

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0423 (November 2005)	FOR FCC USE ONLY
Informal Objection / Petition to Deny / Petition for Reconsideration / Application for Review / Opposition / Reply / Supplement		FOR COMMISSION USE ONLY FILE NO.
Read Instructions/FAQ before filling out form		

Section I - General Information

1.	Party Filing Pleading or Appeal DELMAR COMMUNICATIONS, INC.	
	Mailing Address 4001 CURVE ROAD	
	City DELAWARE	State or Country (if foreign address) OH
	Zip Code 43015 -	
	Telephone Number (include area code) 6148329156	E-Mail Address (if available) BRENT885@SBCGLOBAL.NET
2.	Contact Representative CARY S. TEPPER	
	Firm or Company Name TEPPER LAW FIRM, LLC	
	Mailing Address 4900 AUBURN AVENUE SUITE 100	
	City BETHESDA	State or Country (if foreign address) MD
	Zip Code 20814 - 2632	
	Telephone Number (include area code) 3017181818	E-Mail Address (if available) TEPPERLAW@AOL.COM
3.	Purpose:	
	<input type="radio"/> Informal Objection	
	<input type="radio"/> Petition to Deny	
	<input type="radio"/> Petition for Reconsideration	
	<input type="radio"/> Application for Review	
	<input checked="" type="radio"/> Opposition	
	<input type="radio"/> Reply	
	<input type="radio"/> Supplement	
4.	[Enter File Number] File Number: BLFT - 20170608AAP	Pleading Filed Date : 9/27/2017 Pleading Filer Name: DELMAR COMMUNICATIONS, INC.
5.	Attach pleadings	[Exhibit 1]

I hereby 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.

Typed or Printed Name of Person Signing BRENT CASAGRANDE	Typed or Printed Title of Person Signing PRESIDENT
---	---

Signature

Date

12/12/2017

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).

Exhibits

Exhibit 1

Description: OPPOSITION TO RESPONSE TO 30-DAY LETTER

ATTACHED PLEASE FIND THE 'OPPOSITION TO RESPONSE TO 30-DAY LETTER' WITH REGARD TO THE NOVEMBER 30, 2017 SUBMISSION BY NORTH AMERICAN BROADCASTING COMPANY, INC.

Attachment 1

Description
Opposition to Response to 30-Day Letter

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

In re)	
)	
FM Translator Station W236CZ at Columbus, Ohio)	
NORTH AMERICAN BROADCASTING)	Facility ID No. 142835
COMPANY, INC.)	BLFT-20170608AAP

To: Peter Doyle, Chief
Audio Division; Media Bureau

**OPPOSITION TO
RESPONSE TO 30-DAY LETTER**

Delmar Communications, Inc. ("Delmar"), Licensee of Radio Station WVXG-FM (74300) at Mount Gilead, Ohio, by counsel hereby submits this Opposition to the "Response to 30-Day Letter" filed November 30, 2017 by North American Broadcasting Company, Inc. ("NABC") in this proceeding. As will be shown hereinbelow, NABC's opposition is nothing more an attempt to deflect attention away from primary issues in this interference proceeding with the use of unscrupulous gamesmanship, deceit and dishonesty. NABC should be admonished for its actions.

This is an interference proceeding, the purpose of which is to investigate how and to what extent the operations of NABC's FM Translator Station W236CZ is causing objectionable interference to full power Radio Station WVXG-FM. The fact that NABC has attempted to dig up select and incomplete "dirt" on a certain person associated with Delmar simply shows how desperate and pathetic NABC is. Nonetheless, Delmar will stay focused

on the primary issue of this proceeding as set forth in the Commission's letter to NABC dated October 31, 2017. This is not the proper forum for NABC to conduct an amateur hour on mud wrestling.

So far in this proceeding Delmar has submitted WVXG listener complaint letters from the following people:

Janice Bernans
Mark Ausenheimer
Robert Schott

Robin Snyder
Stanley Watling
James Cackler

Joe Roche
David Stites
Heather Kessler

Kelly Ryan
Mark Mahan
Greg & Kelley Wenzlaff

Robert Lawyer
Janetta Martin
Sheila Thomas

Robert Keehl
Chris Johnson

While NABC has attempted to resolve some of the original and earlier complaints, Delmar has discovered that NABC not only lied to certain WVXG listeners during its investigation but also made offers that run contrary to FCC policy. Consider the following:

1. Attached please find a letter dated December 5, 2017 from WVXG listener Sheila Thomas. Ms. Thomas states that NABC told her that the interference could not be fixed, and NABC offered her \$250 to go away.

2. Attached please find a letter dated December 5, 2017 from WVXG listener Robert Keehl. Mr. Keehl states that NABC offered him an XM Sirius radio to resolve the interference problem, and he rejected that offer.

3. Attached please find a letter dated December 10, 2017 from WVXG listener Chris Johnston. Mr. Johnston states in detail the interference from W236CZ that he receives in trying to listen to WVXG, and he also states that he has rejected the financial offer and internet radio offer made by NABC and NABC's counsel.

4. Attached please find a letter dated December 11, 2017 from WVXG listener James Cackler. Mr. Cackler also states that NABC told him that the interference could not be fixed and that NABC offered him a Sirius XM radio to drop his complaint.

The fact that NABC had to lie to the WVXG listeners to say that the interference problem could not be resolved speaks volumes as to the bad faith exhibited by NABC throughout the course of this proceeding. And the fact that NABC is trying to pay off the WVXG listeners to go away is simply another admission on NABC's part that it cannot adequately resolve the interference problem.

Long ago the FCC ruled that Section 74.1203 of the rules explicitly protects the ability of the public to receive broadcast signals off-the-air. See, *Radio Power, Inc. Letter Ruling, DA 11-1727 (released October 18, 2011) ("Radio Power")*. Likewise, in *Radio Power* the Commission rejected the use of smart phones to complaining listeners as a suitable technique to resolve these types of interference complaints because listeners deserve an off-air solution. As for NABC's attempts to pay money or get XM Sirius satellite radios to certain WVXG listeners to dismiss their complaints is unquestionably in conflict with the Commission's policies as set forth in *Radio Power*.¹

NABC once again is trying to discredit the validity of certain WVXG listeners. We went down this road before. Delmar responded to such allegations in its September 27, 2017 reply pleading and the Commission accepted Delmar's response when it issued the October 31, 2017 Letter Ruling to NABC. Nonetheless, by way of brief summary, Delmar previously explained the following in this proceeding:

Sheila Thomas has no business relationship with Delmar. She is simply a listener of WVXG.

Jennetta Martin is a listener of WVXG who works for an advertiser on WVXG but she has not ownership in the business.

Chris Johnston worked for WDLR in 1973 or 1974, decades before the current principals of Delmar owned and managed that radio station.

¹ The Commission should take official notice of the fact that the programming of WVXG-FM is not available on satellite radio so the offer of a satellite radio subscription to the WVXG listener complainants is not a viable solution on any level of thinking.

Bob Lawyer is not an employee of Delmar and he is simply a sales and marketing consultant that got involved with PSA's and press releases for a golf tournament.

Kelly Wenzlaff is not employed by Delmar in any way and she sometimes provides PSA's and harness racing results once a year during the Delaware County Fair. She is a loyal listener of WVXG.

Greg Wenzlaff does not work for Delmar. He is a listener of WVXG

Pat McLoughlin promotes bands in central Ohio, and does not work for Delmar. He produces a public service music show, does not get paid, and is a loyal listener of WVXG.

It is well established that the FCC has limited actionable interference complaints to those that are made by bona fide listeners. The FCC requires that a complainant be "disinterested" – a person or entity without a legal stake in the outcome of the translator licensing proceeding. *See, Association for Community Education, Inc., MO&O, 19 FCC Rcd 12682, 12688 (2004).*

None of these listener complainants are interested parties. None of these people has a legal stake in the outcome of this interference proceeding. Each of them are bona fide listeners of WVXG and each of their complaints are valid.

Last, but certainly not least, Delmar takes issue with the William Bowin and Gerald Mosko statements in NABC's response regarding the status of the interference. Attached hereto is the written statement of Mark Hiner of Wireless Radio, LLC dated December 10, 2017. (The records in this proceeding show that Messrs. Bowin and Hiner previously conducted interference tests together.) Mr. Hiner explains that W236CZ is absolutely the

source of continued interference to the reception of WVXG, and Mr. Hiner's conclusions are also supported by a Longley-Rice map that is included as an exhibit to his statement.²

The STA Request filed by NABC: There is an old adage that "actions speak louder than words." While NABC tries to posture that the WVXG listener complainants are either disinterested or uncooperative and that W236CZ poses no problem to WVXG, NABC has moved forward and filed STA request BSTA-20171130ABI seeking reduced power operations. Obviously this STA filing is an admission by NABC that there is an interference problem, and that is it not going away. This is exactly what Delmar has been telling the Commission all along, and grant of NABC's STA request will not solve anything. W236CZ needs to shut down or modify to a new channel.

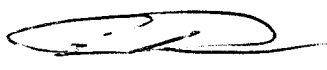
W236CZ should be ordered off-air. Delmar once again submits that Commission case law and policy is quite clear -- NABC is required to remedy the interference or cease operation. See, *Section 74.1203 of the Commission's Rules; The Association for Community Education, Inc., 32 CR 1245 (2004) at para. 14.* Accordingly, W236CZ should not be allowed to continue to operate because it is causing documented impairment to the reception of the co-channel WVXG signal by WVXG's regular listeners.

² Mr. Hiner references certain audio files. These files can be easily emailed to the FCC staff and NABC's counsel upon request.

WHEREFORE, the foregoing premises considered, Delmar requests that the Commission immediately ORDER translator station W236CZ (currently operating on Channel 236) off-air and DENY pending license application BLFT-20170608AAP.

Respectfully submitted,

DELMAR COMMUNICATIONS, INC.

By: 

Cary S. Tepper, Esq.

Its Counsel

Tepper Law Firm, LLC
4900 Auburn Avenue
Suite 100
Bethesda, MD 20814-2632

(301) 718-1818

December 12, 2017

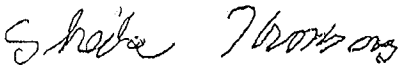
Attachments

12/5/17

To whom it may concern,

Recently I was contacted by representatives of WMNI radio to rescind my complaint for interference against WVXG radio. They informed me that the interference could not be fixed and would pay me \$250.00 to sign a form to remove my complaint. I signed the letter and received my check.

Sincerely,



Sheila Thomas

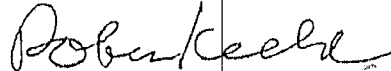
1847 Matheny Ave.
Marion, Ohio
43302
740-361-9813

12/5/17

To whom it may concern,

I filed a complaint because I could not listen to WVXG because of the interference from Easy 95.1 (WMNI). I was contacted by people at WMNI and they told me they would offer me XM Sirius radio for one year in place of Resolving the interference problem. I explained to them that all I wanted was to listen to WVXG without other stations interrupting the signal. I don't feel that Sirius radio would be a solution to the problem as they do not carry WVXG. I hope they can resolve the problem soon.

Sincerely,



Robert Keehl

3666 N. High Street Apt. A
Columbus, Ohio 43225

Rkeehl@starbucks.com
614-886-2582

From: Chris Johnston <johnston_chris@hotmail.com>
Date: December 10, 2017 at 9:36:48 PM EST
To: "[mslitton@hotmail.com](mailto:m slitton@hotmail.com)" <m slitton@hotmail.com>
Subject: **WVXG Interference**

12-10-2017

Chris Johnston

2648 Proclamation Way

Columbus, OH 43207

614-296-7177

On December 1, 2017 I received an email from Marissa Repp of the Repp Law Firm with a copy of the filings her client North American filed in response to the interference complaints that had been received on behalf of WVXG-FM. One of the remedies was that the station owned by North American would reduce power by 50% and had applied for authority to do so. I'm not sure if the request has been granted or the station has implemented the reduction.

I again was driving in an area where I used to listen to WVXG. I turned my radio to 95.1 FM on Saturday evening 12-9-2017 between 5:15 and 5:20 pm at the intersection of Morse Road and Interstate 71. I was heading northbound. My radio picked up the translator for WMNI-AM playing a Christmas song by the Carpenters. The station came in clearly until approximately the halfway between the intersections of Interstate 71 and Ohio State Route 161 and Interstate 270 along Interstate 71. In this area the station began to picket fence with another station. The further north I drove, the more the translator picket fenced, although it remained the dominant signal. I exited Interstate 71 at Polaras Parkway and turned westbound and ultimately into the mall. From the exit to the mall, the translator remained the dominate station although WVXG would poke through for short intervals.

To reaffirm, the area from the mall southbound via Interstate 71 to Morse Road was an area that before the WMNI translator signed on I was able to listen to WVXG without interference. South of Morse Road the station would increasingly picket fence to the point it was largely unlistenable once I arrived in the area between Weber Road and Hudson Street.

In a note sent to Mr. Mosko of WMNI I noted:

Good afternoon. The email of 11-9 is a good representation of our conversation.

My address is near the intersection of Alum Creek Drive and Williams Road. My work location is downtown.

My status with the information I provided to WVXG hasn't changed. I don't believe there is a workaround either through new radios, internet reception or your financial offer.

Interesting that the Commission would consider my letter if protection to WVXG is only to 60 dBu. I would have thought that they would have dismissed it.

It's my hope that some work around is available to both you and WVXG.

Regards

My status remains the same. I no longer can listen to WVXG where I used to be able to listen to WVXG.

Sincerely

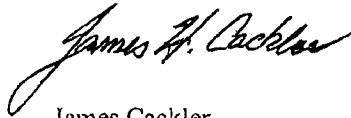
Chris Johnston

Sent from Outlook

To: Whom it may concern
From: Jim Cackler
Date: 12/11/17
Subj: WVXG Interference Complaint

After filing a complaint months ago that I was unable to listen to WVXG radio station due to interference/dropping I was contacted by WMNI radio personnel about the issue. They had informed me there was nothing that could really be done to resolve the issue, but they would help me by buying a year of SiriusXM radio instead and I would need to sign a letter stating I was dropping my complaint. I hope WVXG radio can get this resolved soon so I can continue to listen without issue.

Thank you,



James Cackler
101 Rheem St.
Delaware, Ohio 43015
Jimcackler@gmail.com
614-348-1276



December 10, 2017

Cary Tepper
Tepper Law Firm, LLC
4900 Auburn Avenue, Suite 100
Bethesda, MD 20814

Dear Mr. Tepper,

As you are aware, my firm, Wireless Radio, LLC, has been retained by Delmar Communications, Inc. to investigate interference complaints received by WVXG. This letter is in response to a Declaration by Gerald Mosko and William Bowin dated November 30, 2017. I am attaching copies of the Declarations for reference.

In regards to Mr. Bowin's Declaration item number 5, on the surface it would seem impossible for W236CZ to reach complainant Mark Mahan in Marengo, Ohio but on December 9, 2017 I traveled to Marengo and parked in the parking lot of the abandoned IGA store at approximately 5:50 PM. I phoned Mark Litton from Delmar Communications and asked him to turn off the transmitter for WVXG. When he did, W236CZ came in loud and clear. A promotional spot for a New Years Eve Sinatra dance at LaScala was playing and listeners were directed to wmni.com for more details (WMNI is the parent AM station of W236CZ). I recorded the audio of this test and have made it available to Mr. Bowin. I have also attached a Longley-Rice map prepared by engineering consultant Clarence Beveridge. This map shows the predicted coverage area of W236CZ. Note that there is predicted signal in Marengo.

In regards to Mr. Bowin's Declaration item number 6 and 7, at the direction of Delmar Communications, I spent several hours on November 13, 2017 testing the WVXG transmitter and looking for problems. I found that the neutralization of the transmitter final stage was not adjusted properly. Upon completion of the tuning of the transmitter, the plate current now reads 0.925 amps when the transmitter is at licensed power. Furthermore, questions have been raised as to whether the Bird Wattmeter at WVXG is accurate. Delmar Communications purchased a new Coaxial Dynamics wattmeter and I installed it along with the existing Bird Wattmeter. I personally opened the factory sealed box at the time of installation. With the transmitter at licensed transmitter output power, The Coaxial Dynamics meter reads 3.3 KW and the Bird Electronics meter reads 3.2 KW. 3.3 KW is the transmitter output required to achieve the licensed ERP of 6 KW.

Mr. Cary Tepper
December 10, 2017
Page 2

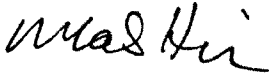
In regards to the Attachment A to Mr. Mosko's Declaration, Item VI, specifically the comments regarding Sheila Thomas, Mr. Mosko states: "Moreover, joint testing between Delmar's consulting engineer and NABCO demonstrated that no interference to WVXG from W236CZ was discerned at the location specified by Ms. Thomas." That statement is not entirely true.

On October 6, 2017, Mr. Bowin and myself met with Ms. Thomas and test drove her complaint area in her vehicle. My notes from that test are attached. I recorded the audio while testing and shared it with Mr. Bowin. In approximately half of the locations tested, there was clearly interference from W236CZ.

I have emailed you the above referenced audio files. You can distribute them as necessary.

The above statements are true to the best of my knowledge and belief, under penalty of perjury.

Sincerely,

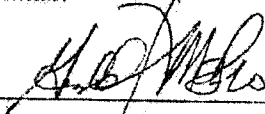
A handwritten signature in black ink, appearing to read "Mark Hiner". The signature is written in a cursive, slightly slanted style.

Mark Hiner

DECLARATION

I, Gerald Mosko, hereby declare under penalty of perjury that:

1. I am Vice President and Treasurer of North American Broadcasting Company, Inc. ("NABCO").
2. NABCO is the licensee of full power stations WMNI(AM) and WRKZ(FM), Columbus, Ohio, and WJKR(FM), Worthington, Ohio, as well as FM Translator station W236CZ, Columbus, Ohio. FM Translator W236CZ was modified to relocate and rebroadcast WMNI(AM) per a 2016 AM Revitalization translator application window.
3. NABCO has undertaken extensive efforts to investigate the claims of Delmar Communications, Inc. ("Delmar") as to alleged interference from the operation of W236CZ, in order to determine whether such complaints are validly from *bona fide* listeners of Delmar station WVXG(FM), Mount Gilead, Ohio, and if so, whether W236CZ is the cause of such interference and potential remedial measures.
4. Attached as Attachment A hereto is my report, based on my personal knowledge, setting forth the current status of the interference complaints lodged against W236CZ, which have been received by NABCO from Delmar.



Gerald Mosko

Executed: November 30, 2017

ATTACHMENT A to Declaration of Gerald Mosko

I. Complaints with Insufficient or Incorrect Contact Information

LAWYER, ROBERT – No email address provided. Phone number handwritten on complaint form is an out-of-service number. Also, Mr. Lawyer has been identified as an employee of Delmar affiliate ICS Telecom and as an officer/director of Delmar affiliate Delaware County Development Company, licensee of WINF-LP.

II. Unresponsive Complainants

KESSLER, HEATHER – Unresponsive to two e-mails (10/24/2017; 11/2/2017) and unresponsive to two phone calls (11/9/2017; 11/13/2017).

ROCHE, JOE – Unresponsive to two e-mails (10/3/2017; 11/2/2017) and unresponsive to phone calls (11/9/2017) to both provided numbers.

RYAN, KELLY – Unresponsive to two e-mails (10/24/2017; 11/2/2017) and unresponsive to two phone calls (11/9/2017; 11/13/2017).

WENZLAFF, KELLEY/GREG – Unresponsive to two e-mails (7/6/2017; 10/3/2017), no phone number provided. Also, Ms. Wenzlaff is the sister of Robert Lawyer, an employee/officer of Delmar affiliates, and goes by air name of “Kelley Bell” (see e-mail address on 6/14/2017 complaint) airing Little Brown Jug harness racing reports on Delmar station WDLR. See attached social media documentation. The Supplemental Declaration of Mark Litton states that Ms. Wenzlaff “did work for the Little Brown Jug association which Delmar’s WDLR has an agreement with to broadcast harness racing. She, in that role, provides Public Service and race results to WDLR once a year during The Delaware County Fair.” Mr. Litton did not disclose that he (mslitton@icsohio.com), and his company, ICS Holdings, is the registrant of, and contact for, the domain name “LittleBrownJugNetwork.com,” or that the contact address is a house owned by Brent Casagrande. See attached domain registration record search with Networksolutions.com WHOIS database (highlights added); Franklin County Owner Search for 1990 Hamrock Drive, Powell, OH (owner is Brent A Casagrande).

III. Not a Regular Listener/Also an Advertiser and/or Programmer on Delmar Station(s)

MARTIN, JANNETTA – Ms. Martin’s e-mail complaint to WVXG dated June 15, 2017 states that she is “a long time running advertiser of your station.” In a phone conversation with me on November 9, 2017, Ms. Martin stated that she no longer travels into the interference area noted in her June 15th e-mail. Moreover, Ms. Martin could not confirm that the interference at that time was due to WMNI’s translator. Ms. Martin also stated that the business she owns does advertise on WVXG. Attached is an excerpt from the website of Streetwise Motors, listing Ms. Martin as Vice President of Finance Company. Per the attached screenshot of Delmar station WDLR’s website dated November 29, 2017, StreetWise Motors is an advertiser with

Delmar, with the StreetWise Motors logo and customer information prominently displayed at the top of the website next to the WDLR identification.

MCLOUGHLIN, PAT – I spoke with Mr. McLoughlin on October 30, 2017. He only vaguely recalled his complaint letter to WVXG. Mr. McLoughlin stated that he has a program called Local Lix that is broadcast on WVXG as well as Delmar stations WDLR and WQTT. In a follow up phone conversation on October 31, 2017, Mr. McLoughlin explained that he produces Local Lix in Delmar’s WQTT studios with the assistance of a Delmar audio engineer. (In a later phone conversation, Mr. McLoughlin noted that he receives promotional mentions over the air on the Delmar stations in consideration for Local Lix airing on Delmar stations WVXG, WQTT and WDLR.) Mr. McLoughlin stated to me that he does not regularly listen to WVXG over the air. In another phone conversation on November 9, 2017, Mr. McLoughlin admitted that he personally did not experience interference while listening to WVXG and that he is not the complainant in his letter to WVXG, but rather that he initiated the letter on the behalf of a listener of Local Lix. I asked Mr. McLoughlin at that time if he could provide me the e-mail from that listener, and he said he would look for it. He has not responded since, notwithstanding a follow-up voice message I left him on November 15, 2017.

IV. Interference Complaint Not Substantiated as Due to W236CZ Interference.

MAHAN, MARK – Mr. Mahan confirmed to me in a phone call on November 9, 2017, that his difficulty in receiving WVXG started almost one year ago (and thus prior to the operation of W236CZ in the Columbus area). Mr. Mahan also could not identify that he is hearing W236CZ or the WMNI rebroadcast as an interfering signal. NABCO Chief Engineer William Bowin states in his Declaration that the W236CZ signal is not receivable in the area of Mr. Mahan’s concern (Marengo/Sparta, Ohio).

V. Insufficient Information from Complainant to Identify Area of Concern

CAACKLER, JIM – While Mr. Cackler’s Interference Complaint Questionnaire filed by Delmar with the FCC states that he experienced interference to WVXG reception at his home, Mr. Cackler stated to me via phone conversation on November 13, 2017, that he no longer has a problem at home after he purchased a different radio. Mr. Cackler noted that he has experienced WVXG signal interruptions while “on his way to work,” but he did not provide the location or routes of his work commute. On November 16, 2017, I followed up with an e-mail to Mr. Cackler, and followed up again with voice messages on November 22 and 27, 2017, with no response from Mr. Cackler. Thus, at this time, there is insufficient information as to the location of Mr. Cackler’s mobile reception issues, which such mobile listening had not been specified as an issue on his Interference Complaint Questionnaire.

VI. Withdrawn Complaints

STITES, DAVID – Mr. Stites has provided a statement (see attached) stating he no longer has concerns with his reception of WVXG and withdraws his complaint of interference regarding W236CZ. It should be noted that Mr. Stites explained to me via e-mail dated November 16, 2017, that, while he had sent a couple of e-mails to WVXG, he did not complete or sign the

Interference Complaint Questionnaire filed by Delmar with the FCC (which form I had forwarded to Mr. Stites for his review) and which form closed with "Signed & dated by listener: Dave Sites [sic] July 15, 2017." Besides the Questionnaire having not in fact been previously reviewed or signed by Mr. Stites, in addition to the form's "signature" misspelling, the Questionnaire filed by Delmar listed Mr. Stites' home address incorrectly.

THOMAS, SHEILA – Ms. Thomas has provided a statement (see attached) stating she no longer has concerns with her reception of WVXG and withdraws her complaint of interference regarding W236CZ. Moreover, joint testing between Delmar's consulting engineer and NABCO demonstrated that no interference to WVXG from W236CZ was discerned at the location specified by Ms. Thomas.

VII. Non-Regular Listening to WVXG

JOHNSTON, CHRIS – In a phone conversation with Mr. Johnston on November 9, 2017, he stated that he lives in the Alum Creek area and travels perhaps once or twice a month into the Sunbury area, where, while driving, he has experienced interference to WVXG. NABCO's Chief Engineer has confirmed that from Mr. Johnston's home, which is in southern Columbus, the WVXG signal could not be regularly received, and thus he would not be a regular listener of WVXG from his home base.

KEEHL, ROBERT – Mr. Keehl does not have a regular commute involving listening to WVXG. Instead, Mr. Keehl explained in a November 10, 2017, phone conversation that he drives all over Ohio and northern West Virginia, listening to a variety of stations. On November 18, 2017, I received a voice mail message from Mr. Keehl indicating he was not interested in talking further.

VIII. Recent Complaints With Less Than 30 Days to Investigate

AUSENHEIMER, MARK – complaint received 11.22.17, inquiry initiated.

BERNANS, JANIS – complaint received 11.22.17, inquiry initiated.

SCHOTT, ROBERT – complaint received 11.22.17, inquiry initiated.

SNYDER, ROBIN – complaint received 11.22.17, inquiry initiated.

WATLING, STANLEY – complaint received 11.22.17, inquiry initiated.

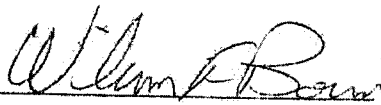
EXHIBIT C

Declaration of William Bowin, Chief Engineer of
North American Broadcasting Company, Inc.

DECLARATION

I, William Bowin, hereby declare under penalty of perjury that:

1. I am Chief Engineer for North American Broadcasting Company, Inc. ("NABCO").
2. NABCO is the licensee of full power stations WMNI(AM) and WRKZ(FM), Columbus, Ohio, and WJKR(FM), Worthington, Ohio, as well as FM Translator station W236CZ, Columbus, Ohio. FM Translator W236CZ was modified to relocate and rebroadcast WMNI(AM) per a 2016 AM Revitalization translator application window and began operations serving Columbus in June 2017.
3. NABCO has undertaken extensive efforts to investigate the claims of Delmar Communications, Inc. ("Delmar") as to alleged interference from the operation of W236CZ, in order to determine whether such complaints are validly from *bona fide* listeners of Delmar station WVXG(FM), Mount Gillead, Ohio, and if so, whether W236CZ is the cause of such interference and potential remedial measures.
4. I have reviewed the Declaration of Gerald Mosko, Vice President and Treasurer of NABCO, and Attachment I thereto reporting on the current status of the interference complaints lodged against W236CZ which have been received by NABCO from Delmar. I concur with Mr. Mosko's reporting.
5. Specifically, in regard to the interference complaint of Mark Mahan, based on my experience as a long-time broadcast engineer and my familiarity with the signals and local terrain, the W236CZ signal is not receivable in the area of Mr. Mahan's concern (Marengo/Sparta, Ohio). In regard to Chris Johnston, the WVXG signal could not be regularly received at his home location.
6. To the extent that complainants noted to Mr. Mosko that they had reception issues with WVXG which pre-dated the operations of W236CZ in the Columbus area, one explanation for WVXG reception issues in outlying areas could be the varying compliance of WVXG with the power limits set forth in its FCC license. I was able to personally observe WVXG operating at overpower on October 6, 2017.
7. I remember the date as it was the day that I performed the drive tests with Sheila Thomas. WVXG contract engineer Mark Hiner and I inspected the WVXG transmitter prior to running the tests to ensure that WVXG was operating properly. When I walked into the WVXG transmitter room, a few seconds behind Mark, I noticed that the transmitter power amplifier current was running between 1.5 to 1.6 amps (while 1.1 amps would be about normal at such time), the transmitter power meter was pegged and the calibrated Bird Wattmeter was indicating approximately 4 kW—that is, about 121% of the licensed power of 3.3 kW. Before I could get my cell phone camera running, Mark had quickly turned the WVXG power down to licensed parameters.



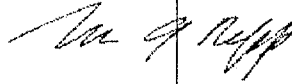
William Bowin

Executed: November 30, 2017

CERTIFICATE OF SERVICE

I, Marissa G. Repp, do hereby certify that a copy of the foregoing Response to 30-Day Letter is being sent via first-class, U.S. Mail, postage prepaid, and by e-mail, this 30th day of September, 2017, to the following:

Cary S. Pepper, Esq.
Tepper Law Firm, LLC
4900 Auburn Avenue, Suite 100
Bethesda, MD 20814-2632
Tepperlaw@aol.com
Counsel to Delmar Communications, Inc.



Marissa G. Repp

-83-30

-83-15

-83-00

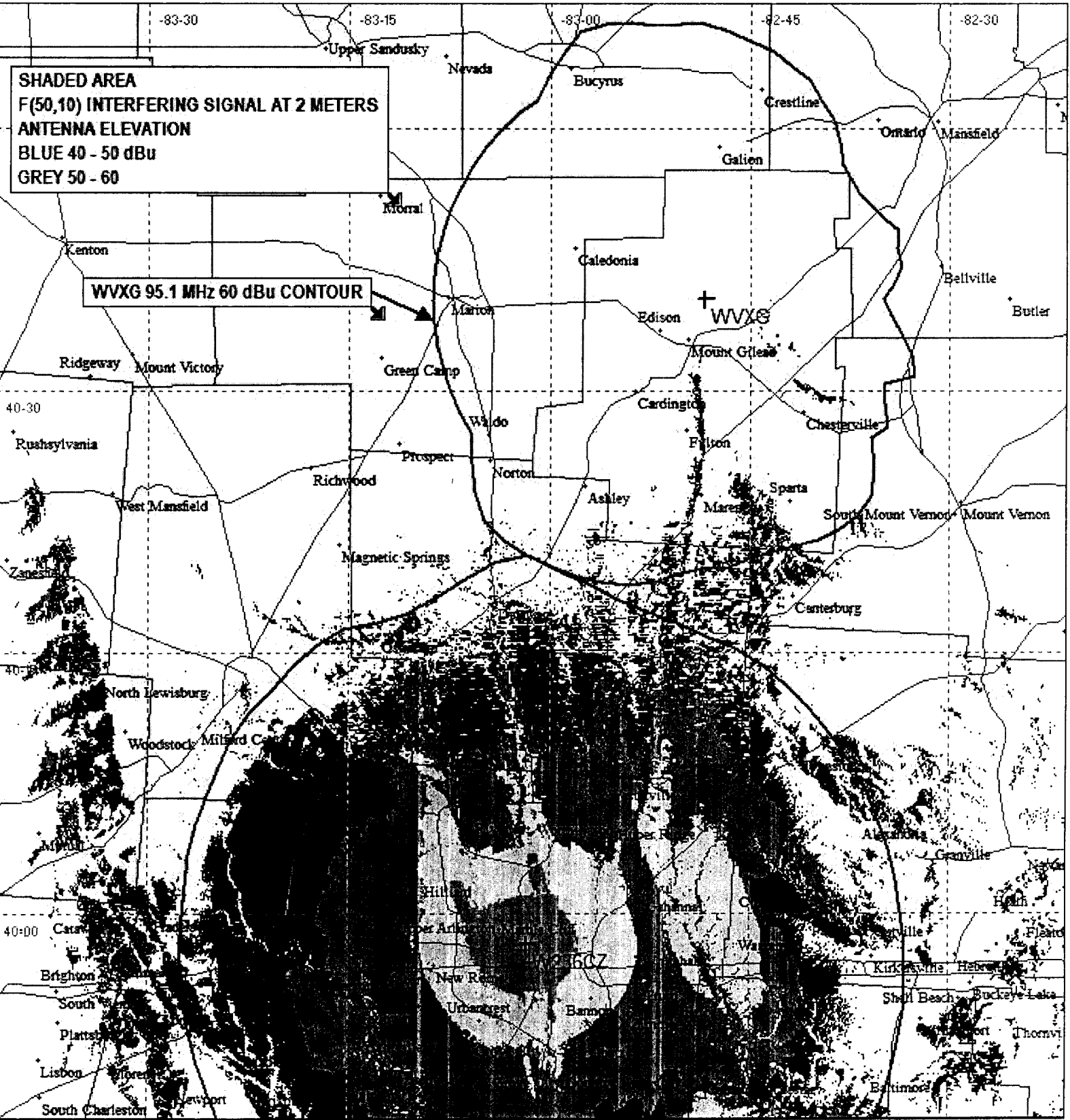
-82-45

-82-30

SHADED AREA
F(50,10) INTERFERING SIGNAL AT 2 METERS
ANTENNA ELEVATION
BLUE 40 - 50 dBu
GREY 50 - 60

WVXG 95.1 MHz 60 dBu CONTOUR

WVXS



Explanation of audio samples from Sheila Thomas drive test 10/6/17

There are two versions of each file. The .m4a version is the original with no changes. The .mp3 version has been processed to allow the audio to be better heard. Ms. Thomas drove her 2016 Ford F150 pickup truck. The audio was recorded by holding a cell phone in front of a speaker in the truck.

Audio file 1- VN-20171006-093301

The vehicle was parked in the handicapped parking space directly in front of the Speedway at 5619 Columbus Pike, Lewis Center, Ohio. At 6 seconds from the beginning you can clearly hear WVXG. Guns and Roses, Mr. Brownstone is playing. W236CZ is at 100% power.

Audio file 2- VN-20171006-093515

The vehicle was backed up and the radio locked onto W236CZ. Then the vehicle was pulled forward again, but the radio stayed with W236CZ. At 17 seconds from the beginning you can clearly hear W236CZ. Elton John's Daniel is playing. The vehicle was backed up, away from the building approximately 100 feet. The radio stays primarily with W236CZ but you can hear occasional bits of WVXG playing Queen's Another One Bites the Dust. When the vehicle stops, approximately 100 feet from the building, the radio is locked on WVXG. W236CZ remained at 100% power for this test.

The recording was stopped at 1:08 then resumed. The vehicle was pulled back forward to the handicapped parking spot in front of the building and remained parked for this test. W236CZ was at 100% power. From 1:08 to approximately 1:40 you can clearly hear W236CZ playing Elton John's Daniel. At approximately 1:40, W236CZ power is reduced to 50%. (The transmitter for W236CZ is a Nautel VS300. When changing power levels, the change is not immediate as the power level slowly ramps up and down over the course of a few seconds depending on the magnitude of the change.) At approximately 1:52, W236CZ power is reduced to 10%. At this point you can begin to hear speech from WVXG in the background. The on-air personality is talking just before a commercial break on WVXG. At 2:06, W236CZ is off and you can clearly hear the commercial playing on WVXG.

Audio file 3- VN20171006-095053

The vehicle is parked in front of 3769 Columbus Pike. The comments in the audio incorrectly identify the location as 3769 Delaware Road. The vehicle is stationary for the duration of this test.

From the beginning of the audio file to approximately :40 you can clearly hear W236CZ which is playing Morris Albert's Feelings. W236CZ is at 100% power.

At approximately :40 power for W236CZ is reduced to 50%. You can hear the on-air announcer for WVXG speaking in the background but the song Feelings is prevalent.

At approximately :54 power for W236CZ is reduced to 10%. You can now clearly hear the on-air announcer for WVXG speaking and you can no longer hear W236CZ. There is some noise in the background, presumably interference from W236CZ.

At approximately 1:11 power for W236CZ is increased to 50%. W236CZ can again be clearly heard, with WVXG in the background.

At approximately 1:31 power for W236CZ is decreased to 10%. WVXG becomes the prevalent station once again and W236CZ cannot be heard. WVXG programming consists of it's on-air personality talking, then a 95X liner, then ONN News.

At approximately 1:49 W236CZ is turned off and remains off for the remainder of this recording.

Audio file 4- VN20171006-100029

The vehicle is parked on the farm road directly in front of 357 Braumiller Road in Delaware, Ohio. At the beginning of the audio file W236CZ is at 100% power. WVXG is the dominant station, playing The Police, Every Breath You Take. While W236CZ is at 100% power you can hear W236CZ faintly in the background but it is difficult to identify what the programming is.

At approximately :28, W236CZ power is reduced to 50%. W236CZ can no longer be heard in the background.

At approximately :42, W236CZ power is reduced to 10%. W236CZ cannot be heard at this power level.

At approximately 1:02, W236CZ power is increased to 50%. W236CZ cannot be heard.

At approximately 1:18 and for the remainder of the audio file, W236CZ is at 100% power. W236CZ can be heard in the background, but as above, it is difficult to identify what the programming is.

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 12th day of December, 2017, I have served a copy of the foregoing "Opposition to Response to 30-Day Letter" via first-class, postage-prepaid or email (as noted below), on the following:

*Peter Doyle
Chief, Audio Services Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.; Room 2-A360
Washington, D.C. 20554

James Bradshaw, Deputy Division Chief
Audio Division-Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

*Robert Gates
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

#Marissa G. Repp
Repp Law Firm
1629 K Street, NW; Suite 300
Washington, DC 20006
(Counsel to NABC)



Cary S. Tepper, Esq.

*/ indicates delivery by email

#/ indicates delivery by US Mail & email

Federal Communications Commission

FCC MB - CDBS Electronic Filing

Account number: 360731

Description: DELMAR - OPPOSITION TO NABC RESPONSE TO 30-DAY LETTER

Successfully filed at Dec 12 2017 1:50PM

Based on the information supplied, no fee is required.

[Informal Menu](#)

[Logout](#)