

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

In re Application of:)	
)	
RADIO ADVANTAGE ONE, LLC)	FCC File No. BNPFT- 20180426AAS
)	Facility ID No. 202895
For Authority to Construct an)	
FM Translator Station on Channel 234 at)	
Painesville, OH)	
To: Chief, Media Bureau		

PETITION TO DENY

Rubber City Radio Group, Inc. ("Rubber City"), licensee of FM broadcast station WQMX(FM), Channel 235, Medina, Ohio, by its attorney, hereby submits its Petition to Deny the above-captioned application of Radio Advantage One, LLC ("RAO") for a new FM translator station to operate on Channel 234, Painesville, Ohio. Because the proposed translator will cause interference to WQMX, Rubber City respectfully requests that the Commission dismiss or deny RAO's application.

The Proposed Translator Station Will Cause Destructive Interference to Regular Listeners of WQMX

The translator station proposed by RAO will cause interference to over-the-air reception to WQMX's listeners on first-adjacent Channel 235 in violation of Section 74.1204(f) of the Commission's Rules. Section 74.1204(f) provides as follows:

An application for an FM translator station will not be accepted 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 this section, if the predicted 1 mV/m 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, including Class D (secondary) noncommercial educational FM stations and grant of the

authorization will result in interference to the reception of such signal.

As demonstrated in the Engineering Statement of Roy P. Stype, III, of Carl E. Smith Consulting Engineers, attached as Exhibit 1, operation of the proposed translator station will result in interference to WQMX listeners who regularly receive the station's off-the-air signal at locations within the proposed translator's 1 mV/m (or 60 dBu) contour. The area within the translator's proposed 1 mV/m contour is entirely within the boundary of predicted interference to WQMX based on signal calculations of the desired-to-undesired signal strength ratio. *See* Exhibit 1, Figure 1.0. Thus, the specific U/D signal strength ratio is exceeded at the location of the identified WQMX listeners.¹

Exhibit 2 includes online Declarations from four individuals who (a) reside or work in the interference area shown on Figure 1.0 and within the 1 mV/m contour of the translator depicted in Figure 1.1 of the Engineering Statement and (b) regularly listen to the signal of WQMX. While this area is beyond the 54 dBu contour of the licensed WQMX facilities, the entire area lies within the predicted 60 dBu contour of the proposed translator and within the interference zone in which WQMX is predicted to receive interference from the translator. The area is extensive and includes the populated City of Painesville, Ohio. All WQMX listeners who provided the declarations attached to this Petition are located within both the proposed 1 mV/m contour of the RAO translator and the predicted interference area.

In *Frank Jazzo, Esq.*, 32 FCC Rcd. 5692 (Med. Bur. 2017), the Media Bureau set forth the standard to substantiate a Section 74.1204(f) interference claim:

¹ "Section 74.1204(f) would require an objector to show that a specific U/D signal strength ratio IS exceeded at the location of a *bona fide* listener of the 'desired' station to establish that interference 'will result.'" *The Association for Community Education, Inc.*, 19 FCC Rcd 12682, 12687 (2004).

To provide “convincing evidence” under Section 74.1204(f) that grant of the translator construction permit “will result in interference to the reception” of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dBμ contour of the proposed translator station; (3) some evidence, such as a declaration from each of the claimed listeners, that the person, in fact, listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will result in interference to the reception of the “desired” station at that location. The Commission has stated that “[t]he best method, of course, is to plot the specific addresses on a map depicting the translator station's 60 dBμ contour.”

32 FCC Rcd at 5696 (footnotes omitted). Rubber City has provided online statements by regular WQMX listeners, under penalty of perjury in Exhibit 2, along with a contour map that plots the locations of those listeners within the 1 mV/m contour of the proposed translator in Exhibit 1, Figure 1.1. As a result, convincing evidence exists that the proposed translator will cause interference to full-service station WQMX. Therefore, the above-captioned application was accepted for filing in error and must be dismissed or denied.

Conclusion

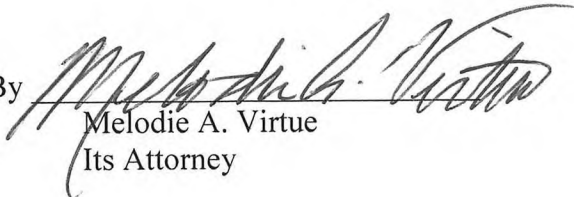
The translator station proposed by RAO will cause interference to existing, over-the-air reception of WQMX within the translator's 1 mV/m contour. Accordingly, the Bureau should grant Rubber City's Petition to Deny and dismiss or deny RAO's translator application.

Respectfully submitted,

RUBBER CITY RADIO GROUP, INC.

GARVEY SCHUBERT BARER
1000 Potomac Street, N.W.
Suite 200
Washington, D.C. 20007-3501
202-965-7880
mvirtue@gsblaw.com

By


Melodie A. Virtue
Its Attorney

May 17, 2018

Exhibit 1

ENGINEERING STATEMENT IN
SUPPORT OF PETITION TO DENY
CHANNEL 234 - PAINESVILLE, OH
(BNPFT-20180426AAS)

Rubber City Radio Group, Inc.
Medina, OH

May 14, 2018

Prepared For: Mr. Thomas Mandel
Rubber City Radio Group, Inc.
1795 West Market Street
Akron, OH 44313

CARL E. SMITH CONSULTING ENGINEERS

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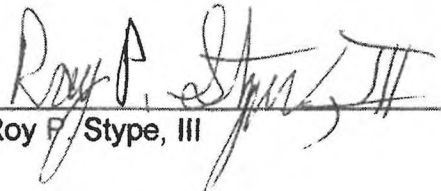
Table 1.1 - Listener Location Data

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

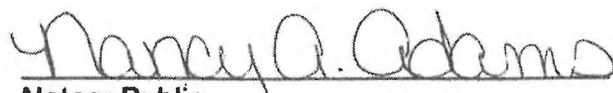
Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by the Rubber City Radio Group, Inc. to prepare the attached "Engineering Statement in Support of Petition to Deny - Channel 234 - Painesville, OH - (BNPFT-20180426AAS)."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **May 14, 2018**.



Notary Public

/SEAL/

Nancy A. Adams, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 27, 2020

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of the Rubber City Radio Group, Inc., licensee of Radio Station WQMX(FM) - Medina, Ohio. WQMX operates on Channel 235B with an effective radiated power of 16 kilowatts at 268 meters above average terrain. On April 26, 2018 Radio Advantage One, LLC filed a "long form" application for a new FM translator on Channel 234, a first adjacent channel to WQMX, to rebroadcast AM station WABQ - Painesville, Ohio. This application proposes directional operation with a maximum circularly polarized effective radiated power of 75 watts with an antenna height of 59 meters above ground on one of the towers of the WABQ directional array. This engineering statement supports a petition to deny this "long form" translator application because, as documented below, the proposed facilities will result in interference to regular listeners of WQMX.

Sections 73.215(a)(2), 73.509(a), and 74.1204 of the FCC Rules define the signal ratios for determining the presence of interference in the FM service. In this particular case, interference will be predicted to WQMX in any area where the predicted WQMX F(50,50) signal does not exceed the predicted F(50,10) signal for the proposed translator facilities by at least 6 dB. Studies were conducted to evaluate the area in which interference would be predicted to WQMX from these proposed translator facilities. The signal calculations in these studies for WQMX utilized terrain data extracted from the NGDC 30 second terrain database and the F(50,50) curves. Those for the proposed translator facilities utilized terrain data extracted from the NGDC 30 second terrain database and the F(50,10) curves. The results of these studies, along with the predicted 60 dBu contour for these proposed translator facilities, are shown in Figure

1.0. As can be seen from an examination of this figure, these proposed translator facilities are predicted to cause interference to WQMX over an extensive area, including the entire area within the predicted 60 dBu contour for the proposed translator facilities.

It is recognized that this predicted interference lies entirely outside the predicted WQMX 54 dBu contour, the contour at which WQMX would normally be entitled to protection from other FM broadcast stations. Pursuant to Section 74.1204(f) of the FCC Rules, however, since this proposed facility is a translator, the location of this interference relative to the WQMX 54 dBu contour is immaterial, so long as WQMX can document that it has regular listeners within the predicted 60 dBu contour for the proposed translator facilities who would receive interference to the reception of WQMX as a result of the operation of these proposed translator facilities

The licensee of WQMX has been able to specifically identify at least four regular listeners to WQMX within the predicted 60 dBu contour for the translator facilities proposed in this application. Figure 1.1 is a detailed map exhibit depicting the locations of these regular listeners in relation to the predicted 60 dBu contour for these proposed translator facilities. Table 1.1 is a tabulation of the names and addresses of these four regular listeners. As noted above, the proposed translator facilities will cause interference to WQMX over the entire area within the predicted 60 dBu contour for these proposed translator facilities. Thus, pursuant to Section 74.1204(f) of the FCC Rules, this application must be denied since it is obvious that the proposed translator facilities will result in interference to at least four regular listeners of WQMX at locations within the predicted 60 dBu contour for the proposed translator facilities.

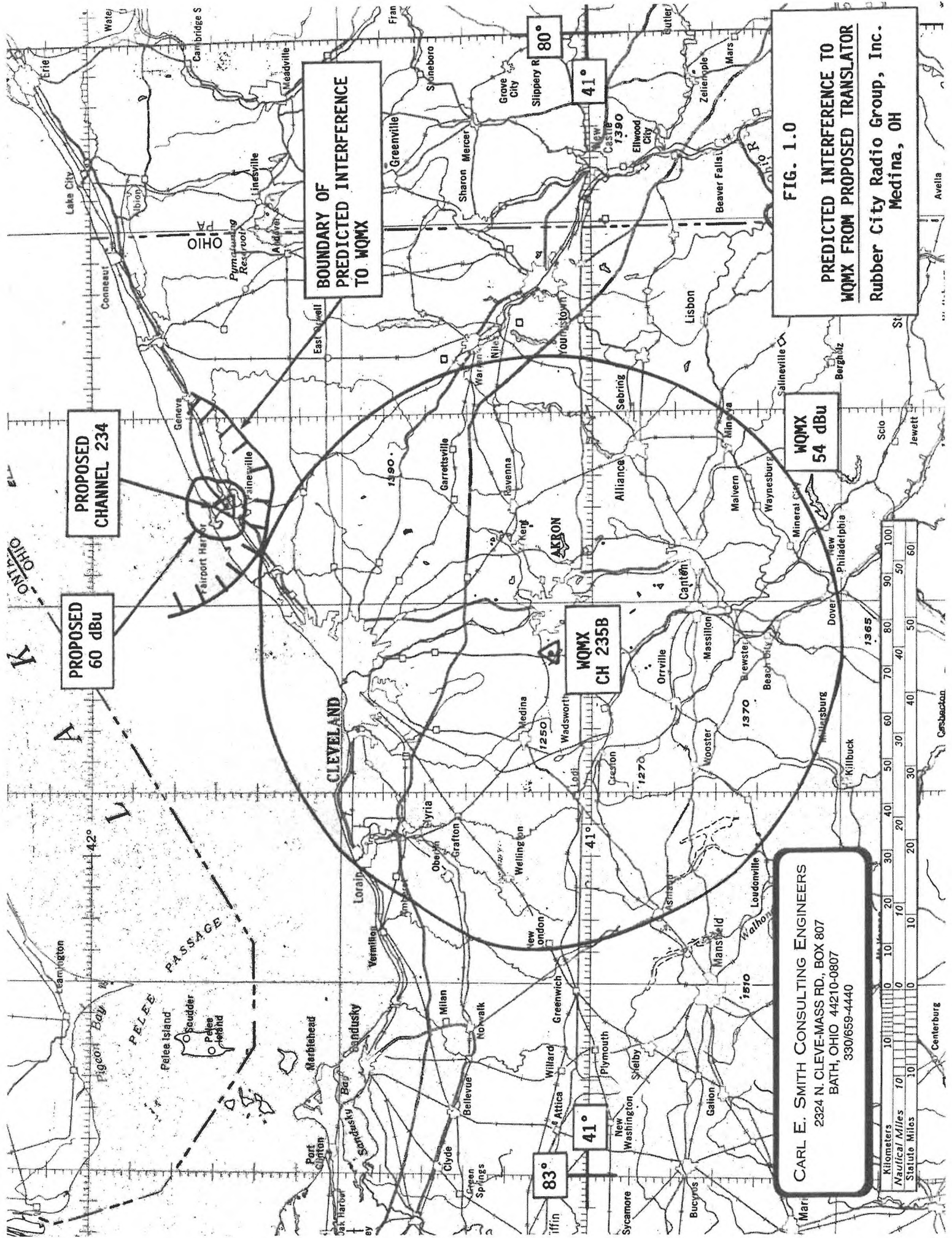
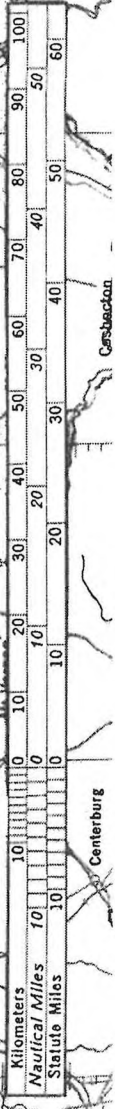


FIG. 1.0
PREDICTED INTERFERENCE TO
WQMX FROM PROPOSED TRANSLATOR
Rubber City Radio Group, Inc.
Medina, OH

CARL E. SMITH CONSULTING ENGINEERS
 2324 N. CLEVELAND RD., BOX 807
 BATH, OHIO 44210-0807
 330/659-4440



CARL E. SMITH CONSULTING ENGINEERS
2324 N. CLEVELAND RD., BOX 807
BATH, OHIO 44210-0807
330/659-4440

PROPOSED
60 dBu

81°22'30"

41°45'

81°07'30"

41°45'

PROPOSED
SITE

SCALE 1:100 000



FIG. 1.1

PROPOSED CHANNEL 234 TRANSLATOR
60 dBu CONTOUR AND LISTENER LOCATIONS

Rubber City Radio Group, Inc.
Medina, OH



TABLE 1.1

LISTENER LOCATION DATA
 Rubber City Radio Group, Inc.
 Medina, OH

	<u>Name</u>	<u>Location</u>	<u>Address</u>
1	Dale Kantz	Home	192 Tiber Drive, Painesville, OH 44077
2	Karie Kasten Leopold	Work	477 Lexington Avenue, Painesville, OH 44077
3	Scott Fiorina	Home	514 Walker Lane, Painesville, OH 44077
3A	Scott Fiorina	Work	5906 Heisley Road, Mentor, OH 44060
4	Meghan Fiorina	Home	514 Walker Lane, Painesville, OH 44077

Exhibit 2



Thom Mandel <tmandel@rcrg.net>

Painesville Translator Survey Form Entry

1 message

WQMX <noreponse@wqmx.com>
Reply-To: Dale Kantz <kantzds@yahoo.com>
To: swilson@rcrg.net, tmandel@rcrg.net

Fri, May 11, 2018 at 7:44 AM

Your Name

Dale Kantz

Email Address

kantzds@yahoo.com

Phone Number

4404173913

Home Address

192 Tiber Drive ✓

Home Zip Code

44077

Do you listen to WQMX on a radio on a regular basis at this HOME address?

Yes

Work Address

8150 Sterling Court

Work Zip Code

44060

Do you listen to WQMX on a radio on a regular basis at this WORK address?

Yes

Age

29

I hereby declare under penalty of perjury that the facts I have provided in this statement are true. I am signing this declaration by typing my name here:

Dale S. Kantz

WQMX - <http://wqmx.com/component/k2/item/4911-painesville-signal-interference-call-to-action>
Client: 207.58.247.145 - Mozilla/5.0 (Windows NT 6.1; WOW64; Trident/7.0; rv:11.0) like Gecko



Thom Mandel <tmandel@rcrg.net>

Painesville Translator Survey Form Entry

1 message

Thu, May 3, 2018 at 2:40 PM

WQMX <noreponse@wqmx.com>
Reply-To: Karie Kasten Leopold <Karieleo@gmail.com>
To: swilson@rcrg.net, tmandel@rcrg.net

Your Name

Karie Kasten Leopold

Email Address

Karieleo@gmail.com

Phone Number

4406696890

Home Address

330 Crossbrook Drive

Home Zip Code

44017

Do you listen to WQMX on a radio on a regular basis at this HOME address?

No

Work Address

477 Lexington Ave

Work Zip Code

44077

Do you listen to WQMX on a radio on a regular basis at this WORK address?

Yes

Age

42

I hereby declare under penalty of perjury that the facts I have provided in this statement are true. I am signing this declaration by typing my name here:

Karie Kasten Leopold

WQMX - <https://wqmx.com:443/component/k2/item/4911-painesville-signal-interference-call-to-action>
Client: 174.232.14.208 - Mozilla/5.0 (iPhone; CPU iPhone OS 11_3 like Mac OS X) AppleWebKit/604.1.34 (KHTML, like Gecko) GSA/48.0.193557427 Mobile/15E216 Safari/604.1



Thom Mandel <tmandel@rcrg.net>

Painesville Translator Survey Form Entry

1 message

Thu, May 3, 2018 at 8:28 AM

WQMX <noreponse@wqmx.com>

Reply-To: Scott Fiorina <scottfiorina@gmail.com>

To: swilson@rcrg.net, tmandel@rcrg.net

Your Name

Scott Fiorina

Email Address

scottfiorina@gmail.com

Phone Number

4408401499

Home Address

514 Walker Ln

Home Zip Code

44077

Do you listen to WQMX on a radio on a regular basis at this HOME address?

Yes

Work Address

5960 Heisley Rd

Work Zip Code

44060

Do you listen to WQMX on a radio on a regular basis at this WORK address?

Yes

Age

36

I hereby declare under penalty of perjury that the facts I have provided in this statement are true. I am signing this declaration by typing my name here:

FSTKD

WQMX - <http://wqmx.com/component/k2/item/4911-painesville-signal-interference-call-to-action>

Client: 166.137.90.87 - Mozilla/5.0 (Linux; Android 8.0.0; SAMSUNG SM-G950U Build/R16NW) AppleWebKit/537.36 (KHTML, like Gecko) SamsungBrowser/7.0 Chrome/59.0.3071.125 Mobile Safari/537.36



Thom Mandel <tmandel@rcrg.net>

Painesville Translator Survey Form Entry

1 message

WQMX <noreponse@wqmx.com>
Reply-To: Meghan Fiorina <Meghanfiorina@gmail.com>
To: swilson@rcrg.net, tmandel@rcrg.net

Thu, May 3, 2018 at 7:25 AM

Your Name

Meghan Fiorina

Email Address

Meghanfiorina@gmail.com

Phone Number

2165708698

Home Address

514 Walker Ln

Home Zip Code

44077

Do you listen to WQMX on a radio on a regular basis at this HOME address?

Yes

Work Address

514 Walker Ln

Work Zip Code

44077

Do you listen to WQMX on a radio on a regular basis at this WORK address?

Yes

Age

34

I hereby declare under penalty of perjury that the facts I have provided in this statement are true. I am signing this declaration by typing my name here:

Ohio

WQMX - <http://wqmx.com/component/k2/item/4911-painesville-signal-interference-call-to-action>

Client: 99.157.229.84 - Mozilla/5.0 (Linux; Android 8.0.0; SAMSUNG SM-G950U Build/R16NW) AppleWebKit/537.36 (KHTML, like Gecko) SamsungBrowser/7.0 Chrome/59.0.3071.125 Mobile Safari/537.36

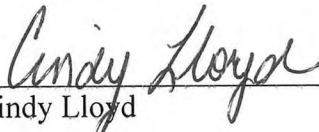
CERTIFICATE OF SERVICE

I, Cindy Lloyd, certify that a copy of the attached Petition to Deny was sent May 17, 2018, by first class mail, postage prepaid, or via email as designated below, to the following:

Dale Edwards
Radio Advantage One, LLC
P. O. Box 28585
Cleveland, OH 44128

Kevin J. Youngers
Technical Consultant
3004 70th Avenue
Greeley, CO 80634-8970

James Bradshaw
Media Bureau
Federal Communications Commission
James.Bradshaw@fcc.gov


Cindy Lloyd