WGHM(AM) in Nashua based on extensive listening tests in Nashua and along the highways and byways between Nashua and Manchester. Particularly careful attention was paid to the Saga translator signal so as to avoid any possibility of interference. The applicant was well aware of the reputation of the complainant Saga for aggressive defense of secondary and deep fringe signal areas of the many multiple translators it employs to rebroadcast its FM HD signals, and other signals.

Extremely conservative and generous protection from interference was afforded to the authorized service area of the Saga translator. While the Saga translator 60 dBu service contour only extends 2.02 km. from its antenna in the direction of the Absolute translator, a gap of 4.53 km was afforded between the Absolute translator 40 dBu F(50,10) interfering contour and the Saga translator 60 dBu F(50,50) service contour.

The Saga translator was authorized by construction permit File Number BPFT- 20151005ABG. It is required to employ a Scala CL-FM antenna slanted at 45 degrees to distribute energy in both the horizontal and vertical planes. This antenna is extremely directional, as illustrated in Question 10 in the Tech Box from the application for construction permit File Number BPFT-20151005ABG, shown below.

[illegible]

The antenna specified by Saga limits is required to limit the antenna field to a low value of 0.03, or 3% of the maximum. Between 145 and 187 degrees True the antenna is required provide 40 dB of suppression, limiting the ERP to 0.0009 ( $0.03 \times 0.03$ ) or 0.09% of the maximum ERP. This translates to 99 milliwatts.

### **Technical Study**

The authorized direction of the major lobe is northeast at 55 degrees True. The Absolute antenna site is 26.6 km south of the Saga antenna site on a bearing of 160 degrees True. The points and routes at which interference was claimed lie between 132.8 and 180.4 degrees True relative to the Saga antenna, with two exceptions. The authorized ERP between 145 degrees True and 187 degrees True is only 99 mW.

Based on the bearing (azimuth) and distance to each of eight points within the locus of which all of the claimed areas of interference are subsumed, and employing the facilities for which Saga is authorized, the expected field strength of the Saga translator was calculated using both the FCC method and the Longley-Rice propagation model, as shown in Figure 1. Figure 2 illustrates the Saga translator FCC 60 dBu F(50,50) service contour and the Longley-Rice expected field strength distribution.

The study was performed using RadioSoft ComStudy version 2.2.14.19. The confidence level was set at 50% for a receiving antenna height of 2 meters above ground, using a 3" matrix base and terrain database, applying appropriate land use attenuation. The minimum signal level depicted in color is 40 dBu. This corresponds closely to the minimum usable signal level on a current state-of-the-art automobile radio. Any area not overlaid in color would see a signal of less than 40 dBu from the Saga facility.

### **Factors Affecting Antenna Performance**

It is a well-established fact in the physics of antenna design that any electrical conductor or object located within the aperture or near field of an antenna radiating element will act as a parasitic element. Such an element, unless tuned for electrical invisibility, will reflect and reradiate energy. This is particularly true if the dimensions of an element within the aperture of an antenna are of dimensions comparable to a wavelength, half-wavelength, or quarter-wavelength at the operating frequency of subject antenna. Indeed, such elements are intentionally employed for the specific purpose of directionalizing an antenna.

An example of such an object would be any other VHF antenna tuned for a frequency anywhere in the vicinity of the operating frequency of the subject antenna. It is a near certainty that any object in proximity to the Saga antenna is posed to reradiate the signal in unintended directions.

The maximum authorized ERP of the Saga facility is 110 Watts. The ERP is not authorized to exceed 99 milliwatts toward all but two of the points where interference was claimed. This corresponds to just over 40 dB of suppression. It is therefore possible, indeed it seems likely, that the reflected signal from any nearby elements or objects acting as parasitic elements could cause the Saga antenna field exceed the allowed ERP in directions where the instrument of authorization limits it to less than  $1/10^{\text{th}}$  of a Watt.

This effect can be disproved or verified simply by calculating the expected field strength of the Saga translator at points along the routes where interference was claimed, as described above.

However, were it not the case, it would be essentially impossible for a listener to hear the Saga translator in all but one or two of the areas where it was claimed that "regular listening takes place."

### **Conclusion**

In my engineering experience, it does not seem possible that the Saga translator would be heard in most, if any, of the areas where interference was alleged by listeners if the translator were operating in accordance with its instrument of authorization.

**Figure 1: Expected Saga Translator Field Strength at Points of Alleged Interference**

Point 1 is located at an extreme northerly location within the City of Manchester and just off to the side of the Saga translator major lobe. If the Saga facility is operating properly, the expected field strength of 69 dBu (FCC method) or 58 dBu (Longley-Rice method), should be more than sufficient to overcome the predicted 20 dBu signal from the Absolute translator.

Point 4 is just south of the WFEA(AM) antenna site, where terrain obstructions near the Saga translator may slightly attenuate line-of-sight from the Saga translator antenna. While the allowed ERP toward this point is nearly  $\frac{3}{4}$  of a Watt, the expected signal level is only 40 dBu. (At this point, the Saga translator signal faded to noise during test drives in July 2017.) It would seem likely that any listener at or south of this point would give up trying to follow the Saga translator signal and tune to the 5,000 Watt fulltime signal of WFEA(AM) to continue listening to the same identical programming. Both available frequencies are frequently promoted in program breaks, and WFEA puts a 4 mV/m signal all the way into downtown Nashua by both day and night.

At all other points where interference was alleged, the authorized ERP of the Saga translator is only 99 milliwatts. The distance to the 60 dBu service contour is only 2.02 km.

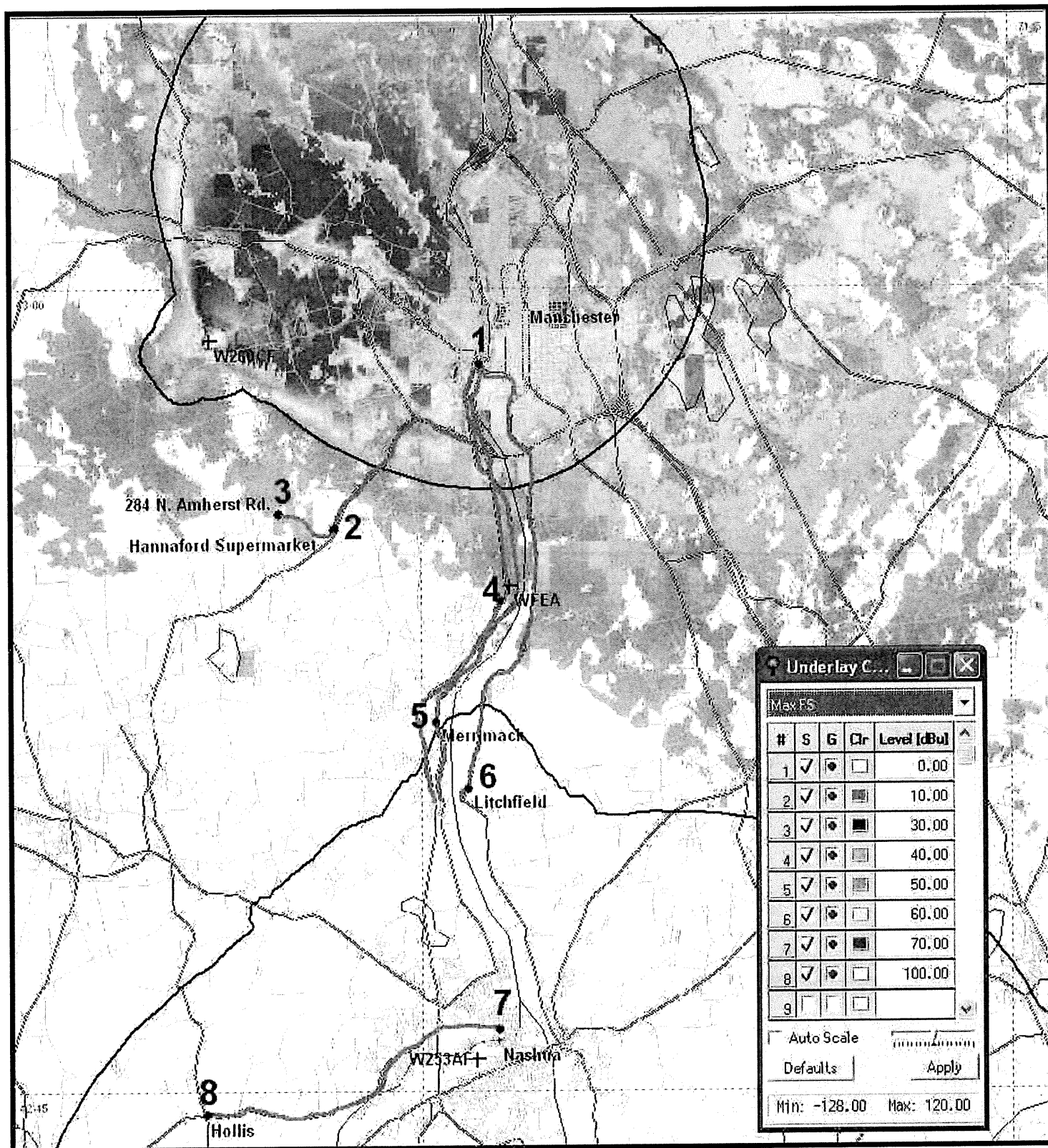
If the Saga translator is operating in accordance with the terms of its instrument of authorization, the expected field strength at any point other than Point 1 is 40 dBu or below. These signal levels are generally not even usable even on the best automotive radio in service today when listening in an unobstructed location.

Point	Azimuth (degrees T)	Authorized Antenna Field	ERP (Watts)	Distance (km)	Field Strength	
					(FCC Method) (dBu)	(Longley-Rice) (dBu)
1	95.3	0.69	52.0000	9.3	69.0	58
2	146.8	0.03	0.0990	7.8	44.4	23
3	159.0	0.03	0.0990	6.5	47.0	40
4	132.8	0.08	0.7210	13.6	47.0	40
5	148.9	0.03	0.0990	15.3	33.2	13
6	150.0	0.03	0.0990	17.9	30.6	28
7	157.5	0.03	0.0990	25.8	24.0	12
8	180.4	0.03	0.0990	26.8	23.1	25

Points were selected to subsume the area of claimed interference, as shown on the map in Figure 2.

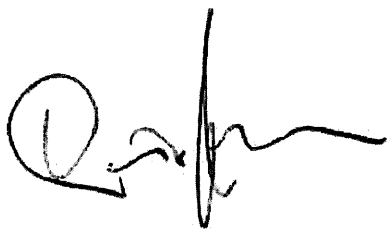
**Figure 2: Illustration of Saga Translator Field Strength at Points of Alleged Interference**

Routes and locations of alleged interference are shown in red.



**Statement of Dennis Jackson**

1. I have held a First Class Radiotelephone license or General Class license since 1963.
2. I have practiced FM, AM, and/or TV broadcast engineering professionally since 1965.
3. I received a B.S. in Electrical Engineering from Rensselaer Polytechnic Institute in 1968.
4. I have practiced before the Commission regularly since 1986, and have prepared scores of technical submissions that have been favorably acted upon.
5. I have extensive experience in the engineering and construction of FM translators.
6. I hereby declare under penalty of perjury that all of the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'D. Jackson', with a stylized, flowing script.

Dennis Jackson  
Technical Consultant  
19 Boas Lane  
Wilton, CT 06897-1301

203-762-9425  
[wwdj@optimum.net](mailto:wwdj@optimum.net)

March 1, 2018



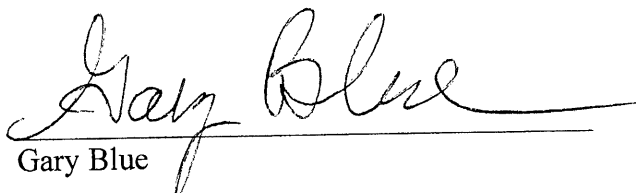
## DECLARATION OF GARY BLUE

I, Gary Blue state, upon knowledge, information and belief, that:

1. I am Operations Manager of Absolute Broadcasting, LLC.
2. On July 13, 2017, I performed tests using standard radio equipment to determine if the signal of W260CF was audible on the frequency 99.9 MHz in areas around Nashua, NH. I was unable to receive that signal at any of those locations. These locations are near several locations at which the W260CF signal is now audible based upon tests conducted by Thomas Ray.
3. On that same day, I verified that station W260CF was on the air because I was able to receive the signal of W260CF much further North, near the station's facilities.
4. The furthest point South at which I was able to receive W260CF was near the WFEA tower site, marked as point 4 on the Technical Exhibit Prepared in Support of the Reply of Absolute Broadcasting.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Dated March 2, 2018

  
Gary Blue

## **DECLARATION OF THOMAS RAY**

I, Thomas R. Ray, III, state, upon knowledge, information and belief, that:

1. I am the Contract Engineer/Technical Consultant of Absolute Broadcasting, LLC.

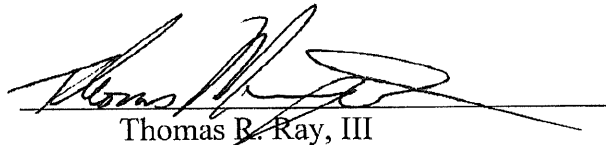
I am Certified as a Certified Professional Broadcast Engineer by the Society of Broadcast Engineers, Certification Number 50798 with Certifications in AM Directionals and Digital Radio Broadcast, and hold FCC General Radio Telephone License PG017214, in addition to holding FCC Amateur Extra license W2TRR. My works are a matter of record with the Federal Communications Commission.

2. On February 20, 2018, I investigated the interference complaint filed by Saga Communications of New England, LLC ("Saga") in the above-captioned proceeding. During my investigation, I determined that Saga's station, W260CF, was audible from several locations at which, based on my professional knowledge and expertise and analysis of the licensed parameters of the station, reception of the signal from that station should not be possible, based on the station's licensed parameters. This includes locations along Route 130 (Broad Street) between Nashua and Hollis, NH; in front of number 8 12<sup>th</sup> Street in Nashua, NH; directly in front of the WGHM studio facility at 196 Main Street in Nashua, NH; all along the Everett Turnpike coming out of Nashua until the WFEA transmitter facility location where I would have expected to hear W260CF; and at the corner of North Amherst Road and Hardy Road, Bedford, New Hampshire, which is approximately ¼ mile due east of a complaint received at 284 North Amherst Road and directly in a null, which are several miles south of the licensed contour of W260CF. The radio used was a stock Kenwood KDC-HD545U connected to a 36 inch brass whip antenna located on a magnetic mount directly in the center of the roof of a 2015 Ford Escape with no additional amplification.

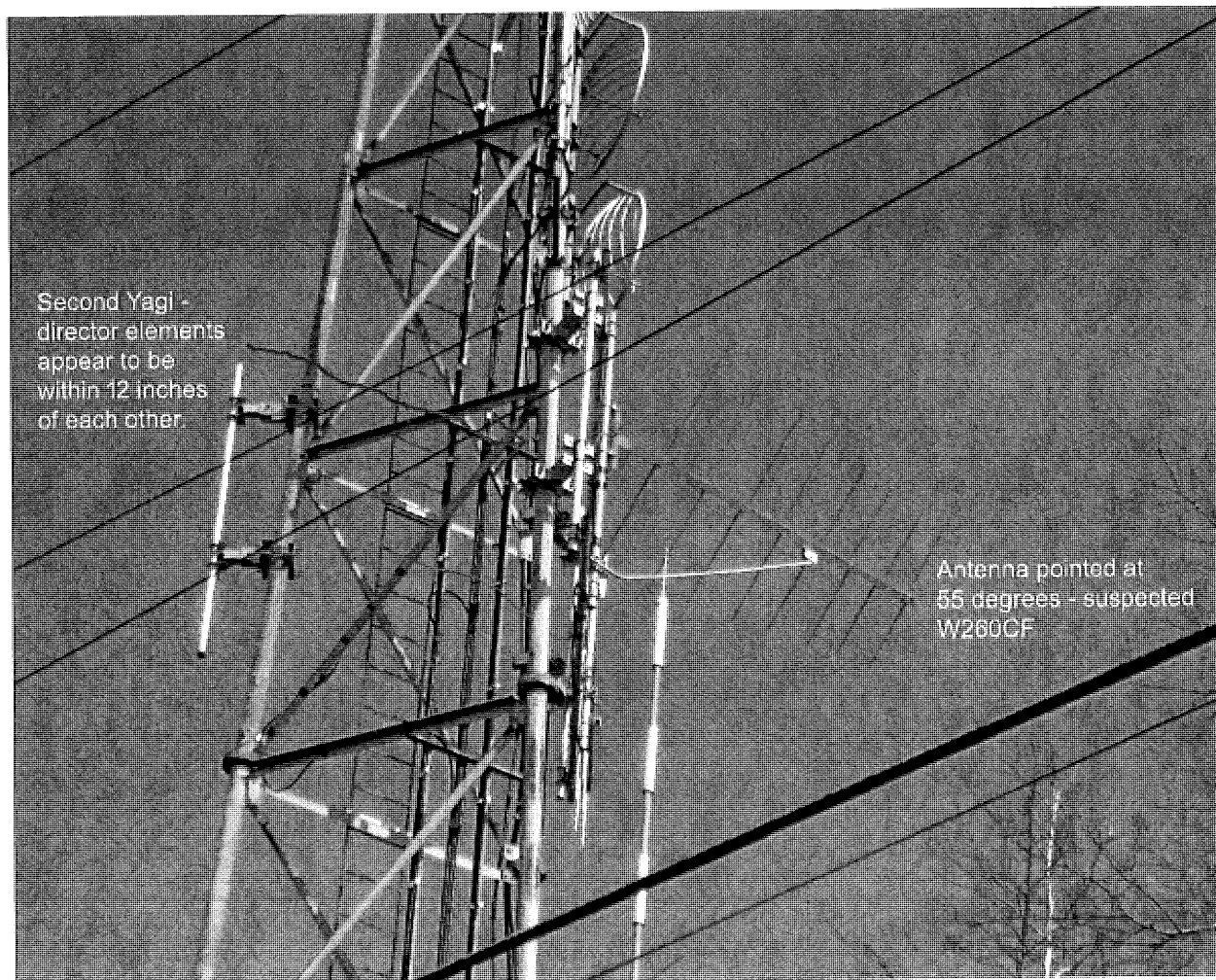
3. I also visited the transmitter site for W260CF on February 20, 2018, and noticed that there are two Yagi antennas located in the same location on the site, close enough to one another that they were almost touching. I took the attached photograph at that visit. One of the Yagi antennas shown in the photograph is likely used in the W260CF facilities, but I am unsure of the purpose of the second antenna shown. Based on my professional knowledge and expertise, I believe that this second antenna could be causing reflections in the W260CF signal which would result in it deviating from its licensed parameters and perhaps permitting reception in areas where it is not authorized, including Nashua. Additionally, I believe that the radiation that exists off the back of a Yagi antenna (said Yagi appears to be aimed in the correct direction) is not sufficiently low enough to meet the pattern specification for W260CF.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Dated March 2, 2018



Thomas R. Ray, III



Second Yagi -  
director elements  
appear to be  
within 12 inches  
of each other

Antenna pointed at  
55 degrees - suspected  
W260CF

Photo taken at W260CF broadcast site, February 20, 2018

# ATTACHMENT H

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Absolute Broadcasting, LLC	)	File No. BLFT-20171221AAJ
	)	
W253AF (W260DB), Nashua, NH	)	Facility ID No. 83187
	)	

**RESPONSE TO INTERFERENCE COMPLAINT**

Absolute Broadcasting, LLC (“Absolute”), through counsel, hereby responds to the complaint of interference filed by Saga Communications of New England, LLC (“Saga”), licensee of FM Translator W260CF, Manchester, New Hampshire.<sup>1/</sup> In that complaint, Saga states that Absolute’s station W260DB is causing prohibited interference to listeners’ reception of Saga’s station W260CF.

While Absolute does not agree that the complaint filed by Saga fully sets out all of the material facts in this situation, in response to the complaint Absolute acted quickly and, as a temporary measure, has taken station W260DB off the air until a technical solution can be determined. Because station W260DB is presently off the air pending resolution of the complaints about listener reception, Absolute has met the requirements of Part 74 of the Commission’s rules to take prompt action in response to a complaint of interference and the Commission need take no further action at this time regarding the complaint.<sup>2/</sup>

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<sup>1/</sup> Interference Complaint, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018).

<sup>2/</sup> 47 C.F.R. Part 74.

Absolute recognizes that Saga has also filed an Informal Objection against Absolute's application for a license.<sup>3/</sup> Saga bases its Informal Objection on the alleged interference to its station's reception. Absolute expects to respond to that Objection by March 2, 2018, providing additional information regarding the impact of Absolute's operations on the reception of Saga's transmissions. It expects that, based on the response to the Informal Objection, the Commission will be able to grant Absolute's license application, dismiss Saga's Informal Objection and direct Absolute to re-initiate broadcasting.

In the interim, please direct any questions to the undersigned.

Respectfully submitted,



Russell H. Fox  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.  
701 Pennsylvania Ave., NW, Suite 900  
Washington, DC 20004  
(202) 434-7300  
*Counsel for Absolute Broadcasting, LLC*

February 22, 2018

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<sup>3/</sup> Informal Objection of Saga Communications of New England, LLC, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018). *See also*, File No. 20171221AAJ, Facility ID No. 83187 (amended Feb. 21, 2018).

CERTIFICATE OF SERVICE

I, Sam Felt, with the law offices of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., hereby certify that on February 22, 2018, copies of the foregoing Response to Interference Complaint were sent, as indicated, to the following:

James Bradshaw  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov))

Robert Gates  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov))

Parul Desai  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov))

Gary S. Smithwick  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Ave., NW  
Suite 301  
Washington, D.C. 20016  
*Counsel for Saga Communications of New England, LLC*  
(Via first class mail, postage pre-paid)

Sam Felt



**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Absolute Broadcasting, LLC	)	File No. BLFT-20171221AAJ
	)	
W253AF (W260DB), Nashua, NH	)	Facility ID No. 83187
	)	

**RESPONSE TO INTERFERENCE COMPLAINT AND INFORMAL OBJECTION**

Absolute Broadcasting, LLC (“Absolute”), through counsel, hereby responds to the complaint of interference filed by Saga Communications of New England, LLC (“Saga”), licensee of FM Translator W260CF, Facility ID No. 154234, Manchester, New Hampshire<sup>1/</sup> and the informal objection filed by Saga<sup>2/</sup> against the pending license to cover application<sup>3/</sup> concerning Absolute’s Nashua translator station, W260DB.<sup>4/</sup> In the Pleadings, Saga states that the Nashua Translator is causing prohibited interference to listeners’ reception of Saga’s station W260CF.

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<sup>1/</sup> Interference Complaint, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018) (the “Complaint”).

<sup>2/</sup> Informal Objection, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018) (the “Objection” and, with the Complaint, the “Pleadings”).

<sup>3/</sup> Form 350 License to Cover Application, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Dec. 21, 2017) (the “License to Cover”). Absolute has subsequently filed a new Form 349 application, File No. BMPFT-20180221AAB, to resolve an issue unrelated to the alleged interference, and once application is granted and the facilities are modified accordingly, will amend the pending Form 350 to conform to the granted application.

<sup>4/</sup> This translator, Facility ID No. 83187, is currently licensed as W253AF, but there is a pending construction permit (File No. BMPFT-20170713AHQ, granted Jul. 25, 2017) that permits operation as W260DB. The station was operating under this permit, pursuant to program test authority, at the time of the alleged interference. To avoid confusion, this pleading refers to the station as the “Nashua Translator.”

As detailed in Absolute's February 22 filing in response to the Complaint, Absolute has taken the Nashua Translator off the air until the alleged interference can be resolved.<sup>5/</sup> The Pleadings paint an inaccurate picture of the alleged interference, and offers the following clarifying information. Absolute expects that this information will lead to one of two results. *First*, the Commission may find that the additional information addresses the Pleadings, permitting the Commission to process the License to Cover. *Second*, the Commission may seek additional information from Saga in order to resolve the issues presented in the Pleadings.

As detailed in the attached Affidavits of Tom Ray and Dennis Jackson, both engineers that regularly practice before the Commission, the locations at which Saga alleges interference occurred should not be locations where W260CE is even audible.<sup>6/</sup> In July of 2017, as it was preparing its Form 349 application to move the Nashua Translator to channel 260, staff for Absolute conducted tests in the area around Nashua to confirm that the station would not cause interference with W260CF.<sup>7/</sup> They were unable to receive W260CF in any of the several locations around the city tested, losing the station's signal far to the North near the WFEA tower site, a point marked as '4' on the map in the attached Absolute Technical Exhibit.<sup>8/</sup> This aligned with their own analysis: because W260CF's contour's southern border is more than 16 kilometers from the city, reception of the signal there should not be possible.<sup>9/</sup> The application

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<sup>5/</sup> See, Response to Interference Complaint, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 22, 2018).

<sup>6/</sup> See, Declaration of Thomas Ray and Technical Statement Prepared in Support of Reply of Absolute Broadcasting, LLC ("Absolute Technical Exhibit").

<sup>7/</sup> See, Declaration of Gary Blue and Absolute Technical Exhibit.

<sup>8/</sup> See, *ibid*.

<sup>9/</sup> See, Exhibit 1.1 of Technical Statement attached to Pleadings. See also, Absolute Technical Exhibit.

was designed to allow a buffer zone of over 4 kilometers between the 40 dBu contour of the Nashua Translator and the 60 dBu contour of W260CF.<sup>10/</sup>

If the signal from W260CF is not audible where interference is alleged to have occurred, there can be no interference – there can only be interference where there is a signal to which interference can occur. There has been no authorized change to W260CF’s facilities during the subsequent months.<sup>11/</sup>

After receipt of the interference complaint, Absolute engineering staff performed these tests again and discovered that W260CF is audible in several locations where it was not in July.<sup>12/</sup> In order to determine the possible cause of this change, Absolute engineering staff traveled to the W260CF broadcast site and observed that there seem to be other antennas, perhaps owned and installed by third-parties, which are inside the W260CF antenna’s aperture.<sup>13/</sup> This installation, which could have occurred without Saga’s knowledge or consent, is likely reflecting some of the station’s signals and causing distortions in the broadcast pattern.<sup>14/</sup> This may cause a change in the areas where the station’s signals are received – to locations where reception has not been authorized by the Commission.

Once this issue is resolved and the signal from W260CF is consistent with its licensed parameters, there should be no interference between the Nashua Translator and W260CF and the Commission should process the License to Cover once it has been appropriately revised, as discussed above. Absolute therefore asks that the Commission either proceed in processing the

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<sup>10/</sup> See, Absolute Technical Exhibit.

<sup>11/</sup> A CDBS search for applications related to W260CF shows that none have been filed since a Form 350 License to Cover application filed in 2015.

<sup>12/</sup> See, Declarations of Thomas Ray and Gary Blue.

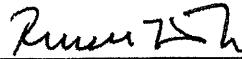
<sup>13/</sup> See, Declaration of Thomas Ray.

<sup>14/</sup> See, Absolute Technical Exhibit.

License to cover or seek additional information from Saga regarding W260CF's operations and until it receives that information, refrain from any action on the License to Cover for the Nashua Translator.

Please direct any questions to the undersigned.

Respectfully submitted,



Russell H. Fox

Jonathan R. Markman

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

701 Pennsylvania Ave., NW, Suite 900

Washington, DC 20004

(202) 434-7300

*Counsel for Absolute Broadcasting, LLC*

March 2, 2018

## CERTIFICATE OF SERVICE

I, Jonathan R. Markman, with the law offices of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., hereby certify that on March 2, 2018, copies of the foregoing Response to Interference Complaint and Informal Objection were sent, as indicated, to the following:

James Bradshaw  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov))

Robert Gates  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov))

Parul Desai  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov))

Gary S. Smithwick  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Ave., NW  
Suite 301  
Washington, D.C. 20016  
*Counsel for Saga Communications of New England, LLC*  
(Via first class mail, postage pre-paid)



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**Prepared in Support  
Of the Reply of Absolute Broadcasting, LLC  
To an Informal Objection filed by Saga Communications on New England, LLC  
To Form 350 Application for License to Cover  
for  
FM Translator W260DB at Nashua, New Hampshire  
File Number BLFT-20171221AAJ   ♦   Facility ID 83187**

Transmitting Antenna:											
For selecting Directional "Off-the-Shelf", refer to "Search for Antenna Information" under <a href="#">Click Here to Search</a> ( <a href="http://www.fcc.gov/ovcda/pccoc/prod/cda_get.htm">http://www.fcc.gov/ovcda/pccoc/prod/cda_get.htm</a> ). Make sure that the Standard Pattern is marked "Yes" and that the relative field values shown match your values. Enter the Manufacturer (ID#) and Model number as displayed in the Antenna Search.											
Non-directional <input checked="" type="radio"/> Directional Off-the-Shelf <input checked="" type="radio"/> Directional composite											
Manufacturer SCA Model CL-FM (SLANT45)											
Elevation 55 degrees <input type="checkbox"/> No Rotation											
degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
	1	10	0.08	30	0.016	50	0.017	70	0.09	90	0.544
	0.29	70	0.19	90	0.05	110	0.03	130	0.05	150	0.05
5	0.03	130	0.03	140	0.03	150	0.03	160	0.04	170	0.04
0	0.04	190	0.04	200	0.04	210	0.03	220	0.03	230	0.03
2	0.03	230	0.03	250	0.03	270	0.03	280	0.05	290	0.19
0	0.39	310	0.544	320	0.69	330	0.017	340	0.016	350	0.08
Additional results											

The antenna specified by Saga limits is required to limit the antenna field to a low value of 0.03, or 3% of the maximum. Between 145 and 187 degrees True the antenna is required provide 40 dB of suppression, limiting the ERP to 0.0009 ( $0.03 \times 0.03$ ) or 0.09% of the maximum ERP. This translates to 99 milliwatts.

### **Technical Study**

The authorized direction of the major lobe is northeast at 55 degrees True. The Absolute antenna site is 26.6 km south of the Saga antenna site on a bearing of 160 degrees True. The points and routes at which interference was claimed lie between 132.8 and 180.4 degrees True relative to the Saga antenna, with two exceptions. The authorized ERP between 145 degrees True and 187 degrees True is only 99 mW.

Based on the bearing (azimuth) and distance to each of eight points within the locus of which all of the claimed areas of interference are subsumed, and employing the facilities for which Saga is authorized, the expected field strength of the Saga translator was calculated using both the FCC method and the Longley-Rice propagation model, as shown in Figure 1. Figure 2 illustrates the Saga translator FCC 60 dBu F(50,50) service contour and the Longley-Rice expected field strength distribution.

The study was performed using RadioSoft ComStudy version 2.2.14.19. The confidence level was set at 50% for a receiving antenna height of 2 meters above ground, using a 3" matrix base and terrain database, applying appropriate land use attenuation. The minimum signal level depicted in color is 40 dBu. This corresponds closely to the minimum usable signal level on a current state-of-the-art automobile radio. Any area not overlaid in color would see a signal of less than 40 dBu from the Saga facility.

### **Factors Affecting Antenna Performance**

It is a well-established fact in the physics of antenna design that any electrical conductor or object located within the aperture or near field of an antenna radiating element will act as a parasitic element. Such an element, unless tuned for electrical invisibility, will reflect and reradiate energy. This is particularly true if the dimensions of an element within the aperture of an antenna are of dimensions comparable to a wavelength, half-wavelength, or quarter-wavelength at the operating frequency of subject antenna. Indeed, such elements are intentionally employed for the specific purpose of directionalizing an antenna.

An example of such an object would be any other VHF antenna tuned for a frequency anywhere in the vicinity of the operating frequency of the subject antenna. It is a near certainty that any object in proximity to the Saga antenna is posed to reradiate the signal in unintended directions.

The maximum authorized ERP of the Saga facility is 110 Watts. The ERP is not authorized to exceed 99 milliwatts toward all but two of the points where interference was claimed. This corresponds to just over 40 dB of suppression. It is therefore possible, indeed it seems likely, that the reflected signal from any nearby elements or objects acting as parasitic elements could cause the Saga antenna field exceed the allowed ERP in directions where the instrument of authorization limits it to less than  $1/10^{\text{th}}$  of a Watt.

This effect can be disproved or verified simply by calculating the expected field strength of the Saga translator at points along the routes where interference was claimed, as described above.

However, were it not the case, it would be essentially impossible for a listener to hear the Saga translator in all but one or two of the areas where it was claimed that "regular listening takes place."

### **Conclusion**

In my engineering experience, it does not seem possible that the Saga translator would be heard in most, if any, of the areas where interference was alleged by listeners if the translator were operating in accordance with its instrument of authorization.

**Figure 1: Expected Saga Translator Field Strength at Points of Alleged Interference**

Point 1 is located at an extreme northerly location within the City of Manchester and just off to the side of the Saga translator major lobe. If the Saga facility is operating properly, the expected field strength of 69 dBu (FCC method) or 58 dBu (Longley-Rice method), should be more than sufficient to overcome the predicted 20 dBu signal from the Absolute translator.

Point 4 is just south of the WFEA(AM) antenna site, where terrain obstructions near the Saga translator may slightly attenuate line-of-sight from the Saga translator antenna. While the allowed ERP toward this point is nearly  $\frac{3}{4}$  of a Watt, the expected signal level is only 40 dBu. (At this point, the Saga translator signal faded to noise during test drives in July 2017.) It would seem likely that any listener at or south of this point would give up trying to follow the Saga translator signal and tune to the 5,000 Watt fulltime signal of WFEA(AM) to continue listening to the same identical programming. Both available frequencies are frequently promoted in program breaks, and WFEA puts a 4 mV/m signal all the way into downtown Nashua by both day and night.

At all other points where interference was alleged, the authorized ERP of the Saga translator is only 99 milliwatts. The distance to the 60 dBu service contour is only 2.02 km.

If the Saga translator is operating in accordance with the terms of its instrument of authorization, the expected field strength at any point other than Point 1 is 40 dBu or below. These signal levels are generally not even usable even on the best automotive radio in service today when listening in an unobstructed location.

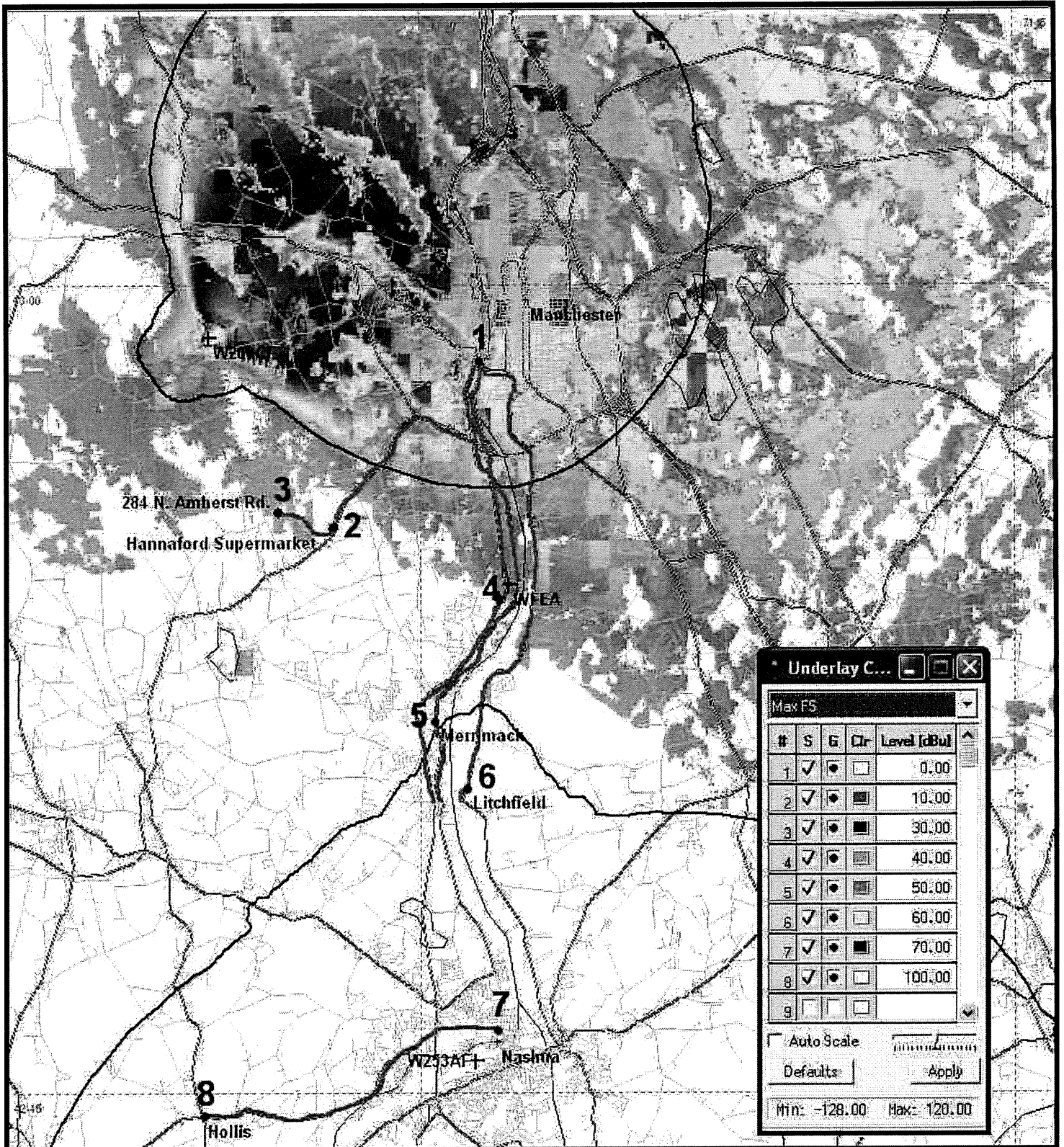
Point	Azimuth (degrees T)	Authorized	ERP (Watts)	Distance (km)	Field Strength	
		Antenna Field			(FCC Method) (dBu)	(Longley-Rice) (dBu)
1	95.3	0.69	52.0000	9.3	69.0	58
2	146.8	0.03	0.0990	7.8	44.4	23
3	159.0	0.03	0.0990	6.5	47.0	40
4	132.8	0.08	0.7210	13.6	47.0	40
5	148.9	0.03	0.0990	15.3	33.2	13
6	150.0	0.03	0.0990	17.9	30.6	28
7	157.5	0.03	0.0990	25.8	24.0	12
8	180.4	0.03	0.0990	26.8	23.1	25

Points were selected to subsume the area of claimed interference, as shown on the map in Figure 2.




**Figure 2: Illustration of Saga Translator Field Strength at Points of Alleged Interference**

Routes and locations of alleged interference are shown in red.



**Statement of Dennis Jackson**

1. I have held a First Class Radiotelephone license or General Class license since 1963.
2. I have practiced FM, AM, and/or TV broadcast engineering professionally since 1965.
3. I received a B.S. in Electrical Engineering from Rensselaer Polytechnic Institute in 1968.
4. I have practiced before the Commission regularly since 1986, and have prepared scores of technical submissions that have been favorably acted upon.
5. I have extensive experience in the engineering and construction of FM translators.
6. I hereby declare under penalty of perjury that all of the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'D. Jackson', with a stylized, flowing script.

Dennis Jackson  
Technical Consultant  
19 Boas Lane  
Wilton, CT 06897-1301

203-762-9425  
[wwdj@optimum.net](mailto:wwdj@optimum.net)

March 1, 2018

## DECLARATION OF GARY BLUE

I, Gary Blue state, upon knowledge, information and belief, that:

1. I am Operations Manager of Absolute Broadcasting, LLC.

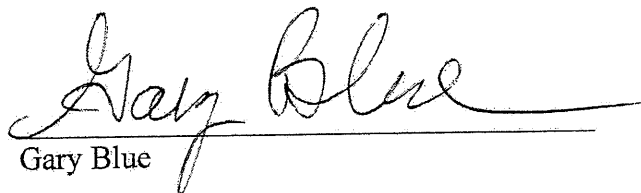
2. On July 13, 2017, I performed tests using standard radio equipment to determine if the signal of W260CF was audible on the frequency 99.9 MHz in areas around Nashua, NH. I was unable to receive that signal at any of those locations. These locations are near several locations at which the W260CF signal is now audible based upon tests conducted by Thomas Ray.

3. On that same day, I verified that station W260CF was on the air because I was able to receive the signal of W260CF much further North, near the station's facilities.

4. The furthest point South at which I was able to receive W260CF was near the WFEA tower site, marked as point 4 on the Technical Exhibit Prepared in Support of the Reply of Absolute Broadcasting.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Dated March 2, 2018

  
Gary Blue

## **DECLARATION OF THOMAS RAY**

I, Thomas R. Ray, III, state, upon knowledge, information and belief, that:

1. I am-the Contract Engineer/Technical Consultant of Absolute Broadcasting, LLC.

I am Certified as a Certified Professional Broadcast Engineer by the Society of Broadcast Engineers, Certification Number 50798 with Certifications in AM Directionals and Digital Radio Broadcast, and hold FCC General Radio Telephone License PG017214, in addition to holding FCC Amateur Extra license W2TRR. My works are a matter of record with the Federal Communications Commission.

2. On February 20, 2018, I investigated the interference complaint filed by Saga Communications of New England, LLC (“Saga”) in the above-captioned proceeding. During my investigation, I determined that Saga’s station, W260CF, was audible from several locations at which, based on my professional knowledge and expertise and analysis of the licensed parameters of the station, reception of the signal from that station should not be possible, based on the station’s licensed parameters. This includes locations along Route 130 (Broad Street) between Nashua and Hollis, NH; in front of number 8 12<sup>th</sup> Street in Nashua, NH; directly in front of the WGHM studio facility at 196 Main Street in Nashua, NH; all along the Everett Turnpike coming out of Nashua until the WFEA transmitter facility location where I would have expected to hear W260CF; and at the corner of North Amherst Road and Hardy Road, Bedford, New Hampshire, which is approximately ¼ mile due east of a complaint received at 284 North Amherst Road and directly in a null, which are several miles south of the licensed contour of W260CF. The radio used was a stock Kenwood KDC-HD545U connected to a 36 inch brass whip antenna located on a magnetic mount directly in the center of the roof of a 2015 Ford Escape with no additional amplification.

3. I also visited the transmitter site for W260CF on February 20, 2018, and noticed that there are two Yagi antennas located in the same location on the site, close enough to one another that they were almost touching. I took the attached photograph at that visit. One of the Yagi antennas shown in the photograph is likely used in the W260CF facilities, but I am unsure of the purpose of the second antenna shown. Based on my professional knowledge and expertise, I believe that this second antenna could be causing reflections in the W260CF signal which would result in it deviating from its licensed parameters and perhaps permitting reception in areas where it is not authorized, including Nashua. Additionally, I believe that the radiation that exists off the back of a Yagi antenna (said Yagi appears to be aimed in the correct direction) is not sufficiently low enough to meet the pattern specification for W260CF.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Dated March 2, 2018

  
Thomas R. Ray, III

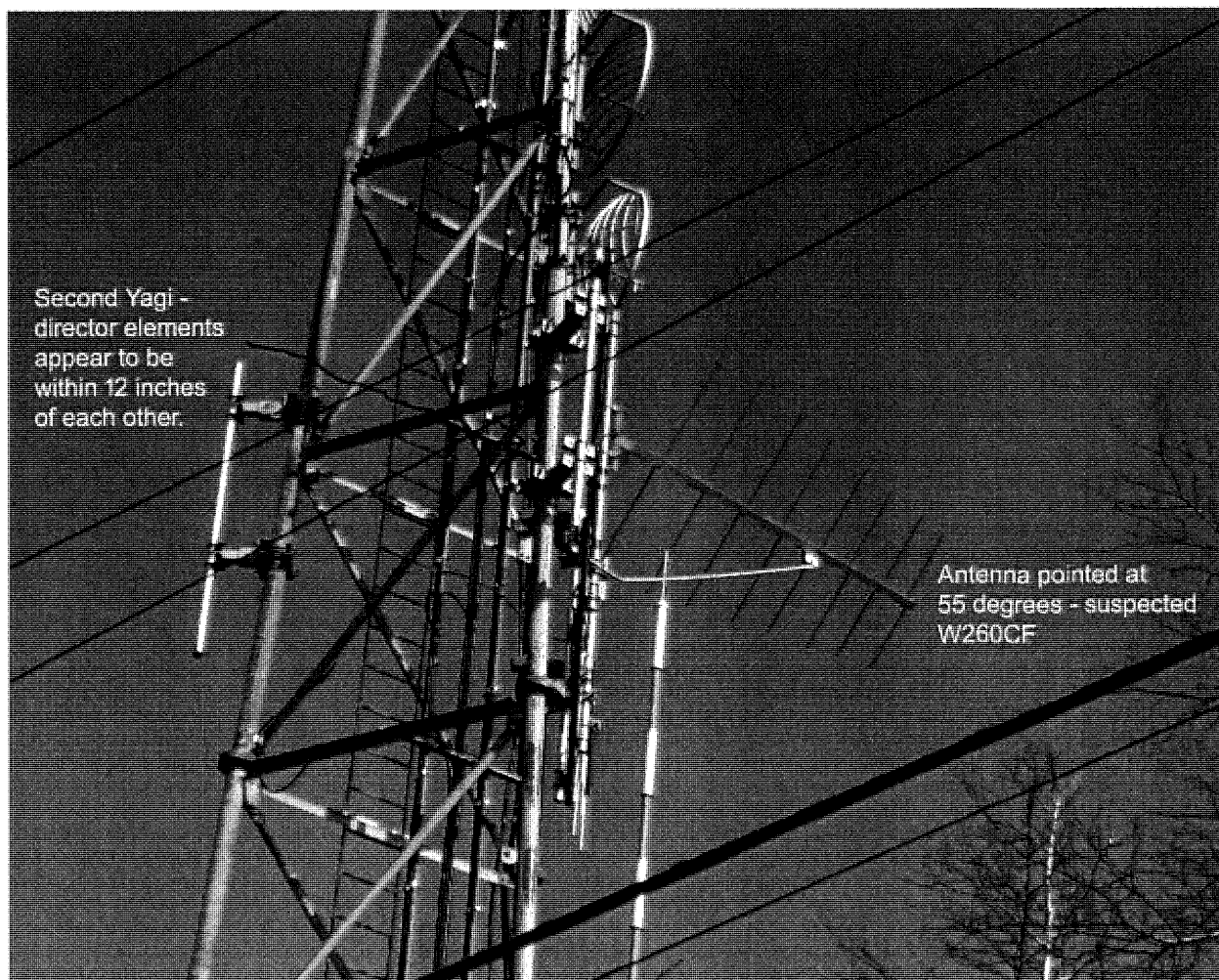


Photo taken at W260CF broadcast site, February 20, 2018

# ATTACHMENT I

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	File No. BLFT-20171221AAJ
	)	Facility ID No. 83187
ABSOLUTE BROADCASTING, LLC	)	
	)	
W253AF (W260DB), Nashua, NH	)	
	)	

To: The Secretary  
Attn: Chief, Audio Division, Media Bureau

**CONSOLIDATED REPLY TO RESPONSES TO  
INTERFERENCE COMPLAINT AND INFORMAL OBJECTION**

Saga Communications of New England, LLC, ("Saga"), licensee of FM Translator W260CF, Manchester, New Hampshire, pursuant to Section 73.3587 of the Commission's Rules, hereby files this Consolidated Reply to two recent filings from Absolute Broadcasting, LLC ("Absolute"): (1) a "Response to Interference Complaint" filed February 22, 2018 ("February 22 Response"); and (2) a "Response to Interference Complaint and Informal Objection" filed March 2, 2018 ("March 2 Response"). On February 12, 2018, Saga filed an Interference Complaint and an Informal Objection against Absolute's above-referenced application ("Application") for license to cover a construction permit for W253AF, Nashua, NH (as W260DB).<sup>1</sup> Saga showed that, if the Application were granted, listeners to Saga's W260CF would receive interminable and intolerable interference being caused by W260DB. In support of this Consolidated Reply, the following is shown:

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<sup>1</sup> The translator is licensed as "W253AF," however, the Application covers a construction permit (BMPFT-20170713AHQ) to change the operating channel from 253 (98.5 MHz) to 260 (99.9 MHz) as W260DB. To avoid confusion, the offending translator is referred to herein as "W260DB."



Absolute's February 22 Response reported that it had promptly taken W260DB off the air, and that "the Commission need take no further action at this time regarding the complaint."<sup>2</sup>

Absolute's March 2 Response asserts two theories for the first time: either (1) it should not be possible to hear W260CF where interference was reported; or (2) "other antennas, perhaps owned and installed by third-parties, which are inside the W260CF antenna's aperture are likely reflecting some of the [W260CF] signals and causing distortions in the broadcast pattern." Absolute asks the Commission "either to proceed in processing the [Application] or seek additional information from Saga regarding W260CF's operations, and until it receives that information, refrain from any action on" the Application.<sup>3</sup>

The Commission must take action now to dismiss the Application. Attached is a Technical Statement prepared by Justin Asher, Saga's Technical Consultant, which is incorporated herein by reference and summarized *infra*.

**Longley-Rice Signal Prediction Methodology is Irrelevant as a Matter of Law.**

Absolute argues that W260CF should not be audible in the areas where interference is occurring by providing Longley-Rice signal strength predictions to assert that W260CF should not have a usable signal in the interference areas. However, it is axiomatic that the Commission will not consider supplemental contour prediction methods, such as Longley-Rice, in evaluating the extent of interference.<sup>4</sup> In contrast, Section 74.1203(a)(3) of the Commission's Rules obligates

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<sup>2</sup> Absolute's initial decision, to suspend operations of W260DB, was correct. However, the Commission must take further action to ensure that Absolute resolves the interference complaints before authorizing W260DB to resume operating.

<sup>3</sup> Absolute also notes (in Footnote 3 to the March 2 Response) that it has filed a "new Form 349 application, File No. BMPFT-20180221AAB, to resolve an issue unrelated to the alleged interference, and once the application is granted and the facilities are modified accordingly, will amend the pending Form 350 to conform to the granted application."

<sup>4</sup> Report and Order, *In the Matter of Amendments of Parts 73 and 74 of the Commission's Rules To Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*, 12 FCC Rcd 12371, 12402 (at paragraph 69) (1997) ("First and foremost, we want to emphasize that supplemental showings have not been accepted, nor will be

FM translators creating interference to a regularly used signal to resolve the interference “regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.” Because Saga has established that W260CF has regular listeners whose enjoyment of the signal is impaired by W260DB, it is Absolute’s duty to resolve those complaints before resuming operation of W260DB. To date, Absolute has done nothing to investigate and resolve those complaints.

**The Testimony of Absolute’s Employees Must Be Disregarded.** The March 2 Response indicates that Absolute’s engineers undertook one-sided testing and analysis. However, the statements from Absolute’s staff cannot be credited. The same standard imposed on what constitutes a valid complainant in a translator interference proceeding (he/she must be “disinterested,” *e.g.*, a person or entity without a legal stake in the outcome of the proceeding<sup>5</sup>) also must be imposed here. Because Absolute’s employees are not “disinterested,” the Commission cannot consider their testimony to have any probative value.

**Saga Has Removed the Antenna Element Observed by Absolute.** As described in the Technical Statement, upon receiving the March 2 Response, Mr. Asher posed the question to Mike Bach of Kathrein USA, Inc., the antenna manufacturer, of whether an unused element could be acting as a *de facto* parasitic element inadvertently distorting the signal from W260CF.<sup>6</sup> In response, Mr. Bach stated that even though it was unlikely for there to be any significant amount of re-radiation caused by the unwanted element, there was no way to be sure, other than by removing it. Accordingly, Saga complied by removing the equipment. Saga’s staff then

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accepted, for the purpose of determining interference or prohibited contour overlap between FM broadcast stations.”)

<sup>5</sup> See, *e.g.*, *Valley Broadcasting, Inc.*, 7 FCC Rcd 4317, 4320 (M.M. Bur. 1992); *Letter to Aaron P. Shainis, Esq. and James L. Oyster, Esq.* (Station W279AD, Chesapeake, Virginia), (M.M. Bur. Jan 9, 2003); *Letter to Robert J. Rini, Esq. and Arthur S. Landerholm, Esq.* (Station W220CV, Winnsboro, South Carolina, (M.M. Bur. Apr. 5, 2002).

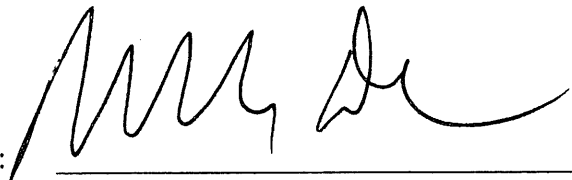
<sup>6</sup> Copy attached as Exhibit 1 to the Technical Statement.

drove through the area where interference has been reported and “observed no material change (neither improvement nor degradation of the signal...)”

In short, neither the February 22 Response nor the March 2 Response addresses Absolute’s core duty: to investigate and attempt to resolve the complaints of interference before allowing W260DB to resume operating. Until Absolute resolves those complaints, the Commission cannot grant the pending Application. Saga’s W260CF, which began operating on November 5, 2015, must be protected by Absolute’s W260DB, which began operating on December 23, 2017. Accordingly, the public interest commands that the Commission to deny or dismiss the Application.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, LLC**

By:   
\_\_\_\_\_  
Gary S. Smithwick  
Mark B. Denbo  
Their Attorneys

**Smithwick & Belendiuk, P.C.**  
5028 Wisconsin Ave., N.W.  
Suite 301  
Washington, DC 20016  
(202) 363-4050

March 13, 2018

ATTACHMENT  
TECHNICAL STATEMENT

Technical Statement  
In Support of a  
47 C.F.R. Section 74.1203(a)  
Interference Complaint  
(Consolidated Reply to Responses)

*against*

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*W260DB(formerly W253AF) - Nashua, NH  
BLFT-20171221AAJ  
(Facility ID: 83187)  
CH260D - 99.9 MHz*

---

*Concerning Reception of  
W260CF - Manchester, NH  
BLFT-20151105AJJ  
(Facility ID: 154234)  
CH260D - 99.9 MHz*

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March, 2018

**EXPLANATION OF STATEMENT:** This Technical Statement has been prepared to support a Consolidated Reply to Responses regarding a “Response to Interference Complaint and Informal Objection”, filed March 2, 2018 in response to an original 47 C.F.R. Section 74.1203(a) based Interference Complaint and Informal Objection as submitted by Saga Communications of New England, LLC (“Saga”), licensee of station W260CF - Manchester, NH, License BLFT-20151105AJJ (Facility ID: 154234). The original Interference Complaint and Informal Objection was filed against the recent commencement of operations of FM Translator W260DB(formerly W253AF) - Nashua, NH, BLFT-20171221AAJ (Facility ID: 83187) held by Absolute Broadcasting, LLC (“Absolute”). The W260DB facility in question operates on CH260D (99.9 MHz) with 0.250 kW ERP at 96 meters AMSL. Saga station W260CF operates with 0.053 kW ERP at 411 meters AMSL on CH260D (99.9 MHz). Therefore, Saga’s W260CF operates co-channel to the Absolute W260DB Translator facility.

**HISTORY:** The Saga W260CF Translator commenced operation on November 5, 2015 and has been providing continuous service to the Manchester and surrounding areas for the past three years. The Absolute W260DB Translator recently commenced operation on December 21, 2017. Therefore, pursuant to 47 C.F.R. Section 74.1203(a)(3), Saga’s W260CF has standing as an existing service concerning resolution of interference initiated by subsequent Translator operations. Accordingly, on February 12, 2018, Saga filed its original Interference Complaint and Informal Objection citing four (4) signed letters from Saga W260CF listeners representing twelve (12) areas of received interference from the Absolute Translator. In response, Absolute filed dual February 22, 2018 and March 2, 2018 Response(s) raising accusations against the Saga W260CF broadcast antenna as constructed. However, Absolute did not address the 47 C.F.R. Section 74.1203(a)(3) listener complaints directly. As stated before, this Technical Statement is in response to the accusations raised in the Absolute February 22, 2018 and March 2, 2018 Response(s).

**DISCUSSION:** Absolute’s accusations against Saga’s W260CF are three-fold. However, all three claims are ultimately without merit as addressed herein. Absolute raises its first issue questioning Saga’s W260CF claims of interference and reception in the south Manchester / north Nashua areas by providing Longley-Rice prediction method maps and tabulations as support. Within its claims, Absolute asserts that due to poor Longley-Rice signal strength predictions, Saga’s W260CF should not have a usable signal in the area to begin with, thus claims of interference should be discounted. Current Commission policy does not permit supplemental contour-prediction methods, such as Longley-Rice to be used for the purpose of determining interference (or the lack thereof)<sup>1</sup>. The Commission has been clear that such showings have not been accepted, nor will be accepted. Therefore, these Longley-Rice showings are to be disregarded. The Commission has instead long held that 47 C.F.R. Section 74.1203(a) obligates FM Translators creating actual radio signal interference to eliminate any interference, regardless of the location where the impaired signal reception occurs; including interference even in Nashua.

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<sup>1</sup> See, e.g., *Amendment of Parts 73 and 74 of the Commission’s Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*, Report and Order, 12 FCC Rcd 12371, 12402 ¶ 69 (1997) (supplemental contour-prediction methods, such as Longley-Rice, “have not been accepted, nor will be accepted, for the purpose of determining interference or prohibited overlap between FM broadcast stations”).

Absolute's second issue centers on conflicting signed statements from Absolute representatives Gary Blue and Thomas Ray. Mr. Blue first indicates these listener locations (or sites close therein) were visited on July 13, 2017 with no Saga W260CF listenable signal present. Mr. Ray then indicates these listener locations (in addition to multiple other Nashua sites not listed in the original complaint) were again visited on February 20, 2018 with a Saga W260CF signal very much present. Absolute then erroneously attributes this improved coverage to observed reradiation at the Saga W260CF site as outlined below. However, these claims are misguided as no physical change to the W260CF aperture has occurred between the 2015 licensing of W260CF and either the Absolute provided listening dates of July 13, 2017 or February 20, 2018. Regardless, these Absolute statements of reception (or non-reception) are ultimately moot; as the Commission does not acknowledge listening claims submitted by people who have a prohibited financial or family relationship with the station in question<sup>2</sup>, such as Mr. Blue or Mr. Ray. Rather 47 C.F.R. Section 74.1203(b) obligates the offending FM Translator to properly eliminate interference from *bona fide* listeners via the application of suitable techniques or remedial measures. As neither Mr. Blue nor Mr. Ray have indicated contact with, nor undertaken any interference resolution protocol with any of the four (4) W260CF listeners as previously provided, Absolute is not in compliance with 47 C.F.R. Section 74.1203(b).

Absolute's third issue raises concerns about potential reradiation of the Saga W260CF antenna from a second antenna mounted in the Saga W260CF aperture. Mr. Ray indicates he believes one antenna belongs to W260CF (oriented in the proper direction of 055°T), while he is uncertain of the origin of the second antenna. Mr. Ray is correct in the presence of two antennas on the tower. Mr. Ray is also correct in that the single Scala CL-FM(Slant45) antenna oriented at 055°T is broadcasting W260CF. Mr. Ray is incorrect in referring to these elements as "Yagi" antennas however; these are in fact Scala CL-FM(Slant45) Log-Period antennas.

To clarify the origin and history of the antenna aperture and array in question, this aperture and antenna array was formerly allotted to W231BR - Manchester, NH (Facility ID: 140894) under License BMLFT-20131112BVT. The former W231BR array employed three (3) separate Scala CL-FM(Slant45) elements all mounted in the same plane and working in unison to generate the desired pattern. However, due to its own 47 C.F.R. Section 74.1203(a) interference complaint issues, W231BR was forced to abandon this tower and relocate to an alternate site location. As a result, the transmitter was removed, with the array disabled to a state of un-broadcast and the antennas left abandoned on the tower. Subsequent to this date, W260CF was independently relocated to this aperture, assuming operation into one of the existing Scala CL-FM(Slant45) elements. At that time, the W260CF element was repositioned to the present bearing of 055°T, and the former custom power divider removed from the system. Concurrent with the W260CF licensing, one of the two remaining unused elements was removed and repurposed at a different site/different Translator location (the former pole mount bracket for the third CL-FM(Slant45) antenna is still visible in the photo as provided in the Absolute [Response](#)).

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<sup>2</sup> See May 20, 2011, *Letter to Costa-Eagle Radio Ventures Limited Partnership*; re: W221CH(now W275BH), Newton, NH; BLFT-20090226AAA; Facility ID # 155444.

Immediately upon receipt of this current Absolute Response raising issues with this second element in the W260CF horizontal plane, the antenna manufacturer, Kathrein USA Inc. (*formerly Kathrein: Scala Division; formerly Scala Antennas*) was again consulted. Kathrein opined that reradiation in any significant amount was unlikely. However, due to the inability to properly field/range test this assertion, Kathrein also recommend removal of the unused antenna to remove all doubt. A portion of the email correspondence with Kathrein USA, Inc. has been included in **Exhibit 1**. Therefore, out of an abundance of caution, the unused CL-FM(Slant45) and all extraneous mounting brackets were removed on March 12, 2018. Updated photo documentation of the current Saga W260CF antenna and aperture have been included in **Exhibit 2**.

This tower modification does not alter the underlying Saga W260CF - Manchester, NH (Facility ID: 154234) License BLFT-20151105AJJ, therefore further notification to the Commission is not believed necessary. In addition, Saga staff informally drove the south Manchester / north Nashua areas in question after the extraneous antenna removal and observed no material change (neither improvement nor degradation of the signal), as was anticipated by Kathrein, USA, Inc. Saga's W260CF continues to maintain a presence in many of the previous Nashua areas observed by Absolute representative Thomas Ray via his own February 20, 2018 listening tests. However, the applicant fully acknowledges 47 C.F.R. Section 74.1203(b) continues to require the offending FM Translator to address listener complaints from bonified listeners; disregarding comments or claims from interested parties. At present, there are four (4) outstanding, *bona fide* listener based complaints Absolute has yet to address.

In light of these further facts and actions, Absolute's accusations herein are believed moot. It is believed the Commission may continue processing the existing 47 C.F.R. Section 74.1203(a) based Interference Complaint and Informal Objection as originally submitted.

**CERTIFICATION OF TECHNICAL CONSULTANT:** *I declare, under penalty of perjury, that the contents of this report are true and accurate to the best of my knowledge and belief. I further certify I have over eighteen years of experience as a broadcast technical consultant before the Federal Communications Commission ("the FCC"); and am familiar with the Code of Federal Regulations Title 47 ("the Rules") as pertaining to this report and its contents here-in. The underlying data utilized in this report was taken directly from FCC databases or indirectly through third party software vendors securing data directly from FCC databases. This firm cannot be held liable for errors or omissions resulting from the underlying data. The information contained herein is believed accurate to the date reported below.*

  
Justin W. Asher, Technical Consultant

March 13, 2018



# *Exhibit 1*

## *Email Correspondence with Antenna Manufacturer*

**Justin W. Asher**

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**From:** Mike Bach <mbach@kathrein.com>  
**Sent:** Tuesday, March 6, 2018 11:03 AM  
**To:** Justin Asher  
**Subject:** RE: 3 antenna array

unfortunately we do not have a way to easily model this situation, so I guess the only way to make the third party happy would be to remove the remaining Antenna.

I think the re-radiation in any significant amount is unlikely but I do not have a way to prove it.

Mike

---

**From:** Justin Asher [mailto:asherbroadcast@gmail.com]  
**Sent:** Tuesday, March 06, 2018 4:13 AM  
**To:** Mike Bach <mbach@kathrein.com>  
**Cc:** justinasher@consultant.com  
**Subject:** FW: 3 antenna array

Mike,

Actually, the scenario I'm talking about is not for a vertically "stacked" array, but rather three separate CL-FM antennas all mounted in the same plane but at separate bearings as attached (one at 090°T; 174°T and 262°T).

This former 3-element combined array did not perform as expected, so the 174°T and 262°T elements were disconnected from the system with the broadcast occurring solely from the remaining element. In actuality, the FCC permitted us to modify the sole element from 090°T to 055°T and then we subsequently removed the 262°T element altogether (to be repurposed at a different location); but the unused 174.0°T element still remained in the same plane as the energized 055°T CL-FM element.

We are now having a third party claim the unused 174.0°T element is acting as *de facto* parasitic element inadvertently pushing signal in the direction of 174°T. If you think this is the case, then we will physically remove the remaining 174°T element (as well as the off-set pole brackets). If you think reradiation due to the unused 174.0°T element is unlikely; then I think my client would like to engage Kathrein for a letter to this effect. Just let me know any costs involved.

Justin W. Asher

**Asher Broadcast Consulting, LLC**

579 Babcock Road

Bronson, MI 49028

Work Phone: 1(202)875-2986

Emergency: 1(517)317-4332

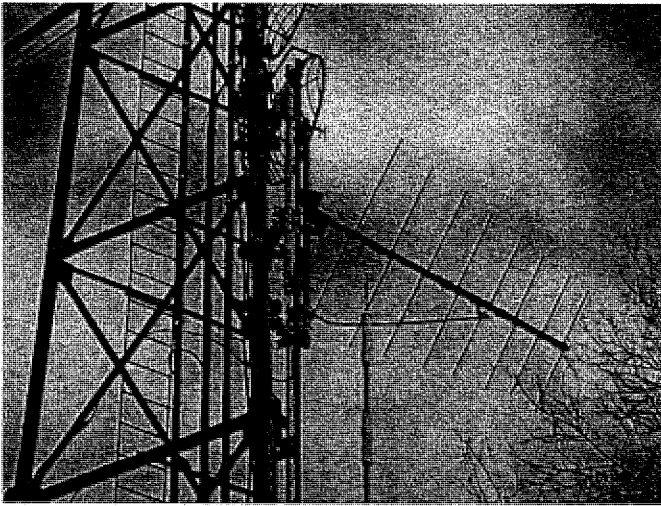
(note: some portions of the Washington D.C. (202) area code still require the "1" pre-fix)

justinasher@consultant.com

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***Exhibit 2 - Photographs of  
W260CF Antenna Aperture (Post-March 12, 2018)***

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← Photo Taken Looking  
North (March 12, 2018)

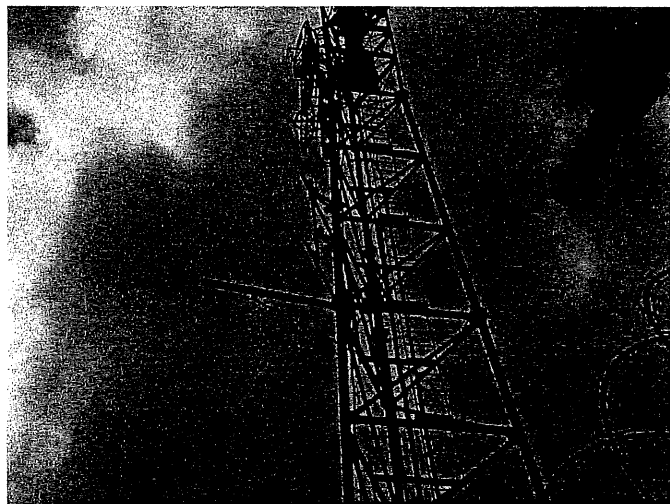
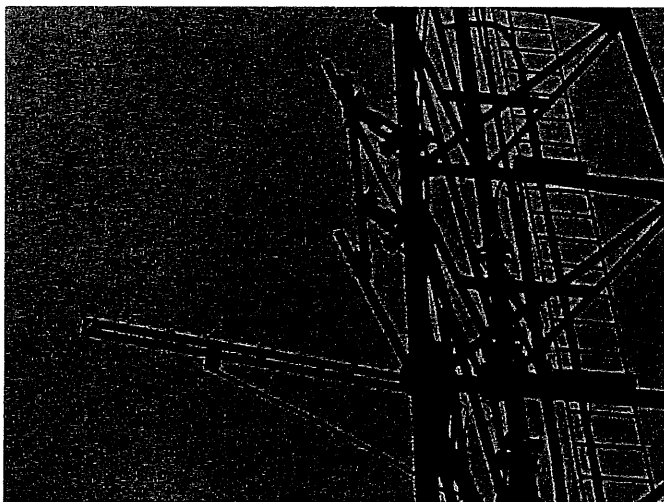


Photo Taken Looking →  
South (March 12, 2018)



← Photo Taken Looking  
South (March 12, 2018)

## CERTIFICATE OF SERVICE

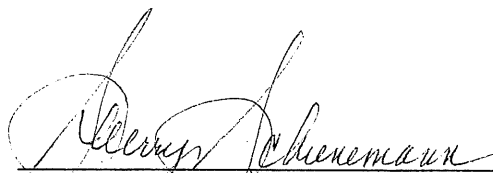
I, Sherry L. Schunemann, a secretary in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on March 13, 2018, copies of the foregoing Consolidated Reply to Responses to Interference Complaint and Informal Objection” were sent via First Class Mail, postage pre-paid to the following:

Mr. James Bradshaw\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov)

Mr. Robert Gates\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov)

Parul Desai, Esq.\*  
Audio Division  
Federal Communications Commission  
Washington, DC 20554  
\*by email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov)

Russell H. Fox, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC  
701 Pennsylvania Avenue, NW  
Suite 900  
Washington, DC 20004  
(Counsel for Absolute Broadcasting, LLC)

  
Sherry L. Schunemann

# ATTACHMENT J

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of:	)	
	)	File Nos. BLFT-20171221AAJ and
Absolute Broadcasting, LLC	)	BMPFT-20180221AAB
W253AF (W260DB), Nashua, NH	)	
	)	Facility ID No. 83187
	)	

**SECOND RESPONSE TO INTERFERENCE COMPLAINT AND INFORMAL  
OBJECTIONS**

Absolute Broadcasting, LLC (“Absolute”), through counsel, hereby updates its response to the complaint of interference and informal objections filed by Saga Communications of New England, LLC (“Saga”), licensee of FM Translator W260CF, Facility ID No. 154234, Manchester, New Hampshire against the pending applications concerning Absolute’s Nashua translator station, W253AF.<sup>1/</sup> In those filings, Saga asserts that the Nashua Translator is causing prohibited interference to listeners’ reception of Saga’s station W260CF (the “Manchester Translator”).

**Procedural History**

Absolute filed an application to modify the construction permit underlying the Nashua Translator to permit operations on Channel 260 on July 13, 2017.<sup>2/</sup> That application was granted on July 25, 2017. Saga did not object to that application. In December 2017, Absolute began

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<sup>1/</sup> This translator, Facility ID No. 83187, is currently licensed as W253AF, but there is a pending construction permit, discussed below, that permits operation on Channel 260 as W260DB. The station was operating under this permit, pursuant to program test authority, at the time of the alleged interference. To avoid confusion, this pleading refers to the station as the “Nashua Translator.”

<sup>2/</sup> Form 349 Modification of Construction Permit Application, File No. BLFT-20170713AHQ, Facility ID No. 83187 (filed Jul. 13, 2017).

program tests on the Nashua Translator deploying Channel 260 and filed an application for a license to cover on December 21, 2017.<sup>3/</sup> On February 12, 2018, Saga objected to the application for the license to cover and filed a related interference complaint, including listener complaints of interference.<sup>4/</sup> Absolute ceased operations on the Nashua Translator in response to the complaint and objection.

Absolute filed a new application seeking modification of the construction permit for the Nashua translator on February 21, 2018,<sup>5/</sup> and amended the still-pending license to cover application on the same date. The only changes from the previous, granted, application for modification were to specifics of antenna characteristics – it was not intended to be responsive to the Saga complaint. Saga filed an objection to the new application for modification on March 29, 2018 reiterating substantially the same concerns as its earlier objection/complaint, including two of the same listener complaints and one new complaint alleging concern over possible interference.<sup>6/</sup>

### **Absolute Findings**

As detailed in Absolute's February 22<sup>7/</sup> and March 2<sup>8/</sup> replies, Saga's filings present an inaccurate picture of the alleged interference. Absolute has now determined that its earlier

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<sup>3/</sup> Form 350 License to Cover Application, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Dec. 21, 2017) (the "License to Cover").

<sup>4/</sup> Interference Complaint, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018); Informal Objection, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 12, 2018).

<sup>5/</sup> Form 349 Modification of Construction Permit Application, File No. BLFT-20180221AAB, Facility ID No. 83187 (filed Feb. 21, 2018).

<sup>6/</sup> Informal Objection, File No. BMPFT-20181221AAB, Facility ID No. 83187 (filed Mar. 29, 2018).

<sup>7/</sup> See, Response to Interference Complaint, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Feb. 22, 2018).

<sup>8/</sup> See, Response to Interference Complaint and Informal Objection, File No. BLFT-20171221AAJ, Facility ID No. 83187 (filed Mar. 2, 2018) (the "Absolute Reply").

findings were correct and the Nashua Translator is not causing interference to the Manchester Translator. In fact, despite the Nashua Translator being off the air, the complainants contacted by Absolute are still unable to receive the signal of the Manchester Translator. In some of these locations, a third translator, W260AS, Facility ID No. 153138, Lawrence, MA, licensed to Educational Media Foundation (the “Lawrence Translator”), is now audible.

As detailed in the Absolute Reply, the locations at which Saga alleges interference occurred are locations where the Manchester Translator should not be audible.<sup>9/</sup> In that filing, Absolute provided declarations showing that the Manchester Translator was not audible in these locations in July 2017, findings which matched Absolute’s engineering analysis showing a buffer zone of over 4 kilometers between the 40 dBu contour of the Nashua Translator and the 60 dBu contour of Manchester Translator.<sup>10/</sup> However, in February 2018, after receipt of the interference complaint, engineering tests performed on Absolute’s behalf were performed again. Those tests showed that the Manchester Translator was audible in several locations where it was not in July.<sup>11/</sup> It seemed that the Manchester Translator was operating outside its licensed parameters, resulting in a change to its contour. Those tests noted the presence of another antenna inside the Manchester Translator’s antenna’s aperture, and suggested this could be the cause of the changes.<sup>12/</sup>

In its filing in response to the Absolute Reply, Saga dismissed the possibility that the extra antenna could have caused a change in the contour of the Manchester Translator, but noted

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<sup>9/</sup> See *ibid*, Declaration of Thomas Ray and Technical Statement Prepared in Support of Reply of Absolute Broadcasting, LLC.

<sup>10/</sup> *Id.*

<sup>11/</sup> *Id.*

<sup>12/</sup> See, Absolute Reply, Declaration of Thomas Ray.

that Saga removed it nonetheless.<sup>13/</sup> Tests performed after this extra antenna was removed show that the Manchester Translator signal is now “unreliable and unlistenable” in the Nashua area; contrary to Saga’s assertions, engineers testing on Absolute’s behalf found that there *was* a change in the signal from tests performed in February – a change certainly caused by the removal of the extra antenna.<sup>14/</sup> As detailed in the attached engineering reports, at the locations listed in Absolute’s and Saga’s prior analyses and in the complaints, it is now a completely different translator, the Lawrence Translator, which is audible or causing any ongoing interference.<sup>15/</sup>

This finding is further supported by conversations held on behalf of Absolute with several of the listener complainants listed in Saga’s filings. In particular, conversations were held with three of the complainants, Deb Lussier, James Robertson, and Brenda Clark, all of whom confirmed that they were unable to receive the signal from the Manchester Translator as of the date the discussions took place, which occurred when the Nashua Translator was turned off. This demonstrates that the Nashua Translator is unrelated to listeners’ inability to receive signal from the Manchester Translator (in locations where there should be no reception in any case).<sup>16/</sup>

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<sup>13/</sup> Consolidated Reply to Responses to Interference Complaint and Informal Objection, File No. BLFT-20171221AAJ, Facility ID No. 83187 at 3-4 (filed Mar. 13, 2018).

<sup>14/</sup> Exhibit A, Tom Ray Broadcast Consulting, LLC, *A Report on Findings Investigating A Complaint by Saga Communications of New England Against a Translator of Absolute Broadcasting* at 4.

<sup>15/</sup> See, *ibid*; Exhibit B, Technical Exhibit prepared by Dennis Jackson.

<sup>16/</sup> Written statements from Ms. Lussier and Mr. Robertson are attached as Exhibits C and D, along with a Declaration of Gary Blue, the Absolute staff member who participated in these discussions, as Exhibit E. Mr. Blue also spoke with Ms. Clark (who also confirmed ongoing interference but did not provide a written statement) and Mr. Szumiesz (who indicated he has not tried listening to the Manchester Translator since February). Efforts to reach Ms. Ackerman were unsuccessful, but Mr. Blue confirmed that the Manchester Translator is not audible at her home.



## Discussion

The findings described above demonstrate that there is no evidence of actual interference from the Nashua Translator to listeners of the Manchester Translator. If listeners are unable to receive the Manchester Translator's signal under those circumstances, it is not because of interference from the Nashua Translator, and those complaints should be dismissed as irrelevant. It seems that the antenna identified by engineers hired by Absolute was indeed causing distortions to the Manchester Translator's signal, as originally suggested; now that those distortions have been corrected and the Manchester Translator is operating pursuant to its licensed parameters, there is not an audible signal at these locations with which the Nashua translator can interfere. Because the Nashua Translator cannot, and is not, causing actual interference to the Manchester Translator, it should be permitted to operate on Channel 260, as its previously-granted and still-pending applications specify.

The FM Translator complaint resolution process is broken, and Commissioners know it. In remarks supporting the adoption of a Notice of Proposed Rulemaking seeking to reform the process, Chairman Pai recently called it "nasty, brutish, and long."<sup>17/</sup> Commissioner Carr called it "cumbersome, frustrating, and expensive," and noted that "bad actors" are able to take advantage of the system for their own gain: namely, keeping their competitors off the air.<sup>18/</sup> The delays and stagnation ultimately only harm listeners, like those of WGHM, the station rebroadcast on the Nashua Translator, and must be prevented.

While the Commission is working to reform its FM Translator complaint procedures in that proceeding, this is a case in which the Commission can easily act, without needless delay,

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<sup>17/</sup> See, *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, MB Docket No. 18-119, FCC 18-60, May 10, 2018 (Statement of Chairman Pai).

<sup>18/</sup> *Id.* (Statement of Commissioner Carr).

even before those reforms are adopted.<sup>19/</sup> Absolute has demonstrated that the alleged interference underlying the objections and complaint are not actually occurring, and will not occur, since the station alleging the interference is not – and should not be – audible in these locations. Should this situation change, and actual interference in locations where reception from the Manchester Translator should be expected does occur once the Nashua Translator is back on the air, then that can be resolved upon notice to Absolute and the Commission.

### **Conclusion**

Absolute asks the Commission to dismiss the pending objections and complaint filed against its pending applications to modify the Nashua Translator, currently licensed as W253AF, and grant the pending construction permit modification application, File No. BLFT-20180221AAB.<sup>20/</sup> Absolute has demonstrated that the interference concerns upon which these filings are based are misguided, and that the operation of the station will not cause any interference to the Manchester Translator now that it is operating at its licensed parameters.

Please direct any questions to the undersigned.

Respectfully submitted,

---

Russell H. Fox  
Jonathan R. Markman  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.  
701 Pennsylvania Ave., NW, Suite 900  
Washington, DC 20004  
(202) 434-7300

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<sup>19/</sup> Notably, the Saga complaint and objections, as filed, would be unlikely to satisfy the proposed requirements contained in the NPRM, such as for a minimum of 6 listener complaints and limits on the circumstances in which a weak signal is entitled to interference protection. *Id.* at ¶¶ 16 and 27. *See also*, Exhibit B.

<sup>20/</sup> Once the pending Construction Permit Modification is granted, Absolute will modify its facilities accordingly and begin program tests. Once these are complete, Absolute will notify the Commission and the pending License to Cover, as modified in February, can also be granted.

*Counsel for Absolute Broadcasting, LLC*

June 12, 2018

## CERTIFICATE OF SERVICE

I, Jonathan R. Markman, with the law offices of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., hereby certify that on June 12, 2018, copies of the foregoing Response to Interference Complaint and Informal Objections were sent, as indicated, to the following:

James Bradshaw  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov))

Robert Gates  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Robert.Gates@fcc.gov](mailto:Robert.Gates@fcc.gov))

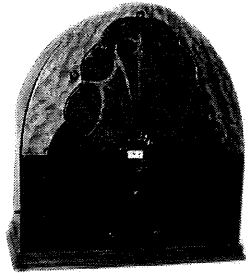
Parul Desai  
Media Bureau, Audio Division  
Federal Communications Commission  
Washington, D.C. 20554  
(Via email to [Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov))

Gary S. Smithwick  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Ave., NW  
Suite 301  
Washington, D.C. 20016  
*Counsel for Saga Communications of New England, LLC*  
(Via first class mail, postage pre-paid)



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## **EXHIBIT A**



# **Tom Ray**

## **Broadcast Consulting, LLC.**

377 Chestnut Avenue | New Windsor, NY 12553 | 845-418-5065

**A REPORT ON FINDINGS INVESTIGATING**

**A COMPLAINT BY SAGA COMMUNICATIONS OF NEW ENGLAND**

**AGAINST A TRANSLATOR OF ABSOLUTE BROADCASTING**

## **INTRODUCTION**

This report contains the findings of an investigation of an interference complaint against W260DB, Absolute Broadcasting, by Saga Communications of New England and claims of interference of their translator, W260CF. The findings of such are presented herein.

I have been retained by Absolute Broadcasting, LLC to not only install the ABSOLUTE translator but also to investigate the alleged claims of interference to the SAGA translator. I am an independent contractor and am not employed by Absolute Broadcasting.

I have over 40 years of experience in the Broadcast industry, and have been Chief Engineer of stations such as WDRC AM/FM, Hartford; WTIC AM/FM, Hartford; and WOR, New York, in addition to being VP/Director of Engineering for Buckley Broadcasting Corporation for 15 years. I was also involved with extensive testing of the AM HD Radio system with iBiquity Digital Corporation. I hold 2 FCC licenses; a General Radiotelephone License (formerly First Class), PG-017214, and an Amateur Extra License, W2TRR. I am also Certified as a Professional Broadcast Engineer by the Society of Broadcast Engineers, with specialty Certifications in AM Directional Arrays and Digital Radio, Broadcast. My works are a matter of record with the Federal Communications Commission.

## **DEFINITIONS**

KLOVE = translator W260AS, licensed to Educational Media Foundation, Lawrence, MA

SAGA = translator W260CF, licensed to Saga Communications of New England, Manchester, NH

ABSOLUTE = translator application W260DB, Absolute Broadcasting, Nashua, NH

## **METHODOLOGY**

The interference allegations were investigated by driving to the addresses or geographical coordinates specified in the complaint by SAGA and listening. The ABSOLUTE translator was not on the air during this investigation. The radio used was a stock radio in a 2015 Ford Escape, using the stock factory supplied antenna. This was not the HD version of the radio available for the 2015 Escape. For HD listening and testing, I carry a Kenwood HD Radio connected to a 3 foot whip antenna on a magnetic mount on the roof of the vehicle. The listening tests were conducted on March 30, 2018.

## **INTERFERENCE COMPLAINT, 284 N. AMHERST, BEDFORD, NH**

284 N. Amherst, Bedford, NH, is a single family home located on the corner of N. Amherst and Joppa Hill Road. The SAGA translator has a highly listenable signal at this location, with one bit of "fuzz" in the signal as you move past the property on N. Amherst in the vehicle. I did, in fact, turn the ABSOLUTE translator on for 30 seconds with no modulation when I was at this location. I heard no change in the reception of the SAGA translator, as it had a strong signal. There was no external antenna observed.

It should be noted that, as I traveled to the next location down Joppa Hill Road, just past the residence at 284 N. Amherst, another station was heard cutting into the SAGA signal. It eventually, through a positioning liner in its programming, was identified as the KLOVE translator from Lawrence, MA. It should be noted that KLOVE cut into and out of the SAGA signal all the way to the next location.

**INTERFERENCE COMPLAINT, INTERSECTION OF ROUTE 101A AND EVERETT TURNPIKE, GEOGRAPHIC COORDINATES GIVEN AS 42-46-31N, 71-29-37W**

I found the SAGA translator unlistenable at this intersection of two major roadways and listened at all locations on the cloverleaf from Everett Turnpike to/from 101A. KLOVE overtook the SAGA translator making it unlistenable, and when the audio from SAGA was able to be heard, it was very noisy.

**INTERFERENCE COMPLAINT, INTERSECTION OF EVERETT TURNPIKE AND ROUTE 111, GEOGRAPHIC COORDINATES GIVEN AS 42-44-44N, 71-29-35W**

The SAGA translator basically was non-existent at this intersection. KLOVE was highly listenable with a relatively clean signal.

**INTERFERENCE COMPLAINT, 12 MARGARET CIRCLE, NASHUA**

The signals from both SAGA and KLOVE were noisy and the signal unlistenable to either translator. Sitting at the curb in front of the residence, moving the vehicle as little as one foot would bring in either the SAGA translator, the KLOVE translator, noise, or a combination of all the above. There was no external antenna noted on the residence. I highly doubt anyone at this residence is listening to the SAGA translator.

**INTERFERENCE COMPLAINT, 8 12<sup>th</sup> STREET, NASHUA**

The signals from both the KLOVE and SAGA translators were mixed and buried in noise at this residence. It is unlikely anyone is listening to the SAGA translator at this residence. There was no external antenna observed.

**MAIN STREET, NASHUA**

Main Street is a predominantly north/south road through Nashua. Driving the length of Main Street in Nashua gives a mix at times of the SAGA translator and the KLOVE translator. By far, you are listening to the KLOVE translator the vast majority of the time. In the downtown section, if you are driving southbound, you hear only KLOVE. If you are driving north, you hear only SAGA, based on blocking provided by the vehicle's proximity to the buildings on either side of the street. In either case, the signal is noisy. There is no stable, listenable signal from the SAGA translator on Main street, and, again, KLOVE is heard far more than SAGA is.

**ROUTE 130 BETWEEN NASHUA AND HOLLIS, NH**

The complaint from 12 Margaret Circle complained that the SAGA translator is interrupted "on the drive to Hollis". There is only one major road to Hollis, a farming community whose center of town consists of the municipal building and two or three major farms with farm stands, along with a sizeable high school. KLOVE was heard the entire drive along 130 between Nashua and Hollis. The SAGA translator was heard exactly twice: the first time, very noisy for approximately 2 seconds. The second time, fairly clear for approximately 5 seconds. The remainder of the time, the KLOVE translator was fairly clear. If anyone



claims they are listening to the SAGA translator along this route, they are mistaken as signal from SAGA, for the most part, does not exist.

#### **A NOTE ON PROGRAMMING ON THE SAGA TRANSLATOR**

It should be noted that, while the programming on this translator is that of WFEA (AM), Manchester, it is licensed to carry the programming of WMLL (FM), HD2, Manchester. The programming on WMLL(FM) HD2 is the programming of WFEA (AM). It appears that this translator IS carrying the HD 2 programming as it matches, timing wise, to what is heard on WMLL (FM) HD2, and is delayed from the main WFEA feed by approximately 40 seconds, which is to be expected on an HD2 channel. This translator is NOT licensed to carry WFEA (AM) directly and is NOT a translator for an AM station. You would not know this by listening to the feed, as the only time the HD2 is mentioned is in the legal ID at the top of the hour. All positioners and liners state that you are listening to 99.9 FM and WFEA 1370, with no mention of the HD2 feed.

#### **A NOTE ON WFEA**

It should be noted that WFEA has a very good signal at all locations where Saga alleges interference to their translator by Absolute. In essence, simply switching the radio to the AM band and tuning to WFEA eliminates the reception problems claimed in the complaints.

#### **COMPARISON TO THE PREVIOUS INTERFERENCE INVESTIGATION**

The previous complaint filed by Saga was investigated in late February, 2018. At that time, it was found that there was substantial listenable signal south of the WFEA transmitter site along the Everett Turnpike and at various locations in and around Nashua. It was noted that there was another antenna located in the aperture of the transmitting antenna for the SAGA translator.

It is confirmed that Saga has removed the antenna in question. A comparison of the signal from my previous drive around and investigation shows that there is a reduction of signal in the Nashua area to the point that makes the signal from the SAGA translator unreliable and unlistenable, mostly overtaken by signal from the KLOVE translator in Lawrence, MA. So that did make a difference.

According to Gary Blue (Gary James), Operations Manager for Absolute, he performed a driving test in July, 2017. At that time, he could not receive any signal from the SAGA translator south of the WFEA transmitter site into Nashua. Yet now, the SAGA translator can be heard south of this point into Nashua. So something has changed between July of 2017 and April 2018. And all that being said, the SAGA translator signal is unreliable at best and unlistenable in the areas of complaint and in greater Nashua.

#### **CONCLUSIONS**

From the listening test, it is obvious that the SAGA translator does not have a reliable, if any, signal at all of these locations, and, in fact, the SAGA translator in all instances is being taken over by the signal from the KLOVE translator in Lawrence, MA. This makes the SAGA translator signal unlistenable and unstable to start with. It is doubtful that the ABSOLUTE translator would cause the signal from the SAGA translator any further problems than it already has in the areas investigated, especially if it cannot be heard to start with.

It should also be stated that WMLL (FM) operates the HD at a level of -14 dBc per the HD Radio calculator (I did not measure their HD signal with a spectrum analyzer). Nashua is close to the extent of the WMLL (FM) 60 dBu contour. In practice, an HD Radio signal operating at -14 dBc will drop out right before the listenable portion of the parent station's stereo signal. I did not hear the HD2 signal in Hollis as it is too far out. One could argue that claiming listeners in a location like Hollis, where the HD2 signal does not decode, is extending the coverage of the HD2 signal. I do realize that the rule states that the translator should be contained in the 60 dBu contour of the parent station and Hollis is in the 60 dBu contour - barely.

Further, it is doubtful that, given the unstable nature of the SAGA signal and the incursion of signal from the KLOVE translator in all locations, any listeners to the signal of the SAGA translator exist in the areas stated. Casual listeners generally will not listen to a noisy signal constantly interrupted by another signal. Especially when all the listener need do is flip over to the WFEA (AM) signal to hear the programming.

The information in this report is true as observed on the date indicated.

A handwritten signature in black ink, appearing to read 'Thomas R. Ray, III', with a stylized flourish at the end.

Thomas R. Ray, III CPBE, AMD, DRB  
April 1, 2018

## **EXHIBIT B**

## **Technical Exhibit**

**Prepared in Support of the *Second Response* of Absolute Broadcasting, LLC  
To Informal Objections of Saga Communications of New England, LLC  
To Absolute's Pending Applications  
for  
FM Translator W260DB (formerly W253AF) at Nashua, NH ♦ Facility ID 83187  
File Numbers BLFT-20171221AAJ and BMPFT-20180221AAB**

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### **Overview**

This Technical Exhibit was prepared in support of the Second Response of Absolute Broadcasting, LLC to Informal Objections from Saga Communications of New England, LLC to Absolute's pending Form 349 and 350 applications as amended for Absolute's FM translator W260DB (formerly W253AF.)

This Exhibit illustrates how Absolute's translator W260DB protects Saga's translator W260CF<sup>1</sup> not only as required under Section 74.1204(a)(3) as shown in Absolute's previous Response dated February 2, 2018, but also from objectionable interference as characterized in NPRM FCC 18-60, whereby the Commission proposes amendments to Section 74.1203(a)(3) to speed up the process of eliminating specious objections to AM cross-service translators such as Absolute's W260DB, for which its WGHM(AM) is primary.

Additionally, this Exhibit illustrates that where listeners to the Saga translator may have experienced interference, the Absolute translator is unlikely to have been the cause.

### **Absolute Translator W260DB Technical Compliance With Proposed Rulemaking (FCC 18-60)**

In NPRM FCC 18-60, the Commission is proposing to modify Section 74.1203(a)(3) to state that no interference complaint will be considered valid and actionable if the alleged interference occurs outside or beyond the complaining station's 54 dBμ F(50,50) service contour.

The NPRM thereby proposes to disqualify complaints from locations outside a newly defined “fringe area” of 54 dBμ. The interference complaints claimed by Saga were alleged to have occurred almost entirely in areas beyond – and some very far beyond - the 54 dBμ fringe area of W260CF, as illustrated in Figure 1.

Also as illustrated in Figure 1, the Saga 54 dBμ F(50,50) fringe service contour (red) receives a full 20 dB of protection. At no point does the Absolute 34 dBμ F(50,10) interfering contour (also red) overlap it<sup>2</sup>.

Absolute thereby provides adequate protection to Saga even under the far more stringent requirement (equivalent to 12 dB tighter) of Section 74.1204(a)(1), were it to apply in the instant case. That is to say, Absolute's W260DB protects Saga's W260CF as though W260CF were a full Class B facility.

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1. To be clear, W260CF is protected as it is actually licensed. As shown in Absolute's previous response, W260CF was alleged to have been heard, and interfered with, in areas where its signal would be inaudible were its antenna performing as authorized. This may have been due to enhanced coverage produced by parasitic elements placed within the aperture of, and in close proximity to, the Saga antenna. This was documented in photographs submitted in Absolute's previous response. Saga has stated that it has since removed such elements.

Indeed, recent field tests by Absolute suggest that W260CF signal coverage now seems closer to that authorized, and closer to coverage observed during Absolute's field tests of Channel 260 in July 2017, prior to Absolute's decision to utilize the channel at Nashua. In fact, Saga's W260CF is no longer audible in many of the areas where interference was claimed, even as Absolute's W260DB remains silent.

2. NPRM FCC 18-60 has not specified 20 dB of co-channel protection, or any ratio for that matter. This implies a lower bar to interference, i.e. less than Absolute's 20 dB of protection may suffice.

### **The Probable Cause of Interference to Saga's W260CF is not Absolute's W260DB.**

As described above and in Figure 1, the Absolute translator complies fully with existing rules relative to the Saga translator, and also those implied in NPRM FCC 18-60. However, a third facility in the region would not comply, were it subject to the rule changes proposed in the NPRM.

W260AS at Lawrence, MA was licensed on April 10, 2009 (BLFT-20090304ABF.) Saga's W260CF was not licensed until more than six years later, on November 23, 2015 (BLFT-20151105AAJ.) Therefore, W260AS need not protect W260CF. Indeed, under the contemplated NPRM criteria, it does not. As illustrated in Figure 2, the W260AS 34 dBu F(50,10) interfering contour intrudes considerably into the W260CF 54 dBu F(50,50) fringe area, while Absolute's 34 dBu interfering contour does not intrude or intersect it at all.

The overlap area between the W260AS 34 dBu interfering contour and the 54 dBu fringe area contour of Saga's W260CF is 61.53 sq. km. This overlap includes a significant portion of the City of Manchester itself, as shown in Figure 2. No such overlap - in fact no overlap at all - is created by the Absolute facility.

Saga has also alleged interference outside its 54 dBu fringe area to the south. This was on Route 3, also known as the Everett Turnpike (the major highway between Nashua and Manchester), as well as secondary Route 3A.

Outside Saga's 54 dBu fringe area to the south, the 34 dBu interfering contour from W260AS encompasses most all of Routes 3 and 3A. It further extends west of Nashua halfway to Hollis. (Please see Figure 2.)

This means that W260AS is stronger than W260DB – in fact, considerably stronger - along many heavily traveled roads and areas nearby where Saga has claimed interference.

### **Conclusions**

In summary:

1. Absolute's W260DB is conservatively, and indeed generously, compliant with existing rules. Further, Absolute complies with the interference criteria to the Saga fringe area implied in NPRM FCC 18-60. The NPRM may be anticipated to render those Objections not only invalid, but inactionable.
2. The probable cause of any interference to Saga's W260CF is not Absolute's W260DB. Rather, it is most likely from another, pre-existing translator nearby, namely W260AS at Lawrence, MA, W260AS predates Saga's W260CF by more than six years.<sup>3</sup>



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May 27, 2018

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3. Presumably, Saga would have been aware that it would receive interference from W260AS when it acquired translator W260CF in 2015 and chose to remain on Channel 260 at Manchester despite incoming interference.

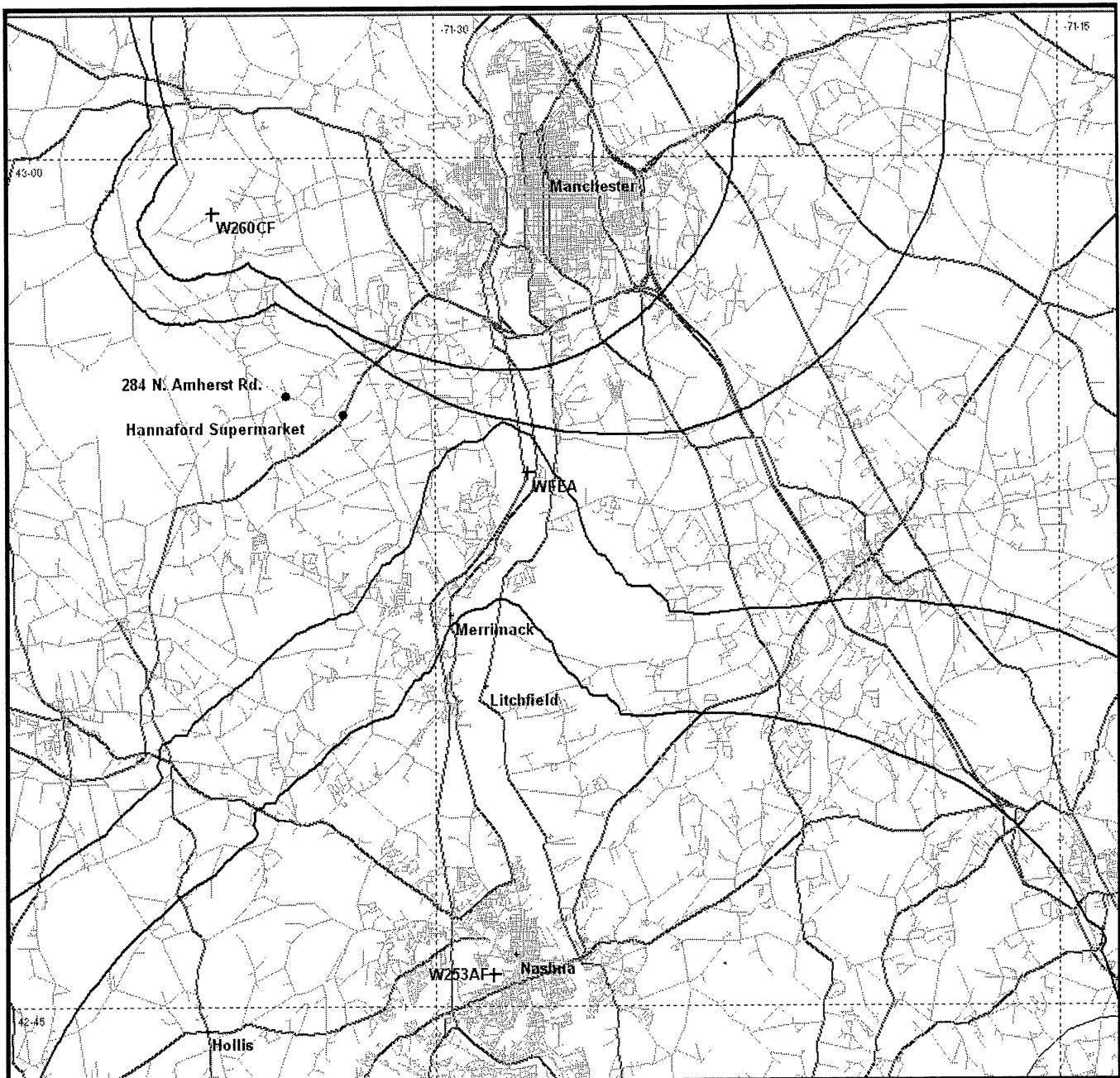
**Figure 1**

**Absolute 40 dBu interfering contour clears Saga 60 dBu service contour by a minimum of 7.5 km (both black.)**

**The interference complaints claimed by Saga were alleged almost exclusively in areas outside its 54 dBu fringe contour.**

**Nowhere does the Absolute 34 dBu F(50,10) interfering contour extend to the Saga 54 dBu F(50,50) fringe contour (both red.)**

**Absolute provides the same degree of protection to the Saga translator that it would receive were it a full service Class B FM protected to its 54 dBu service contour.  
Even the Saga translator fringe area receives a full 20 dB of protection.**



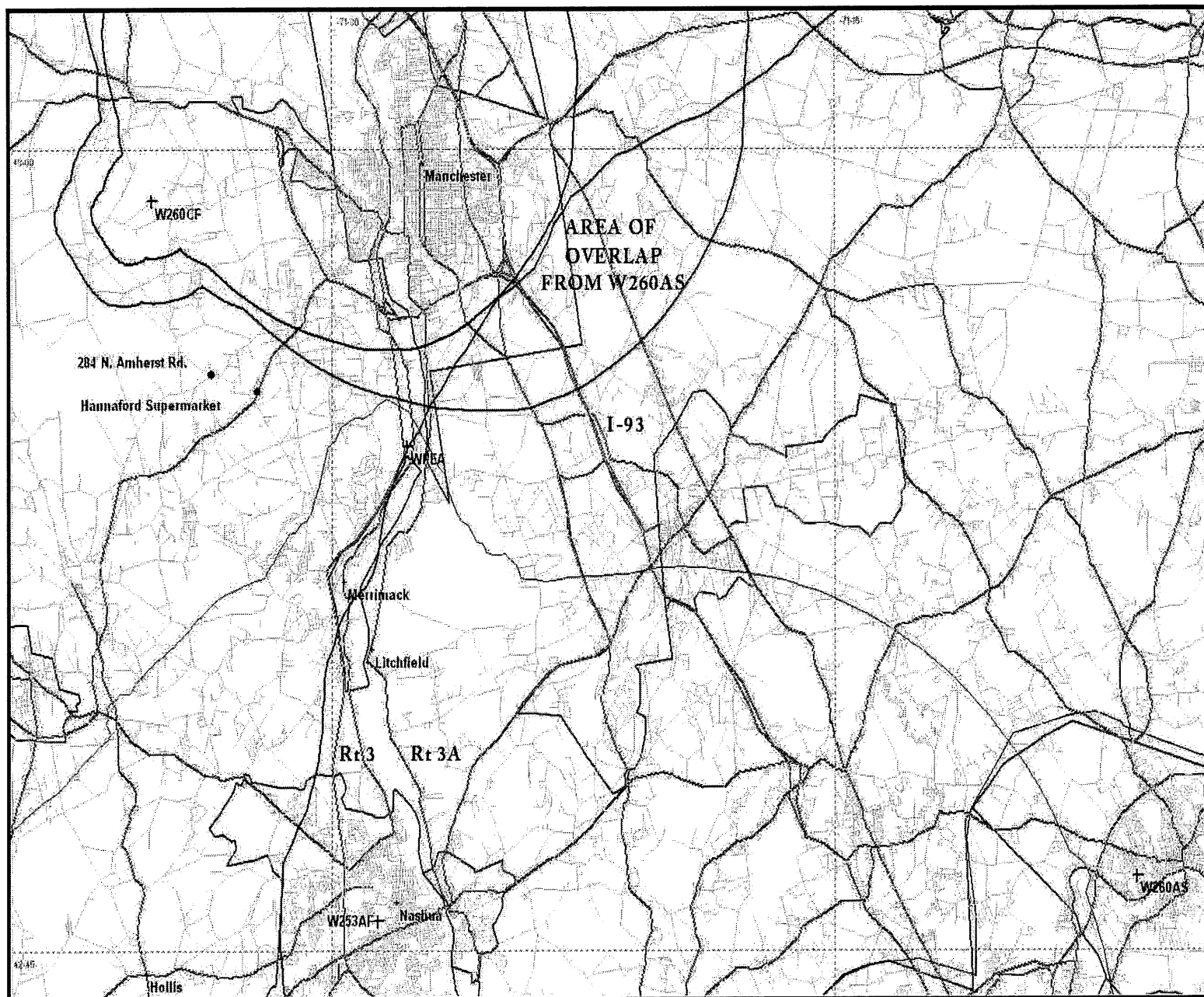
**Figure 2**

**The Saga 54 dBu F(50,50) fringe contour is overlapped considerably by the 34 dBu F(50,10) interfering contour from W260AS (both red.)**

**The overlap area is 61.53 sq. km. and includes a significant area in the southeast corner of the City of Manchester itself. (City of Manchester boundary is blue.)**

**Outside of the Saga translator 54 dBu fringe area to the south, the W260AS 34 dBu interfering contour also encompasses Route 3, the major highway between Nashua and Manchester. Also Routes 3A and I-93.**

**Thus it seems far more likely that interference claimed by Saga listeners is from W260AS at Lawrence, MA, not from Absolute's W260DB at Nashua.**





## **EXHIBIT C**

Interference Statement  
W260DB, Nashua, NH

DEBORAH CUSSIER

My name is \_\_\_\_\_. I am a listener of WFEA, 99.9 MHz FM. I live at the address listed below and listen to WFEA at the location listed below. During 1/17/2018 I provided a statement to WFEA saying that I had trouble receiving WFEA on 99.9 MHz because of interference from another station. As of the date below, that interference is ongoing and I am unable to receive WFEA on 99.9 MHz.

Address: PO Box 81, Hollis NH

Listening Location: LOVE LANE, HOLLIS

Phone Number: 603-721-9068

Email Address: DEB100265@AOL.COM

Signed: \_\_\_\_\_

Date: 5/4/18

## **EXHIBIT D**

Interference Statement  
W260DB, Nashua, NH

JAMES ROBERTSON  
My name is \_\_\_\_\_. I am a listener of WFEA, 99.9 MHz FM. I live at the address  
listed below and listen to WFEA at the location listed below. During 1/21, 2018, I provided  
a statement to WFEA saying that I had trouble receiving WFEA on 99.9 MHz because of  
interference from another station. As of the date below, that interference is ongoing and I am  
unable to receive WFEA on 99.9 MHz.

Address: 28 1/2 N. AMHORST ROAD, BEDFORD, NH 03110

Listening Location: AMHORST ROAD AND HARDY'S ROAD, RT 101 TO OLD RT 3

Phone Number: 477-8506

Email Address: JROBERTSON@comcast.net

Signed: \_\_\_\_\_

Date: 5-3-18

## **EXHIBIT E**


## DECLARATION OF GARY BLUE

I, Gary Blue state, upon knowledge, information and belief, that:

1. I act as Operations Manager on behalf of Absolute Broadcasting, LLC.
2. On May 1, 2018, I spoke with Ms. Brenda Clark regarding her complaints of receiving interference to her reception of broadcasts by W260CF ("Saga") on frequency 99.9 MHz (Channel 260). Ms. Clark confirmed that she is still receiving interference on that frequency. I confirmed that the Saga station is not audible on 99.9 MHz at her address.
3. On May 2, 2018, I spoke with Ms. Deborah Lussier and Mr. James Robertson regarding their similar interference complaints. Both confirmed that they are still receiving interference to programming from the Saga station on frequency 99.9 MHz and agreed to sign statements to that effect. I confirmed that the Saga station is not audible on 99.9 MHz at Mr. Robertson's address.
4. On May 2, 2018, I also spoke by phone with Mr. Edward Szumiez, who stated that he has not tried listening to programming from the Saga station on frequency 99.9 MHz since February. He confirmed that his earlier complaint did not relate to reception at his address, but instead in his car while in Merrimack, NH (North of Nashua, closer to Manchester), but that it was "no big deal."
5. On May 1 and May 2, 2018, I attempted to reach Ms. Catherine Ackerman, but she did not respond. I confirmed that the Saga station is not audible on frequency 99.9 MHz at her address.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Dated June 11, 2018

  
Gary Blue