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

In the Matter of )  
)  
SUN BROADCASTING INC. )  
)  
FM Translator W231DC )  
Facility ID No. 138791 )  
Channel 231, 9.1 MHz, Fort Myers, Florida )  
(Input Channel WFSX(AM), Fort Myers, Florida )

FCC File No. BLFT-2016124ADG

ACCEPTED/FILED

NOV 13 2017

Federal Communications Commission  
Office of the Secretary

To: Secretary, Federal Communications Commission  
Attention: Chief, Audio Division, Media Bureau

REPLY OF SUN BROADCASTING INC.

Sun Broadcasting Inc. (“Sun”), licensee of FM translator W231DC(FX), Fort Myers, Florida, Channel 231, Fac. ID No. 138791 (the “Translator”), by its attorneys, hereby responds to the “Reply” (the “Beasley Reply”) filed by WDAS License Limited Partnership (“Beasley”)<sup>1</sup> to Sun’s response (the “Sun Response”) to the Media Bureau’s letter dated September 21, 2017 (“Bureau Letter”).<sup>2</sup>

Beasley’s request that Sun be forced to suspend operation of the Translator is entirely unsupported by the record. The small number of listener complaints that Beasley procured and submitted in this proceeding made allegations so general as to frustrate confirmation and preclude the identification of practical solutions. Indeed, most of the complainants accepted Sun’s offer of settlement to assist them in obtaining properly functioning radio equipment and

<sup>1</sup> Beasley is the licensee of full-power radio station WLLD(FM), Lakeland, Florida, Channel 231, Fac. ID No. 51987 (“WLLD”).

<sup>2</sup> The Bureau Letter did not contemplate a pleading cycle in response to the Bureau’s inquiries. To the extent, however, that the Bureau permits the Beasley Reply to be submitted into the record, Sun should be entitled to respond to Beasley’s misstatements and restated argument. In the event the Bureau’s leave is required to file this Reply, it is hereby requested.

have not complained further. The others are either unreachable or unwilling to substantiate their claims of interference or even provide addresses where the alleged interference occurred. The only verified field signal tests before the Bureau demonstrate that the Translator does not interfere with WLLD at the most logical locations where the complainants might have experienced it. The weight of the evidence shows that if there ever was any interference between WLLD and the Translator, that interference and all valid listener complaints now are resolved. There is certainly nothing in this record that would justify an order to Sun to suspend the Translator's operations.

Beasley's effort to invalidate Sun's settlement agreements with most of the complainants in this case is entirely meritless. Despite Beasley's repeated assertions, this case has practically nothing in common with *Radio Power, Inc.*, 26 FCC Rcd 14385 (Media Bureau 2011). In that case, the Bureau rejected the argument that complainants should be required to accept smart phones with Internet radio apps in settlement of interference complaints.<sup>3</sup> That principle has no applicability here because the voluntary settlements entered into by Sun and the complainants in this case were specifically to aid the complainants in obtaining improved radio reception equipment. Sun's testing showed that listeners could pick up the WLLD signal reliably with a simple off-the-shelf directional antenna (a "broadcast technology") costing approximately thirty dollars. The settlements were designed to help listeners obtain such equipment if they wished. There is no basis for the Bureau to object to this approach, which requires precisely no

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<sup>3</sup> *Radio Power, supra*, at 14386. The Bureau also rested its *Radio Power* decision on concerns that do not apply to voluntary final settlements. These include whether commercial services are programmatically "equivalent," whether the service provides comparable signal quality and reliability, whether successors will be required to purchase equipment and pay subscription fees in perpetuity, and what resources the Commission would have to expend to monitor those requirements.

government involvement or oversight. *Radio Power* accordingly provides no basis for upholding Beasley's complaint.

For the foregoing reasons, Sun requests that the Bureau declare that Sun has met its remediation obligations and dismiss the Beasley Interference Complaint.

Respectfully submitted,

**SUN BROADCASTING INC.**

By



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November 13, 2017

## CERTIFICATE OF SERVICE

I, Verdetta C. Dickerson, hereby certify that on this 13th day of November, 2017, I caused a true and correct copy of this Opposition to Beasley Reply to be served on the following by first class mail and e-mail:

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Verdetta C. Dickerson