

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

In re Application of]	
]	File No. 0000234382
Family Stations, Inc.]	Facility Id. No. 29024
]	
For an AM Engineering STA for Standard]	
Broadcast Station WFME, New York, NY]	

To: Office of the Secretary
Attn: Audio Division, Media Bureau

**OPPOSITION TO
INFORMAL OBJECTION**

Family Stations, Inc. (“FSI”), hereby submits this Opposition to the Informal Objection filed by Mr. Albert David (“Mr. David”), on January 9, 2024 (the “Informal Objection”), regarding the above-referenced application for extension of the engineering special temporary authority (“STA”) for station WFME, Facility Id. No. 29024, New York, NY (the “WFME STA Extension”).

The Informal Objection should be dismissed as defective and without merit. As a preliminary matter, Mr. David has no connection with the Station nor its market or local community. He is not a competitor, nor a listener of the Station and he does not reside in the area. While any member of the public may file an Informal Objection,¹ the fact that Mr. David has no nexus with the station and/or the market brings into question the motive of Mr. David in filing with the FCC. More importantly, however, Mr. David fails in his Informal Objection to establish (1) a violation of the FCC’s rules, or (2) that grant of the WFME STA Extension is not

¹ 47 CFR §§ 73.3587; § 1.41. *See, e.g., In re Application of The Emperor’s Circle of Shen Yun For Renewal of License for Station KQSG-LP El Monte, California*, Order, DA 23-140 at para. 7 (2023).

in the public interest. For all intents and purposes, in this instance, Mr. David is an officious intermeddler.

While an informal objection is, by definition, less formal than a petition to deny, it is still subject to several basic requirements, including that it must “contain sufficient information to establish any violation alleged.”² In order meet this requirement, informal objections must provide adequate and specific factual allegations sufficient to warrant the relief requested.³ Mr. David’s Informal Objection fails to do so. First, FSI has not been granted nor has it sought an “unlimited” number of extensions to its engineering STA. Instead, FSI has, in keeping with FCC policy and rules, kept the FCC fully apprised of its ongoing efforts and demonstrated that the initial and modified STA and the extensions requested have been necessary and that good faith steps to resume normal operation continue to be undertaken.⁴

Second, the fact that FSI sold the property on which the original Station’s transmitter site was located is immaterial. The Commission’s rules contain no restrictions on the sale or alienability of property owned by licensees and used for the operation of stations. FSI is the licensee of 40 full power radio stations and 30 FM translators and one LPTV. The funds gained from the sale of the New York site were needed for and are being used to operate not just WFME

² See, e.g., *License Renewal Applications for Radio Broadcast Stations*, <https://www.fcc.gov/media/radio/broadcast-radio-license-renewal> (October 13, 2023) (explaining generally the procedure and requirements for filing informal objections).

³ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff’d sub nom. Garden State Broad. L.P. v. FCC*, 996 F. 2d 386 (D.C. Cir. 1993), rehearing denied (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and *informal objections* must contain adequate and specific factual allegations sufficient to warrant the relief requested) (emphasis added).

⁴ See *WFME New York NY Engineering STA Request Exh December 2023*, attachment to *Application of Family Stations, Inc. For an AM Engineering STA for Standard Broadcast Station WFME, New York, NY*, File No. 0000234382 (December 29, 2023).

but all its stations in what has been a challenging economy.

Third, contrary to the inference raised by Mr. David, FSI has been diligently working towards finding a permanent site for the Station.⁵ FSI had no reason to believe that operation from the temporary site authorized in the STA would cause interference to the electronic systems of a school nearby. FSI has worked steadfastly – committing significant time and financial resources -- to eliminate the interference to the school while actively pursuing a new transmitter location for WFME, conducting due diligence on several tower locations in the New York City area, and directly engaging with site owners or managers at six potential locations. As a noncommercial FCC licensee, FSI must consider not only the suitability of a proposed site but the cost to lease and/or modify a site, feasibility of *timely* obtaining necessary local permits and implementing a facility after FCC approval is obtained. New York City is largest radio market in the United States and one of, if not the most, complex and congested. Locating, testing, and building out an antenna site at full power in New York City without causing interference or other problems is a complicated task that requires both time and effort, neither of which has gone unexpended by FSI.

Mr. David argues that there is no public interest in a grant of WFME STA Extension. On the contrary, it is axiomatic that keeping a station on the air providing service to the listening public IS in the public interest. While he speculates that harm *could* occur, Mr. David has not shown that another party *has* been harmed by or is in imminent danger of harm by from outstanding WFME STA. Mr. David fails to make a convincing case that the public would be better served by having WFME off the air or downgraded to Class B service rather than operating at reduced power while FSI diligently works towards finding and relocating WFME to

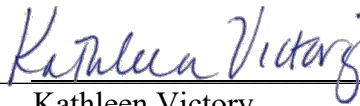
⁵ See n. 4.

an FCC approved permanent site. Indeed, to do so would negatively affect WFME's listeners and therefore would not be in the public interest.

None of Mr. David's allegations are adequate or specific enough to justify denying the WFME STA Extension. Accordingly, the Informal Objection is defective, without merit, and should be dismissed. FSI has worked with and kept the FCC apprised of the status and its efforts to operate WFME interference free while it continues its search for a permanent home.

Therefore, FSI respectfully requests both that the Informal Objection be dismissed and WFME STA Extension be granted.

Respectfully submitted,

By: 
Kathleen Victory
Daniel J. Brown
Counsel for Family Stations, Inc.

January 29, 2024

CERTIFICATE OF SERVICE

I, Daniel J. Brown, an attorney with Fletcher, Heald & Hildreth, PLC, do hereby certify that on this 29th day of January, 2024, the foregoing Opposition to Informal Objection was sent via first class mail, postage prepaid and electronic mail to the following persons listed below:

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January 29, 2024