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2018 AUG 28 AM 6:06

August 24, 2018

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Accepted / Filed

AUG 24 2018

Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY
Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attn: Audio Division, Media Bureau

Re: Mars Hill Broadcasting Co., Inc.
WMHR, Syracuse, NY (Facility ID No. 8554)
Interference Complaint

Dear Ms. Dortch:

Transmitted herewith on behalf of Mars Hill Broadcasting Co., Inc. is an Interference Complaint against W275AB, Elmira, NY (Facility ID No. 8554), licensed to Europa Communications, Inc.

Please contact the undersigned if any questions or issues arise.

Sincerely,

Matthew H. McCormick
Mark C. DeSantis
Counsel for Mars Hill Broadcasting Co., Inc.

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

'18 AM 6:07

In the Matter of	)	
	)	
EUROPA COMMUNICATIONS, INC.,	)	Facility ID No. 8554
	)	
Licensee of FM Translator, W275AB,	)	
Elmira, New York	)	

Accepted / Filed
AUG 24 2018
Federal Communications Commission
Office of the Secretary

To: Chief, Audio Division, Media Bureau

INTERFERENCE COMPLAINT

Mars Hill Broadcasting Co., Inc. ("Mars Hill"), licensee of full-power FM broadcast station, WMHR, Syracuse, New York (Facility ID No. 40432) (Channel 275/102.9 MHz) ("WMHR"), by its undersigned counsel and pursuant to Section 74.1203 of the Commission's rules,[1] hereby submits this complaint of interference against FM translator, W275AB, Elmira, New York (Facility ID No. 8554) ("W275AB"), licensed to Europa Communications, Inc. ("Europa"). Europa's operation of W275AB on Channel 275/102.9 MHz is causing co-channel interference to the regular listeners' reception of WMHR. Accordingly, Mars Hill requests that the Commission order W275AB to cease operations immediately.

I. BACKGROUND

A. Actual Interference by FM Translators

Section 74.1203(a)(3) provides, in pertinent part, that an FM translator station "will not be permitted to *continue to operate* if it causes any actual interference to . . . the direct reception by the public of the off-the-air signals of *any* authorized broadcast station . . . ."[2] The Commission interprets this rule very broadly as it "places no geographic or temporal limitation on

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1 47 C.F.R. § 74.1203 *et seq.*

2 *Id.* at § 74.1203(a)(3) (emphasis added).

complaints. . ."[3] The FCC's FM translator rules strictly prohibit interference caused by the operations of FM translator stations due to their secondary nature and require that translators provide interference-free service.[4]

To the best of Mars Hill's knowledge, no action has been taken by Europa to ameliorate, much less eliminate, the interference caused by W275AB to WMHR's listeners. Accordingly, based upon the showing below and pursuant to Section 74.1203 of the Commission's rules, the FCC must order the offending translator to cease operations.[5]

B. ***Bona Fide* Listener Complainants**

The Commission interprets the "direct reception to the public" language in Section 74.1203(a) to mean that actionable interference complaints must be made by "*bona fide*" listeners.[6] In order for a listener complainant to be *bona fide*, the FCC's staff requires each listener complainant to provide: (1) his or her name and address; (2) the location(s) at which the

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[3] *Association for Community Education, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd. 12682, 12688, ¶ 15 (2004) (citing *Forus FM Broadcasting of New York, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd. 7880, 7882, ¶ 16 (1992)). In the recent Notice of Proposed Rulemaking concerning FM translator interference complaints, however, the Commission proposed to limit the geographic scope of such complaints to interference occurring within the 54 dBμ service contour of the desired station. *See Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, MB Docket No. 18-119, Notice of Proposed Rulemaking, FCC 18-60 at ¶ 28 (rel. May 10, 2018) ("*FM Translator Interference NPRM*"). That proposal, however, has not yet been adopted and was opposed in certain comments filed in the proceeding.

[4] *See Forus FM Broadcasting of New York, Inc.*, 7 FCC Rcd. at 7882, ¶ 12 (discussing FM booster stations, also a secondary service).

[5] 47 C.F.R. § 74.1203(b).

[6] *Association for Community Education, Inc.*, 19 FCC Rcd. at 12688, ¶ 16 ("[O]nly a complaint from a *bona fide* listener of the desired station can force a translator station of the air."). Although the Commission historically has not required a minimum number of listener complaints to support an interference complaint, in the *FM Translator Interference NPRM*, the FCC proposed requiring a minimum of six (6) listener complaints to be submitted with an FM translator interference complaint. *See FM Translator Interference NPRM* ¶ 16.

interference with the desired station occurs; and (3) a statement that the listener is, in fact, a listener of the desired station.[7] Furthermore, a listener complainant must be disinterested, i.e., have no legal, economic, or familial stake in the outcome of the proceeding.[8]

II. DISCUSSION

As evidenced by the listener complaints attached hereto as **Exhibit A**, a number of WMHR's listeners are having difficulties tuning to WMHR. Instead of receiving WMHR's signal, these listeners attest that they experience static or conflicting signals when attempting to tune-in to WMHR on 102.9 MHz, and sometimes cannot hear WMHR at all. Attached hereto as **Exhibit B** is a map prepared by Mars Hill's consulting engineer Robert Moore, demonstrating the locations of the complaining listeners in relation to the licensed contours of W275AB and WMHR. Accordingly, the FCC must order W275AB to cease operations immediately pursuant to Section 74.1203(b) of the Commission's rules.

III. CONCLUSION

For the foregoing reasons, Mars Hill respectfully requests that the FCC order W275AB to cease operations immediately pursuant to Section 74.1203(b) of the Commission's rules.

Respectfully submitted,

MARS HILL BROADCASTING CO., INC.

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7 *See Creation of an LPFM Service*, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd. 15402, 15431-32, ¶ 83 (2012).

8 *See Association for Community Education, Inc.*, 19 FCC Rcd. at 12688, n.37; *Creation of a Lower Power Radio Service*, Fifth Report and Order, 27 FCC Rcd. 15402, 15441, ¶ 109 (2012). Although not traditionally required, the Commission proposed in the *FM Translator Interference NPRM* that listener complainants must provide a signed declaration attesting to their *bona fide* listener complainant status. *FM Translator Interference NPRM* ¶ 19. Furthermore, the FCC proposed requiring stations submitting a translator interference claim pursuant to Section 74.1203(a)(3) to include a map plotting specific listener complainant addresses in relation to the relevant station contours. *Id.*

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Counsel for Mars Hill Broadcasting Co., Inc.

Dated: August 22, 2018

Exhibit A

Listener Complaints

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME David & Salina Longo

ADDRESS 1551 Altay Rd.

CITY Rock Stream STATE N.Y. ZIP CODE 14878

EMAIL ADDRESS

TELEPHONE NUMBER 607-216-2870

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home X ;

   In my office _____,
   which is located at _____;

   In my vehicle X. typically while traveling in the vicinity of
   Penn Yann, Dundee, Watkins Glenn.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   Approx. mid June.

3. The interference is occurring when I try to listen to WMHR (give location)
   At home (Rock Stream) Also driving in neighboring areas.

4. The interfering station was playing (describe programming):
   Modern Pop Music mixed with heavy static noise.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments:

I declare under penalty of perjury that foregoing is true and correct.

SIGNED [signature] DATE 8-2-18

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INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Helen + Alan Chaffee

ADDRESS 262 Van Kirk Rd

CITY Newfield STATE NY ZIP CODE 14867

EMAIL ADDRESS

TELEPHONE NUMBER

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home ✓ ;

   In my office _____.
   which is located at _____;

   In my vehicle ✓, typically while traveling in the vicinity of for the Ithaca, NY translator _____.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date): _____.

3. The interference is occurring when I try to listen to WMHR (give location) _____.

4. The interfering station was playing (describe programming): _____.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I have gotten to the point where I often turn off the radio, if I even turn it on, as the reception is so statticky ~ can't even hear good sounds. I can never get ~~the~~ any station reception either for the translator in Ithaca.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Helen Chaffee DATE Aug. 6, 2018

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Joy Danforth

ADDRESS 198 Castle Point Rd

CITY Himrod STATE NY ZIP CODE 14842

EMAIL ADDRESS ddanforth@stny.rr.com

TELEPHONE NUMBER 607-243-8653

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home ✓ ;

   In my office _____,
   which is located at _____:

   In my vehicle ✓, typically while traveling in the vicinity of
   Yates County - Penn Yan Dundee Himrod area & south

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   Late May early June 2018

3. The interference is occurring when I try to listen to WMHR (give location)
   in my car & on radios in my house.

4. The interfering station was playing (describe programming):
   Loud offensive Hip Hop music.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I emailed Emil about this problem on 7-2-18. I received a reply from Linda Greczyn on 7-3-18

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Joyce Danforth DATE 7-31-18

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Walter and Launa Howell

ADDRESS 4496 Lakemont-Himrod Rd.

CITY Dundee STATE NY ZIP CODE 14837

EMAIL ADDRESS launahowell@gmail.com

TELEPHONE NUMBER 315-726-0340

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home ✓ ;

   In my office _____,
   which is located at _____:

   In my vehicle ✓, typically while traveling in the vicinity of
   Dundee, Geneva, Bath, Watkins Glen.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   April or May.

3. The interference is occurring when I try to listen to WMHR (give location)
   anywhere.

4. The interfering station was playing (describe programming):
   Lots of rap music.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: We thought it was because there were more people in the area. We are so glad that this problem is being checked out.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Launa J. Howell DATE July 30, 2018

INTERFERENCE COMPLAINT RECEIVED AUG 0 8 2016

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Albert KAUFFMAN

ADDRESS 4971 HALLOCK RD

CITY DUNDEE STATE NY ZIP CODE 14837

EMAIL ADDRESS

TELEPHONE NUMBER 607 292 3908

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home ✓ ;

   In my office _____,
   which is located at _____:

   In my vehicle ✓, typically while traveling in the vicinity of
   Dundee.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   June 1.

3. The interference is occurring when I try to listen to WMHR (give location)
   In vehicle near home.

4. The interfering station was playing (describe programming):
   Hip hop.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments:

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Albert Kauffman DATE 8/6/18

RECEIVED AUG 0 8 2018

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Kathy Lewis

ADDRESS 4541 Pre-Emption Road

CITY Dundee STATE NY ZIP CODE 14837

EMAIL ADDRESS timlewis@frontiernet.net

TELEPHONE NUMBER 607-243-9056

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home _____;

   In my office _____,
   which is located at _____;

   In my vehicle ✓, typically while traveling in the vicinity of
   Dundee to Geneva.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   February or March 2018

3. The interference is occurring when I try to listen to WMHR (give location)
   anywhere between Dundee + Geneva (driving on Rte 14)

4. The interfering station was playing (describe programming):
   Couldn't tell, both stations coming in at same time

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: Please get this resolved. I have really missed being able to listen to WMHR. Thank you!

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Katherine M. Lewis DATE 8-4-18

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Sandra Miller

ADDRESS 457 Buckhill Rd S.

CITY Trumansburg STATE N.Y. ZIP CODE 14886

EMAIL ADDRESS None

TELEPHONE NUMBER

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home ✓;

   In my office _____,
   which is located at _____;

   In my vehicle ✓, typically while traveling in the vicinity of
   Mecklenburg → Dundee → Penn Yan, Mecklenburg → Interlaken → Romulus

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   ? MAY

3. The interference is occurring when I try to listen to WMHR (give location)
   Same as above when driving my car Some times at home.
   457 Buckhill Rd S, T-burg

4. The interfering station was playing (describe programming):
   Rap music, constant static

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I miss getting to hear WMHR programs especially messages from my pastors throughout the day. On Sunday morning I leave at 8am for Penn Yan & miss all the speakers.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Sandra Miller DATE 7/31/18

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Raymond + Debra Smith

ADDRESS 449 Peelle Road

CITY Rock Stream STATE NY ZIP CODE 14878

EMAIL ADDRESS pontydog.smith@gmail.com

TELEPHONE NUMBER 607 243 8098

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home X ;

   In my office _____,
   which is located at _____;

   In my vehicle X, typically while traveling in the vicinity of
   Watkins Glen, Elmira.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   spring, 2018.

3. The interference is occurring when I try to listen to WMHR (give location)
   Watkins Glen, Rock Stream – Elmira.

4. The interfering station was playing (describe programming):
   horrible 'music'.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: It is sad + annoying as we love MARS Hill + we hope something will be done to remedy this.

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Debra Smith DATE July 31, 2018

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

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NAME Don Switzer

ADDRESS PO Box 91 (97 Pre-Emption Rd)

CITY Bellona STATE NY ZIP CODE 14415

EMAIL ADDRESS —

TELEPHONE NUMBER 585-526-4483

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home X ;

   In my office _____,
   which is located at _____:

   In my vehicle X, typically while traveling in the vicinity of
   → Bellona to Geneva & Canandaigua.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   May - June.

3. The interference is occurring when I try to listen to WMHR (give location)
   →

4. The interfering station was playing (describe programming):
   various program ~~[illegible]~~ during the day.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: Very much Enjoy all the programing!!

Thank you

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Don Switzer DATE 7-31-16

INTERFERENCE COMPLAINT

I believe that FM Translator W275AB, 102.9 MHz, Elmira, New York, is causing interference to my reception of WMHR (FM), 102.9 MHz, Syracuse, New York.

NAME Norva Wood

ADDRESS 1304 Rice Rd

CITY Himrod STATE NY ZIP CODE 14842

EMAIL ADDRESS

TELEPHONE NUMBER 315 536 2069

1. I am a regular listener of WMHR on 102.9 MHz. I listen to WMHR (check all that apply):

   At my home ✓ : seems to be OK

   In my office _____,
   which is located at _____;

   In my vehicle ✓, typically while traveling in the vicinity of
   Dundee - Himrod.

2. I first noticed interference to my reception of WMHR, 102.9 MHz on (give approximate date):
   early June

3. The interference is occurring when I try to listen to WMHR (give location)
   In Dundee and out side of town.

4. The interfering station was playing (describe programming):
   Music I don't like.

5. Neither I nor any member of my immediately family is an officer, director, employee of the WMHR licensee or otherwise have any connection with WMHR except as a listener and an occasional donor.

Additional Comments: I have quit listening in the car because it is so annoying. So I can't really remember where and if it worked in other areas. Thank you contacting me!

I declare under penalty of perjury that foregoing is true and correct.

SIGNED Norva Wood DATE 7/31/18

P.S. I enclosed my pledge check for this year please get it where it needs to go!

Exhibit B

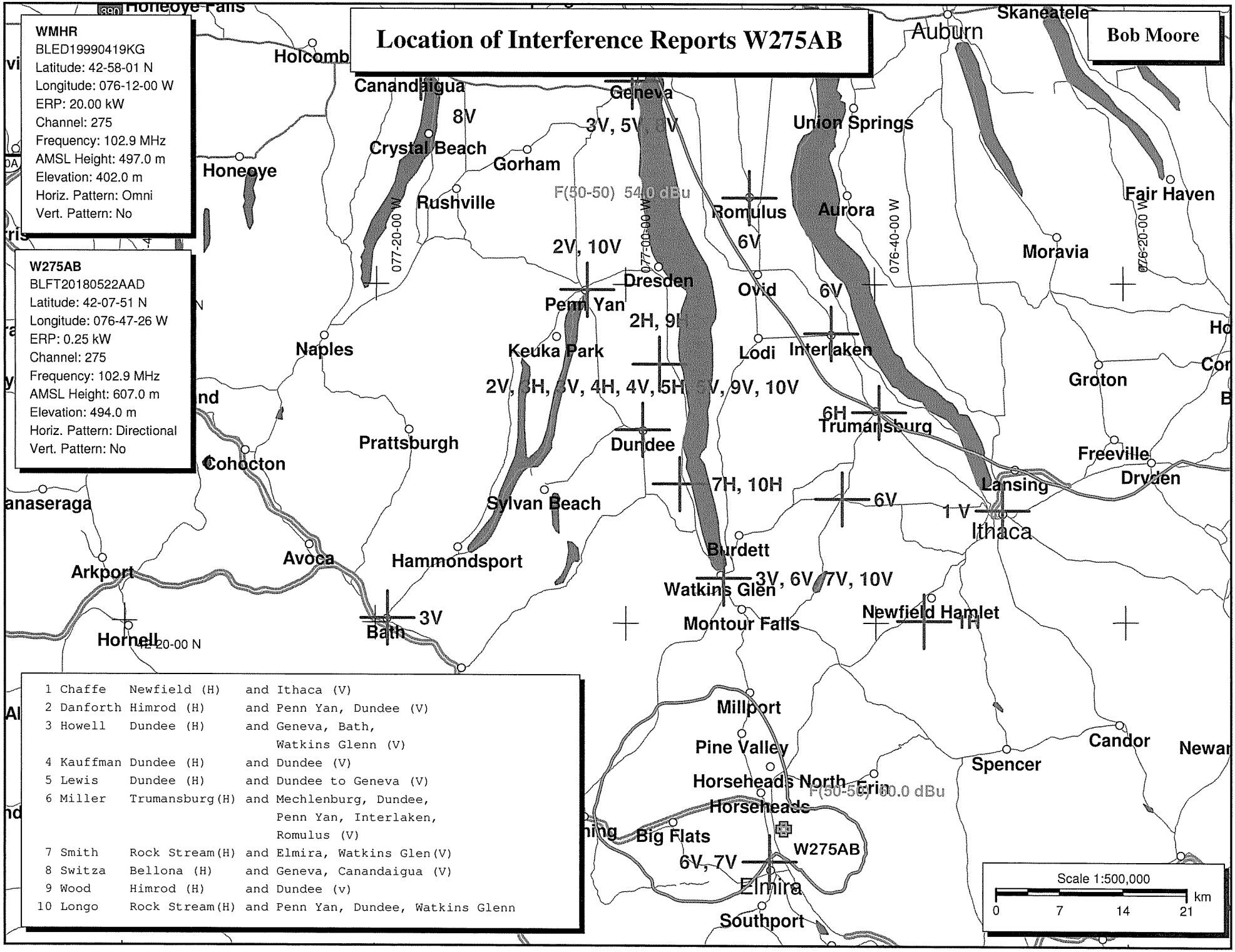
Map Prepared by Robert Moore

Location of Interference Reports W275AB

Bob Moore

WMHR
BLED19990419KG
Latitude: 42-58-01 N
Longitude: 076-12-00 W
ERP: 20.00 kW
Channel: 275
Frequency: 102.9 MHz
AMSL Height: 497.0 m
Elevation: 402.0 m
Horiz. Pattern: Omni
Vert. Pattern: No

W275AB
BLFT20180522AAD
Latitude: 42-07-51 N
Longitude: 076-47-26 W
ERP: 0.25 kW
Channel: 275
Frequency: 102.9 MHz
AMSL Height: 607.0 m
Elevation: 494.0 m
Horiz. Pattern: Directional
Vert. Pattern: No



1	Chaffe	Newfield (H)	and Ithaca (V)
2	Danforth	Himrod (H)	and Penn Yan, Dundee (V)
3	Howell	Dundee (H)	and Geneva, Bath, Watkins Glenn (V)
4	Kauffman	Dundee (H)	and Dundee (V)
5	Lewis	Dundee (H)	and Dundee to Geneva (V)
6	Miller	Trumansburg(H)	and Mechlenburg, Dundee, Penn Yan, Interlaken, Romulus (V)
7	Smith	Rock Stream(H)	and Elmira, Watkins Glen(V)
8	Switza	Bellona (H)	and Geneva, Canandaigua (V)
9	Wood	Himrod (H)	and Dundee (v)
10	Longo	Rock Stream(H)	and Penn Yan, Dundee, Watkins Glenn

CERTIFICATE OF SERVICE

I, Michelle Brown Johnson, of Fletcher, Heald & Hildreth, PLC, hereby certify that a true copy of the foregoing Interference Complaint to be sent this 22nd day of August, 2018, via U.S. First Class Mail, postage prepaid, and via email, where indicated, to the following individuals:

John Joseph McVeigh, Esq.*
16230 Falls Road
P.O. Box 128
Butler, MD 21023-0128
kd4vs@comcast.net

Kevin M. Fitzgerald, General Partner
Europa Communications, Inc.
734 Chemung Street
Horseheads, NY 14845

* via email

Michelle Brown Johnson