

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Application of)	
)	
SEWANEE PHOENIX LICENSE, LLC)	Facility ID No. 156046
)	
FM Translator Station K241CS, Channel 241, Phoenix, Arizona)	File No. BPFT-20170206ACK
)	

To: Chief, Audio Division, Media Bureau

INFORMAL OBJECTION


Barna Broadcasting, LLC (“Barna”), the licensee of full-power radio station KSWG(FM), Channel 242C3 (96.3 MHz), Wickenburg, Arizona, Facility ID No. 11216, by its attorney, hereby submits, pursuant to Section 73.3587 of the Commission’s Rules, this Informal Objection to the application (the “Modification Application”) of Sewanee Phoenix License, LLC for a construction permit for the minor modification of FM translator K241CS, Channel 241 (96.1 MHz), Phoenix, Arizona, Facility ID No. 156046.

The Modification Application requests a power increase for Translator K241CS from that granted by Construction Permit File No. BMPFT-20161031ADH. Barna is contemporaneously submitting a Complaint to the Commission documenting that the operation pursuant to BMPFT-20161031ADH, as recently licensed by License File No. BLFT-20170206ACK, is resulting in listeners complaining of interference from the 96.1 MHz signal to the regularly-received signal of KSWG(FM). *See* attached Complaint, incorporated by reference hereto. It would only make the interference to KSWG(FM) worse to authorize a power increase,

as requested by the Modification Application. Consequently, the Commission should deny or dismiss with prejudice the Modification Application.

Respectfully submitted,

BARNA BROADCASTING, LLC

By: 
Marissa G. Repp

REPP LAW FIRM
1629 K Street, NW, Suite 300
Washington, DC 20006-1631
(202) 656-1619
marissa@repplawfirm.com

Its Attorney

March 13, 2017

ATTACHMENT

COMPLAINT

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Matter of)	
)	
SEWANEE PHOENIX LICENSE, LLC)	Facility ID No. 156046
)	
FM Translator Station K241CS, Channel 241, Phoenix, Arizona)	File No. BLFT-20170126ABP
)	

To: Chief, Audio Division, Media Bureau

COMPLAINT

Barna Broadcasting, LLC (“Barna”), the licensee of full-power radio station KSWG(FM), Channel 242C3 (96.3 MHz), Wickenburg, Arizona, Facility ID No. 11216, by its attorney, hereby submits this Complaint pursuant to Section 74.1203(a) of the Commission’s Rules. Barna requests immediate Commission action to discontinue interference to *bona fide* regular listeners of KSWG(FM) from first adjacent-channel FM translator K241CS, Channel 241 (96.1 MHz), Phoenix, Arizona, Facility ID No. 156046, licensed to Sewanee Phoenix License, LLC (“Sewanee Phoenix”).

According to FCC records, Sewanee Phoenix completed construction of new FM Translator facilities for K241CS as authorized by Construction Permit File No. BMPFT-20161031ADH, and filed a license to cover application on February 6, 2017. *See* FCC File No. BLFT-20170206ACK.

Following the commencement of operations by K241CS, Barna began hearing from dozens of listeners complaining of interference from the 96.1 MHz signal to the regularly-received signal of KSWG(FM). Barna promptly brought these interference concerns to the attention of Sewanee Phoenix and sought informal resolution of the matter through the local

contact provided by Sewanee Phoenix. Such informal attempts have not resolved the interference from K241CS, which such interference continues to negatively impact regular listeners of KSWG. Seven attested interference complaints from the FM translator operation on 96.1 MHz to the receipt of the KSWG(FM) signal are submitted here at Exhibit 1. 1/ Barna hereby confirms that the complaining listeners are not employees of or principals of the licensee or any affiliated companies. Thus, these listener complainants are “disinterested” parties. 2/

Section 74.1203(a) of the Commission’s Rules provides in part:

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. . . . 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....

The Commission has explained: “The FM translator rules strictly prohibit interference by these secondary service stations. Accordingly, ‘when convinced that a complaint or complaints of uncorrected interference are valid . . . [the Commission] will direct . . . [the FM translator or booster station] to discontinue operation.’” 3/ As documented here, *bona fide*

1/ As noted, many more complaints of interference also have been received from KSWG listeners.


2/ See *Association for Community Education, Inc.*, 19 FCC Rcd 12682 at n.37 (2004) (complainant should be “disinterested,” that is, “a person or entity without a legal stake in the outcome of the translator station licensing proceeding”). Moreover, Section 74.1203(a) “places no geographic or temporal limitation on complaints.” *Id.* at ¶ 15.

3/ *Id.* (citing *Amendment of Part 74 of the Commission’s Rules Concerning FM Translator Stations*, 5 FCC Rcd 7212, 7230 (1990), *modified*, 6 FCC Rcd 2334 (1991), *recon. den.*, 8 FCC Rcd 5093 (1993)).

regular listeners of KSWG(FM) have complained of interference from K241CS. If the licensee of K241CS does not voluntarily cease the translator's operation, the Commission should take immediate action to terminate K241CS's operational authority pursuant to Section 74.1203(a) of the Commission's Rules.

Respectfully submitted,

BARNA BROADCASTING, LLC

By: 
Marissa G. Repp

REPP LAW FIRM
1629 K Street, NW, Suite 300
Washington, DC 20006-1631
(202) 656-1619
marissa@repplawfirm.com

Its Attorney

March 13, 2017

EXHIBIT 1

I am a regular listener of radio station KSWG(FM), 96.3 MHz, Wickenburg, Arizona,
from the following location(s): -/

North Phoenix, Glendale, Peoria, and Scottsdale.
(Home) _____ (Work) _____

I receive a listenable KSWG signal on my radio at the above location(s) and I am a regular listener of KSWG at the above location. However, my reception of the KSWG signal is now being interfered with by another signal bleeding over from 96.1 MHz. I wish to continue to regularly listen to KSWG at the above location without being subject to interference caused by this interfering signal. Other than being a regular listener of KSWG, I am not connected with or employed by the licensee of KSWG. I understand that this statement may be filed with the Federal Communications Commission to protect the KSWG signal and state under penalty of perjury that this statement is true and accurate.

Signed: _____

Printed Name: _____

Alex Akers

Address: _____

3039 W. Windrose Dr.

Phoenix, AZ 85029

Daytime Telephone Number: _____

602-315-4033

Date: _____

3-12-17

-/ The location description is the physical address of regular listening at home, work, etc. If the regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place – such as the two exits or mile markers between which the regular listening takes place, or the cross streets for the road location where the listening regularly takes place.

I am a regular listener of radio station KSWG(FM), 96.3 MHz, Wickenburg, Arizona,
from the following location(s): */

37th Ave + Monte Cristo

Phx Az

I receive a listenable KSWG signal on my radio at the above location(s) and I am a regular listener of KSWG at the above location. However, my reception of the KSWG signal is now being interfered with by another signal bleeding over from 96.1 MHz. I wish to continue to regularly listen to KSWG at the above location without being subject to interference caused by this interfering signal. Other than being a regular listener of KSWG, I am not connected with or employed by the licensee of KSWG. I understand that this statement may be filed with the Federal Communications Commission to protect the KSWG signal and state under penalty of perjury that this statement is true and accurate.

Signed: Donna G. Quelland

Printed Name: Donna Quelland

Address: 3746 W- Monte Cristo Av.

Phx Az 85053

Daytime Telephone Number: 602 978-8772

Date: 3/8/17

*/ The location description is the physical address of regular listening at home, work, etc. If the regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place - such as the two exits or mile markers between which the regular listening takes place, or the cross streets for the road location where the listening regularly takes place.

I am a regular listener of radio station KSWG(FM), 96.3 MHz, Wickenburg, Arizona,
from the following location(s): */

51st Ave + Cactus

Phx Arizona

I receive a listenable KSWG signal on my radio at the above location(s) and I am a regular listener of KSWG at the above location. However, my reception of the KSWG signal is now being interfered with by another signal bleeding over from 96.1 MHz. I wish to continue to regularly listen to KSWG at the above location without being subject to interference caused by this interfering signal. Other than being a regular listener of KSWG, I am not connected with or employed by the licensee of KSWG. I understand that this statement may be filed with the Federal Communications Commission to protect the KSWG signal and state under penalty of perjury that this statement is true and accurate.

Signed: _____

Harry Demby

Printed Name: _____

Harry Demby

Address: _____

5003 W. Columbine

Glendale, AZ.

Daytime Telephone Number: 602 978-8133

Date: _____

3/9/17

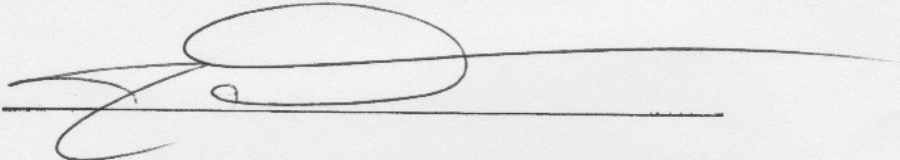
*/ The location description is the physical address of regular listening at home, work, etc. If the regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place – such as the two exits or mile markers between which the regular listening takes place, or the cross streets for the road location where the listening regularly takes place.

I am a regular listener of radio station KSWG(FM), 96.3 MHz, Wickenburg, Arizona,
from the following location(s): */

47th Ave to Northern

Phx AZ

I receive a listenable KSWG signal on my radio at the above location(s) and I am a regular listener of KSWG at the above location. However, my reception of the KSWG signal is now being interfered with by another signal bleeding over from 96.1 MHz. I wish to continue to regularly listen to KSWG at the above location without being subject to interference caused by this interfering signal. Other than being a regular listener of KSWG, I am not connected with or employed by the licensee of KSWG. I understand that this statement may be filed with the Federal Communications Commission to protect the KSWG signal and state under penalty of perjury that this statement is true and accurate.

Signed: 

Printed Name: James Keetm

Address: 4786 W Lando Dr

Glen Dale AZ 85301

Daytime Telephone Number: _____

Date: 3/9/17

*/ The location description is the physical address of regular listening at home, work, etc. If the regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place – such as the two exits or mile markers between which the regular listening takes place, or the cross streets for the road location where the listening regularly takes place.

I am a regular listener of radio station KSWG(FM), 96.3 MHz, Wickenburg, Arizona,
from the following location(s): */

39th Ave & Hatcher

Phx AZ 85051

I receive a listenable KSWG signal on my radio at the above location(s) and I am a regular listener of KSWG at the above location. However, my reception of the KSWG signal is now being interfered with by another signal bleeding over from 96.1 MHz. I wish to continue to regularly listen to KSWG at the above location without being subject to interference caused by this interfering signal. Other than being a regular listener of KSWG, I am not connected with or employed by the licensee of KSWG. I understand that this statement may be filed with the Federal Communications Commission to protect the KSWG signal and state under penalty of perjury that this statement is true and accurate.

Signed: Lex Koestner

Printed Name: Lex Koestner

Address: 3838 W. Hatcher

Phx, AZ - 85051

Daytime Telephone Number: 602 973-1457

Date: 3/8/17

*/ The location description is the physical address of regular listening at home, work, etc. If the regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place - such as the two exits or mile markers between which the regular listening takes place, or the cross streets for the road location where the listening regularly takes place.

I am a regular listener of radio station KSWG(FM), 96.3 MHz, Wickenburg, Arizona,
from the following location(s): */

35th Ave + Greenway Rd.

Phoenix, AZ.

I receive a listenable KSWG signal on my radio at the above location(s) and I am a regular listener of KSWG at the above location. However, my reception of the KSWG signal is now being interfered with by another signal bleeding over from 96.1 MHz. I wish to continue to regularly listen to KSWG at the above location without being subject to interference caused by this interfering signal. Other than being a regular listener of KSWG, I am not connected with or employed by the licensee of KSWG. I understand that this statement may be filed with the Federal Communications Commission to protect the KSWG signal and state under penalty of perjury that this statement is true and accurate.

Signed: _____



Printed Name: _____

Doug Quelland

Address: _____

15440 N. 35th Ave

Phx AZ 85053

Daytime Telephone Number: _____

602 999-8748

Date: _____

3/7/17

*/ The location description is the physical address of regular listening at home, work, etc. If the regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place – such as the two exits or mile markers between which the regular listening takes place, or the cross streets for the road location where the listening regularly takes place.

I am a regular listener of radio station KSWG(FM), 96.3 MHz, Wickenburg, Arizona,
from the following location(s): */

15440 N. 35th AVE.

Phx. AZ. 85053

I receive a listenable KSWG signal on my radio at the above location(s) and I am a regular listener of KSWG at the above location. However, my reception of the KSWG signal is now being interfered with by another signal bleeding over from 96.1 MHz. I wish to continue to regularly listen to KSWG at the above location without being subject to interference caused by this interfering signal. Other than being a regular listener of KSWG, I am not connected with or employed by the licensee of KSWG. I understand that this statement may be filed with the Federal Communications Commission to protect the KSWG signal and state under penalty of perjury that this statement is true and accurate.

Signed: Robert W. Houghby

Printed Name: Robert W. Houghby

Address: 15440 N. 35th AVE.

Phx. AZ. 85053

Daytime Telephone Number: 602 978-8248

Date: 3/9/17

*/ The location description is the physical address of regular listening at home, work, etc. If the regular listening location is in a vehicle, then the location description identifies the points between which the regular listening takes place – such as the two exits or mile markers between which the regular listening takes place, or the cross streets for the road location where the listening regularly takes place.

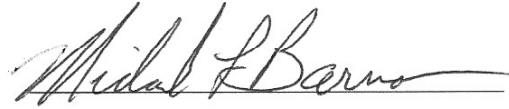
DECLARATION

I, Michael F. Barna, declare as follows:

1. I am Manager of Barna Broadcasting, LLC, the licensee of radio station KSWG(FM), Channel 242C3 (96.3 MHz), Wickenburg, Arizona, Facility ID No. 11216.

2. I have reviewed the foregoing Complaint in regard to interference to *bona fide* regular listeners of KSWG(FM) from first adjacentchannel FM translator K241CS, Channel 241 (96.1 MHz), Phoenix, Arizona, Facility ID No. 156046, licensed to Sewanee Phoenix License, LLC.

3. I hereby declare under penalty of perjury that the foregoing statements and the statements made in the Complaint on behalf of Barna Broadcasting, LLC are true and correct.

A handwritten signature in black ink, appearing to read "Michael F. Barna", written over a horizontal line.

Michael F. Barna

Executed on March 13, 2017

CERTIFICATE OF SERVICE

I, Marissa G. Repp, hereby certify that on this 13th day of March, 2017, a copy of the foregoing Complaint has been served by first-class mail and e-mail on the following:

Sewanee Phoenix License, LLC
c/o Armour REIT
3001 Ocean Drive, Suite 201
Vero Beach, FL 32963
JJB@1280KXEG.COM

David G. O'Neil, Esq.
Rini O'Neil, PC
1200 New Hampshire Avenue, NW, Suite 600
Washington, D.C. 20036
DONEIL@RINIONEIL.COM
Counsel to Sewanee Phoenix License, LLC



Marissa G. Repp

CERTIFICATE OF SERVICE

I, Marissa G. Repp, hereby certify that on this 13th day of March, 2017, a copy of the foregoing Informal Objection has been served by first-class mail and e-mail on the following:

Sewanee Phoenix License, LLC
c/o Armour REIT
3001 Ocean Drive, Suite 201
Vero Beach, FL 32963
JJB@1280KXEG.COM

David G. O'Neil, Esq.
Rini O'Neil, PC
1200 New Hampshire Avenue, NW, Suite 600
Washington, D.C. 20036
DONEIL@RINIONEIL.COM
Counsel to Sewanee Phoenix License, LLC



Marissa G. Repp