

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

In re Application of	)	
	)	
SHELBY BROADCAST ASSOCIATES, LLC	)	File No. BALFT-20200608AAG
	)	Facility ID No. 141124
Application for Assignment of License for	)	
Station W252BE, Tarrant, Alabama	)	

Directed to: Office of the Secretary  
Attention: Chief, Audio Division, Media Bureau

**REPLY TO RIVERA COMMUNICATIONS, LLC**  
**OPPOSITION TO PETITION TO DENY**

Marble City Media, LLC (“Marble City”), licensee of Station WFXO(FM), Stewartville, Alabama, by its counsel, hereby submits its Reply to Rivera Communications, LLC’s (“Rivera Communications”) Opposition to Marble City’s Petition to Deny (the “Petition”) the above-captioned application of Shelby for assignment of license for W252BE.

As Rivera Communications noted in its Opposition, it is the proposed assignee in the application and has not been a party to the matters raised as to Shelby Broadcast Associates, LLC. However, in its Opposition, on page 2, paragraph (3), Rivera Communications commented upon translator station W252BE’s interference to Marble City’s Station WFXO(FM). In doing so, Rivera Communications misstated the present operating parameters of W252BE, which are not those in BSTA-20180720AAR it cited, and the map it attached to the Opposition appears to depict 60 dBu contours for both stations which do not address the issue of interference.

With respect to W252BE's facilities, contrary to Rivera's statement, it is assumed that W252BE is operating with the construction permit facilities in BPFT-20170511AAL covered by Shelby's license application filed in 2018, BLFT-20181016BE. As Marble City has noted in the past with W252BE operating with the foregoing facilities, the primary issue is no longer interference to WFXO(FM), but whether Shelby has a license. Nevertheless, a response to Rivera Communications is necessary to avoid improper conclusions from continuing in the record. To ensure accuracy, Marble City engaged Charles Anderson, a professional consulting engineer, to prepare an analysis based upon the FCC's current rules in Section 74.1203(a)(3) as modified by the FCC in a *Report and Order, FCC19-40* in 2019<sup>1</sup> and based upon the current operating parameters of both W252BE and WFXO(FM). Mr. Anderson's Technical Report is attached to this Reply as Exhibit 1.

The Anderson Technical Report includes a highlighted map as Exhibit A depicting the predicted interference area. His conclusion is as follows:

*"Exhibit A demonstrates the large area and population contained with the W252BE predicted interference to WFXO based on the -20dB co-channel ratio and use of the Globe 30 second terrain database (the FCC default terrain database). This area contains 3,979.3 sq km with a 2018 population of 397,190 (See Exhibit A)."*

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<sup>1</sup> *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference, Report and Order, FCC19-40, 34 FCCRcd 3457 (2019).*

In view of the foregoing and the Technical Report, which is based upon proper engineering standards under the current Rules in Section 74.1203(a)(3), the Media Bureau should give no weight to the above referenced statement of Rivera Communications in its Opposition.

Respectfully submitted,

MARBLE CITY MEDIA, LLC



By:

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M. Scott Johnson  
Its Counsel

Smithwick and Belendiuk, P.C.  
5028 Wisconsin Avenue, Suite 301  
Washington, DC 20016  
(202)256-5941  
August 4, 2020

**ATTACHMENT**

## WFXO - W252BE

### §74.1203 INTERFERENCE ANALYSIS

This Technical Report summarizes the §74.1203 predicted interference to FM station WFXO at Stewartville, AL from the operating W252BE facility. The analysis is based on the parameters provided by the recently modified §74.1203(a)(3) in *FCC 19-40, May 9, 2019*.

#### W252BE interference to WFOX:

Exhibit A demonstrates the large area and population contained within the W252BE predicted interference to WFXO based on the -20 dB co-channel ratio and use of the Globe 30 second terrain database (the FCC default terrain database). This area contains 3,979.3 sq km with a 2018 population of 397,190 (see exhibit A).

August 3, 2020



Charles M. Anderson  
1519 Euclid Avenue  
Bowling Green, KY 42103  
270-535-4432

**EXHIBIT A**

**WFXO**  
BLH20190201AAQ  
Latitude: 33-04-20.40 N  
Longitude: 086-10-07.90 W  
ERP: 9.00 kW  
Channel: 252  
Frequency: 98.3 MHz  
AMSL Height: 386.0 m  
Elevation: 324.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: FCC Model  
Loc. Variability: 50.0%  
Time Variability: 50.0%  
HAAT Mthd: FCC

**W252BE**  
BLFT20181016ABE  
Latitude: 33-29-02.40 N  
Longitude: 086-48-21 W  
ERP: 0.25 kW  
Channel: 252  
Frequency: 98.3 MHz  
AMSL Height: 415.0 m  
Elevation: 279.0 m  
Horiz. Pattern: Directional  
Vert. Pattern: No  
Prop Model: FCC Model  
Loc. Variability: 50.0%  
Time Variability: 10.0%  
HAAT Mthd: FCC

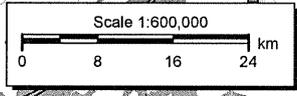
**W252BE 40 DBU  
(-20 DB FROM WFXO 60 DBU)**

**WFXO 45 DBU**

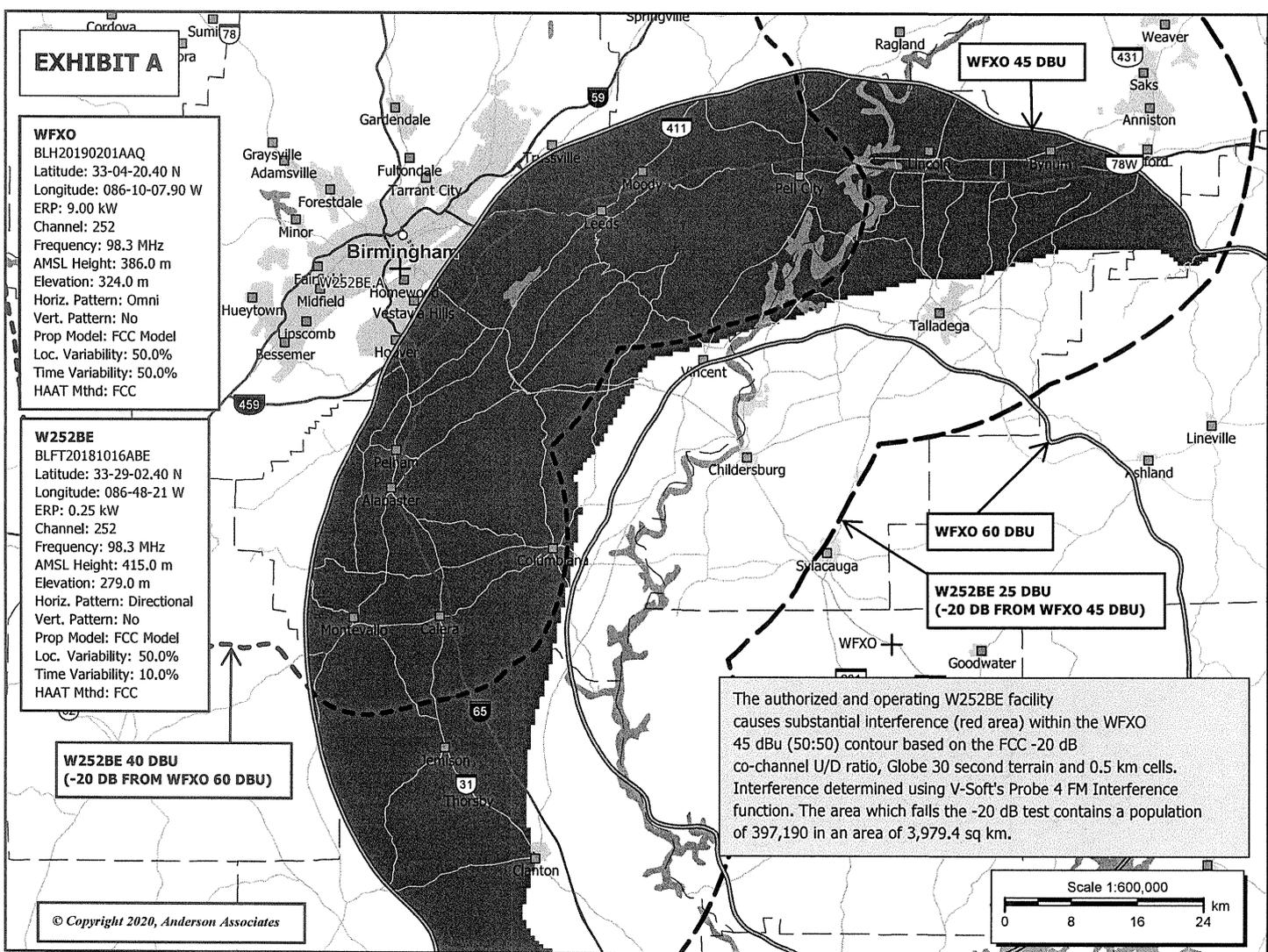
**WFXO 60 DBU**

**W252BE 25 DBU  
(-20 DB FROM WFXO 45 DBU)**

The authorized and operating W252BE facility causes substantial interference (red area) within the WFXO 45 dBu (50:50) contour based on the FCC -20 dB co-channel U/D ratio, Globe 30 second terrain and 0.5 km cells. Interference determined using V-Soft's Probe 4 FM Interference function. The area which falls the -20 dB test contains a population of 397,190 in an area of 3,979.4 sq km.



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**CERTIFICATE OF SERVICE**

I, Sherry Schunemann, a legal assistant in the offices of Smithwick & Belendiuk, PC, hereby certify that a true and correct copy of the foregoing "Reply to Rivera Communications LLC Opposition" as to the W252BE Application for Assignment of License was emailed today and/or sent on this 4<sup>th</sup> day of August, 2020, via First-Class United States mail, postage pre-paid, or as otherwise specified, to the following:

Albert Shuldiner, Esq. (email and regular mail)  
Chief, Audio Division, Media Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

James Bradshaw (by email only)  
Deputy Chief, Audio Division  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Tom Hutton, Esq. (by email only)  
Deputy Chief, Audio Division  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Victoria McCauley, Esq. (by email only)  
Audio Division, Media Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Robert Gates (by e-mail only)  
Audio Division, Media Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Scott Woodworth, Esq. (email and regular mail)  
Edinger Associates PLLC  
1725 I Street NW, Suite 300  
Washington, DC 20006  
*Counsel to Shelby Broadcasting, LLC*

Larry Perry, Esq. (email and regular mail)  
11464 Saga Lane, Suite 400  
Knoxville, TN 37931-2819  
*Counsel to Rivera Communications, LLC*

  
Sherry Schunemann