

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**WWW.FCC.GOV/media/radio/audio-division**

**ENGINEER:** Dale Bickel  
**TELEPHONE:** (202) 418-2706  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** dale.bickel@fcc.gov

August 16, 2019

Sun Broadcasting, Inc.  
c/o Joseph Belisle, Esq.  
Belisle Law Firm P.A.  
P.O. Box 970620  
Miami, FL 33197

Re: W231DC (FX), Fort Myers, FL  
Sun Broadcasting, Inc.  
Facility Identification Number: 138791  
Request for Special Temporary Authority  
BSTA-20190813AAH

Dear Licensee:

We have before us a request for special temporary authorization (STA Request) filed on August 13, 2019, for FM translator station W231DC, Fort Myers, Florida (Station). For the reasons set forth below, we deny the STA Request.

The Station's current license, BLFT-20161024ADC, was granted November 29, 2016. On April 12, 2017, WDAS License Limited Partnership filed a complaint with the Commission, alleging that the Station was causing interference to the reception of its station WLLD (FM), Lakeland, Florida, and attaching seven listener statements. Ultimately, the Media Bureau staff directed W231DC to cease operation due to its failure to resolve the interference complaints.<sup>1</sup> That decision was not appealed and is now final. W231DC complied with that directive and has remained off the air since December 7, 2018.<sup>2</sup>

On May 9, 2019, the Commission amended its rules relating to FM translator interference complaint resolution.<sup>3</sup> The amended rules became effective on August 13, 2019, and Sun filed the STA Request that same day.

---

<sup>1</sup> See *Letter to Sun Broadcasting, Inc. from Albert Shuldiner, Chief, Audio Division*, Reference 1800B3-PPD (MB Feb 21, 2018) (initially dismissing the interference complaint), *reconsideration granted, Letter to Sun Broadcasting, Inc. and Beasley Media Group Licenses, LLC, from Albert Shuldiner, Chief, Audio Division* (MB Dec. 3, 2018) (granting reconsideration and ordering the station to cease operations Sun has failed to properly eliminate interference to WLLD listeners from the Station pursuant to 47 CFR § Section 74.1203(b) (December 3 Staff Action).

<sup>2</sup> See BLSTA-20190103AAP (requesting silent authority in light of the December 3, 2018 disposition), granted on February 14, 2019.

<sup>3</sup> See *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, FCC 19-40, 34 FCC Rcd \_\_\_\_ (2019) (*Translator Interference Order*).

In the STA Request, Sun seeks to resume Station operations with its licensed facilities per BLFT-20161024ADC under the revised translator interference rules. It observes that the Station was ordered off the air on the basis of seven complaints, less than one-third of the number of complaints – and without the specificity -- required to establish interference under the revised rules. Sun requests that the Commission apply its new standards regarding FM translator interference to the STA Request and authorized the Station to return to the air.

We disagree. Other than the rules change, the STA filing does not cite any new factors that would overturn the December 3 Staff Action. The Station has been found to cause actionable interference to the reception of WLLD(FM) with its licensed facilities. That action is final. We will not authorize the Station to resume operation with those facilities based on a subsequent rule change, and we expressly decline to apply the new translator rules retroactively to that final decision. Therefore, the STA request IS DISMISSED.

If the licensee would like to pursue this matter, it is welcome to do so via the filing of an FM translator construction permit application specifying different technical facilities on FCC Form 349. In that context, we can evaluate the new rules' applicability to the facilities proposed, as well as its effect on any actual or potential interference complainants.

Sincerely,



Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau