

Before the
Federal Communications Commission
Washington, DC 20554

In re Application of)	
)	LMS Application File No.
First State Communications)	0000251954
)	
Application for License to Cover)	
FM Translator W252EL,)	
Cary, North Carolina)	
(FIN: 157569))	

To: Chief, Audio Division, Media Bureau (VIA LMS)

PETITION FOR RECONSIDERATION AND INTERFERENCE COMPLAINT

Lakes Media, LLC (“Lakes”) (FRN: 0012656294), licensee of WLUS-FM of Clarksville, Virginia (FIN: 11723) (the “Station”), by counsel and pursuant to Sections 74.1203 and 74.1204, hereby submits this petition for reconsideration and complaint regarding objectionable interference to full power FM Station WLUS-FM caused by FM Translator Station W252EL of Cary, North Carolina (FIN: 157569).¹ W252EL is licensed to First State Communications (“First State”) and operating pursuant to the license, File Number 0000251954, granted August 23, 2024.

Specifically, W252EL is causing prohibited interference to a full power station in contravention of the Commission’s Rules and has failed to avoid or remedy the interference despite expressly acknowledging its existence within WLUS-FM’s protected contour and need to protect WLUS-FM’s interests.² Repeated attempts to seek resolution with the W252EL’s licensee has resulted in unacceptable delay and continued interference, as described in the contents of this petition and complaint.³

The revision to the interference rules in 2019 was designed in part to streamline the interference complaint procedures, protect full power stations, eliminate the need for complaining listeners to be directly involved in the complaint resolution process and stop abuses by the interfering translator, particularly with respect to listener involvement. Nonetheless, First State claims that it will... merely “forward your concerns to our consultant...” and, to date, has taken no action to

¹ The interfering translator, W252EL, was formerly known as W253CY and changed call signs on August 23, 2024. For purposes of this complaint, Licensee exclusively refers to the translator as W252EL.

² See **Exhibit F**, email from First State to Lakes stating in part “My instructions to our consultant was to design a antenna that complied with the rules with providing you the protection afforded by the rules.”

³ Construction Permit LMS File No. 0000247290 and License to Cover LMS File No. 0000251954 granted August 23, 2024.

resolve this matter.⁴ This, after knowing for several years that moving Translator W252EL to this channel was ripe for interference.⁵

Section 74.1203(a) of the Commission's specifically states

“An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to: (3) The direct reception by the public of the off-the-air signals of any full-service station or previously authorized secondary station.”

The rule continues “...

Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the channel on which the protected signal is transmitted; except that no listener complaint will be considered actionable if the alleged interference occurs outside the desired station's 45 dBu contour. Interference is demonstrated by:

- (i) The required minimum number of valid listener complaints as determined using Table 1 of this section and defined in § 74.1201(k) of this part;
- (ii) A map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBu contour;
- (iii) A statement that the complaining station is operating within its licensed parameters;
- (iv) A statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and
- (v) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the methodology set out in § 74.1204(b).”⁶

Addressing the rule's requirements section by section, Lakes clearly demonstrates that W252EL is causing prohibited interference to full power station WLUS-FM. The Commission must order First State to cease broadcasting on W252EL immediately until any and all interference to the lawful operation of WLUS-FM ceases.

1. Station WLUS-FM has for many years served communities in southern Virginia and northern North Carolina on 98.3 MHz, Channel 252. The protected contour population of WLUS-FM is 117,998 persons. *See Exhibit A* (Engineering Report). Therefore, at least 6 listener complaints complying with the §74.1201(k) requirements must be included. The complaints demonstrating interference from W252EL to WLUS-FM are attached hereto. *See Exhibit B* (Listener Complaints).

⁴ *See Exhibit F, infra.*

⁵ *See Exhibit C, infra.*

⁶ 47 CFR § 74.1203(a).

2. A map showing the location of the complaints within the WLUS-FM 45 dBu contour is attached hereto. *See Exhibit A.*
3. WLUS-FM is operating within its licensed parameters. *See Exhibits A and D.*
4. WLUS-FM has used more than commercially reasonable efforts to inform the W252EL of the interference and has repeatedly attempted private resolution. *See Exhibits C through I.*
5. The U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds –20 dB is attached hereto as **Exhibit A**

Specifically, with respect to item 4 above, WLUS-FM attempted resolution as follows:

- In early 2021, Lakes was made aware of the potential application for a construction permit in which First State would change translator W252EL to 98.3 FM. *See Exhibit D.* Prior to the commencement of this project and filing of the minor modification application, Lakes notified First State of the potential interference to WLUS-FM. Lakes discussed this matter with First State’s President, Donald W. Curtis, by phone, in-person, and via email. *See Exhibit C* (Email to First State April 2021) and **Exhibit D.** At the time, Mr. Curtis assured Mr. Birch, that it would engage in engineering practices to ensure there would be no interference with WLUS-FM should it proceed with the project. *See Exhibit C.*
- Despite these warnings of potential interference and a promise to construct only if it could do so in a manner that preserves WLUS-FM’s protected contour, First State proceeded with constructing the interfering translator in 2024. *See* Minor Modification Application LMS File No. 0000247290.
- Since completing the project and filing the license to cover for W252EL in August 2024, listeners in the WLUS-FM have encountered significant interference with the signal while in the protected dBu contour. *See Exhibit B.*
- Upon the discovery of the interference, Lakes President, Thomas Birch, again contacted the First State President, Donald W. Curtis, by email. *See Exhibit E* (Email from Lakes to First State August 21, 2024). Mr. Birch also reached out via phone to have a discussion and reach a resolution on August 22, 2024 and his call was not returned. *See Exhibit D.* Only after both the phone call and the email did Mr. Curtis reply with a perfunctory comment that the “consultant was to design an antenna that complied with the rules with providing you the protection afforded by the rules”, but he only promised to “forward concerns to our consultant”. *See Exhibit F* (Email from First State to Lakes August 23, 2024). Mr. Curtis did not engage in any further dialogue about resolution. Worse, First State said it “appreciate[s] that you feel you need to proceed with further action”. *See Exhibit F.*

- Another attempt to find resolution was made and Lakes continued to implore First State to confirm the interference and cease operating with the objectionable interference and change channels. *See Exhibit G* (Email from Lakes to First State on August 23, 2024). Mr. Birch included four audio filings from various locations within the protected contour demonstrating the WLUS-FM signal was not clearly heard due to interference from W252EL. The locations of the recordings include 7120 Trenton Ridge Court, Raleigh, North Carolina; Creedmoor Road north of the Granville/Wake County Line; U.S. 15 exit off I-85/the Butner North exit, near the border of Durham County; and the Glenn School Road exit to the east side of Durham County off I-85. In each recording, Mr. Birch played 98.3 FM and demonstrated the country music of WLUS-FM was not playing or was significantly impeded by the offending translator despite being within the protected contour.
- On September 2, 2024, Thomas Birch again pleaded with Donald Curtis to cease interfering with WLUS’s transmission. *See Exhibit H* (email from Lakes to First State on September 2, 2024). As of this filing, his pleas have gone unanswered.
- On September 3, 2024, again to attempt to reconcile and find resolution, Mr. Birch reached out to Trip Savery, Curtis Media Group President.⁷ In this email, Mr. Birch implores Mr. Savery to take W252EL off the air. *See Exhibit I* (Email from Lakes to Curtis Media on September 4, 2024). His cries have again gone unanswered. At the time of this filing, First State has not engaged in any further discussion of resolution to the interference with Lakes. *See Exhibit D*. First State demonstrated it has no intention of working with Lakes to resolve this interference – it is taking no action to confirm the interference and protect WLUS-FM.

The dismissive response by First’s representatives acknowledging awareness of the interference and their repeated failure to discuss the matter with Lakes demonstrate that Lakes used commercially reasonable efforts to resolve the interference being caused by W252EL.

In other words, private resolution is at an impasse because since being informed of the interference First State has repeatedly ignored requests for investigation and resolution by Lakes and dismissed Lakes’ concerns as something Lakes must pursue through this complaint process. Despite warning years ago of the potential interference, First State made a calculated decision to move to the new channel station and now the predicted interference has manifested itself and the translator must be turned off.

⁷ Mr. Savery is a 10% member in CMG Coastal Carolina, LLC, which is owned 90% by Mr. Curtis. *See* LMS File No. 0000226921. Curtis Media Group is comprised of a number of licensees, each majority owned by Mr. Curtis. The Curtis Media Group Stations include WPTF, WKIX (AM), WQDR (AM), WQDR-FM, WBBB, WKIX-FM, WPLW-FM, WKJO, WKXU, WYMY, WKXO, and WKJO. *See* EEO Public File Report at: <https://publicfiles.fcc.gov/api/manager/download/15f2931c-8ffe-8af5-3529-20ae9272a4ee/427a72f4-83c5-4e4b-bca3-00a7943c7eb0.pdf>

The programming on W252EL's primary station completely overrides and deprives Station WLUS-FM of its listening area. Indeed, the counties in which listeners have observed this interference will experience significant degradation of service, if not outright loss of service, for as long as W252EL continues to operate within its current parameters.

Finally, the Commission should note that Lakes spent over a year fighting similar interference from Arohi Media's W252DK in 2016 and 2017, which caused irreparable harm to WLUS-FM listenership in the affected interference area. We are asking that the Commission take this history into account and to act immediately on this Complaint.

As demonstrated above, Lakes has met the Commission's threshold and requests that First State be directed to cease broadcasting on W252EL immediately and suspend all operations until such time as the interference has been eliminated, except for limited testing as permitted by the Commission's Rules, unless and until First State finds a technical solution to eliminate the interference to WLUS-FM's listeners. If no such solution can be found within a reasonable amount of time, Lakes respectfully requests that the Commission rescind the grant of First State's license and order W252EL to permanently cease operations.

Respectfully Submitted,

/s/ Dawn M. Sciarrino

Dawn M. Sciarrino
Megan L. Davis
Counsel to Lakes Media, LLC

Sciarrino & Shubert, PLLC
330 Franklin Road
Ste. 135A-133
Brentwood, TN 37027-3280
(202) 256-9551 (cell)
(202) 217-3929 (fax)
Dawn@SciarrinoLaw.com

September 4, 2024

Exhibit A
Engineering Report

Engineering Statement in Support of WLUS-FM Informal Objection to Translator Station W252EL

September 4, 2024

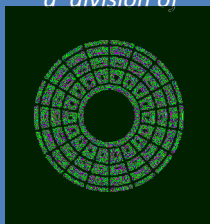
Lakes Media, LLC

WLUS-FM Clarksville, VA (Facility ID 11723)



CAVELL
MERTZ
& Associates, Inc.

a division of



Capitol Airspace Group



Engineering Statement WLUS-FM INFORMAL OBJECTION FM Translator Station W252EL

File No. 0000251954

FCC Facility ID 157569

Prepared for

Lakes Media, LLC

WLUS-FM Clarksville, VA

Introduction

This Engineering Statement has been prepared on behalf of Lakes Media, LLC, licensee of FM broadcast station WLUS-FM, Ch. 252C3, Clarksville, Virginia (FCC Facility ID 11723). This is in support of an Informal Objection to the granted co-channel License for FM Translator W252EL (FCC File Number 0000251954, Facility Id 157569). Lakes Media, LLC has received a number of interference complaints in violation of FCC Rule Section 74.1204(f) from listeners as discussed below.

Compliance with Section 74.1204(f)

Based on information provided by Lakes Media, LLC, the WLUS-FM transmitter has been operating within its licensed parameters. As shown in [Figure 1](#) below, the co-channel translator site is outside the WLUS-FM 45 dB μ contour, but there is a significant interference area created inside the 45 dB μ contour of WLUS-FM. The predicted interference area, as indicated by the pink tinted area inside the WLUS-FM 45 dB μ contour, involves portions of North Carolina, including Caswell, Person, Orange, Durham, Granville, Wake and Franklin Counties, which is an area that includes a significant number of WLUS-FM listeners. The area within the WLUS-FM 60 dB μ F(50,50) contour is home to some 117,998 residents according to 2020 Census data. Per Table 1 in §74.1203(a)(3), WLUS-FM must provide a minimum of 6 listeners within the predicted interference area which listen to WLUS-FM at least twice a month.

Nine WLUS-FM listeners have submitted declarations stating that they regularly listen to WLUS-FM and live, work, and/or commute in the area of the proposed translator's predicted interference area. All locations were vetted, and it was determined using geocoding that these locations were within the W252EL interference area. Those nine locations are listed in [Table 1](#) and have been plotted on the map in [Figure 1](#).

The predicted F(50,50) signal from WLUS-FM as well as the predicted F(50,10) interfering signal level of the translator for each location is listed in [Table 2](#). In order for objectionable interference to occur, the translator's undesired signal level must be greater than 20 dB *below* that of the full service FM station. The Undesired-to-Desired ("U/D") ratio is derived from the calculated signal levels at each location and is provided in [Table 2](#) with a Pass/Fail assessment in the right column. As shown in the table, all points plotted within the coverage map are well above the level considered to be interference. In fact, the signals at these points range from 3.2 dB to 31.9 dB *above* the level at which interference is predicted to occur. Therefore, these 9 regular listeners are confirmed to receive interference from the co-channel translator as defined in Section 74.1204(f).

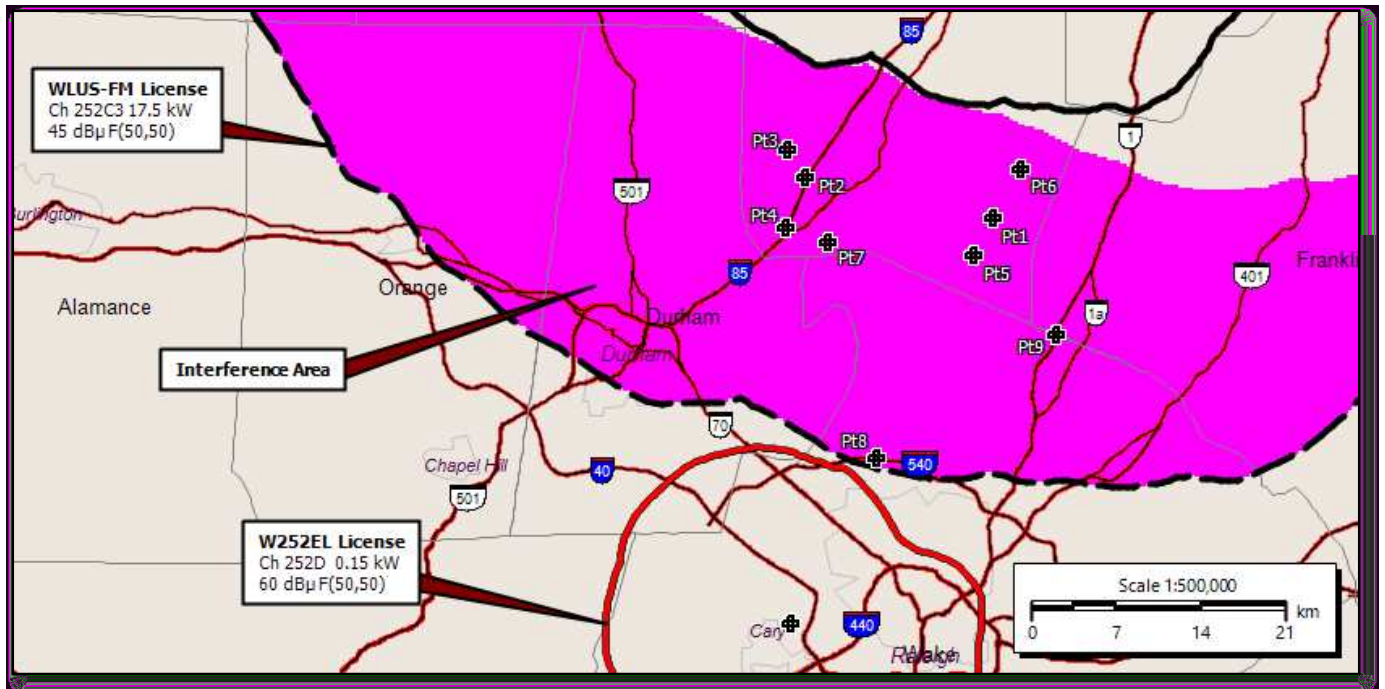


Figure 1: Interference Area and Locations

The identified interference locations (Pt1 – Pt6) are listed in [Table 1](#) and [Table 2](#) below with detailed location and signal strength information.

Table 1: Listener Locations and Coordinates

Number	Listener	Interference Location	Coordinates
1	Katie Hatfield	3627 Pine Needles Dr, Wake Forest	36 05 29.93 N, 078 34 31.80 W
2	Caroline Williams	Exit 189 on I85	36 07 17.73 N, 078 44 49.07 W
3	Danielle Harrison	106 East F Street, Butner* ¹	36 08 28.34 N, 078 45 48.05 W
4	Leonard Yager	MM 186 on I85	36 05 02.19 N, 078 45 53.86 W
5	Tracy Holcombe	1050 Heather Lane, Wake Forest	36 03 50.82 N, 078 35 38.38 W
6	Lisa M Scott	2134 Emerald Lane, Franklinton*	36 07 38.88 N, 078 33 03.83 W
7	Lisa Rambeaut	3837 Old Weaver Trail, Creedmore*	36 04 25.28 N, 078 43 36.46 W
8	Rick Chamblee	Creedmore Rd & I-540	35 54 52.71 N, 078 40 54.83 W
9	Justin Shearin	13686 Capital Boulevard, Wake Forest	36 00 20.05 N, 078 31 09.02 W

Calculated Undesired-to-Desired ratios for each location respectively are listed in [Table 2](#).

¹ Entries marked with an asterisk (*) have used the complainant's home address



Table 2: Co-Channel U/D Calculations

Number	WLUS-FM F(50,50) dBμ	W252EL F(50,10) dBμ	U/D (dB)	Pass/Fail
1	54.816	42.564	-12.252	FAIL
2	54.394	44.388	-10.006	FAIL
3	55.729	43.577	-12.152	FAIL
4	52.152	46.828	-5.324	FAIL
5	53.483	44.365	-9.118	FAIL
6	57.143	40.368	-16.775	FAIL
7	51.893	46.749	-5.144	FAIL
8	45.284	57.188	11.904	FAIL
9	50.365	43.399	-6.966	FAIL

Conclusion

Based upon the interference number and location information provided by WLUS-FM listeners as summarized in this document, I, Robert J. Clinton, find that interference from translator W252EL meets the threshold for objectionable interference set forth in §74.1203 and §74.1204(f).

Certification

The undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Clinton is employed by the firm of Cavell, Mertz & Associates, Inc., and has submitted numerous engineering exhibits to the FCC. His qualifications are a matter of record with the FCC.

Respectfully submitted,

Robert J. Clinton
September 4, 2024

Cavell, Mertz & Associates, Inc.
a division of
Capitol Airspace Group, LLC
6350 Walker Lane, Suite 450
Alexandria, Virginia 22310

Exhibit B
Listener Complaints



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

3627 Pine Needles Dr Wake Forest NC (home)
206 Taylor St Oxford NC (work)

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: 8/27/24

Signed: [Signature]

Printed Name: Katie Hatfield

Address: 3627 Pine Needles Dr

City/State/Zip: Wake Forest
NC 27587

Phone: 720 201 41237

Email: khatfieldlakes@gmail.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com

Fax: (954) 827-0277

Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

As soon as I exit I85 south at exit 189.

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: 8/26/24

Signed: Caroline Williams

Printed Name: Caroline Williams

Address: 208 Saddletree Rd.

City/State/Zip: Oxford, NC 27565

Phone: 252-213-0946

Email: caroline.newcomb11@gmail.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com
Fax: (954) 827-0277
Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

Butner North Carolina EF St
Gate 2 Rd W. Lyon Station Rd
Central Ave.

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: 8/26/2024

Signed: Danielle Harrison

Printed Name: Danielle Harrison

Address: 106 EF St

City/State/Zip: Butner NC 27509

Phone: (919) 384-5645

Email: dcstemmer01@gmail.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com
Fax: (954) 827-0277
Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

Mile Marker 186 on I-85

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: 8/26/24

Signed: Leonard Yager

Printed Name: Leonard Yager

Address: 1540 Wildwood Dr

City/State/Zip: Oxford, NC 27565

Phone: 607-244-6944

Email: kmyager@yahoo.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com

Fax: (954) 827-0277

Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

Tracy Holcombe
1050 Heather Ln
Wake Forest NC

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: 8-26-24

Signed: Tracy Holcombe

Printed Name: Tracy Holcombe

Address: 1050 Heather Ln

City/State/Zip: Wake Forest

NC 27587

Phone: 919-616-3127

Email: dakeandtracy1@gmail.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com

Fax: (954) 827-0277

Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

Driving from home to Creedmoor

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date:

8/28/24

Signed:

Lisa M Scott

Printed Name:

Lisa M Scott

Address:

2134 Emerald Ln

City/State/Zip:

Franklinton

NC 27525

Phone:

919-939-8516

Email:

lisascott05@hotmail.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com

Fax: (954) 827-0277

Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

~~Close~~ Butner, City of Creedmoor, Durham, Northern Wake

Unless I'm headed to Oxford, I can't listen to the station.

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: Aug 26 2024 Signed: Lisa Rambeaut
Printed Name: LISA Rambeaut
Address: 3837 Old Weaver Trail
City/State/Zip: Creedmoor NC 27522
Northern (Wake County)
Phone: 919-524-1959 Email: LRambeaut@yahoo.com

Return to one of the following addresses:
Email: tombirch@lakesmediallc.com
Fax: (954) 827-0277
Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462

Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake Counties in North Carolina.


Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location(s): (list street address/village/city, and/or highway/mile marker, map coordinators or intersections)

7116 Trenton Ridge Ct Raleigh NC 27613; Intersection of Creedmoor Rd and I-540 to NC 98 and east to Wake Forest

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: 8/29/2024

Signed: *Rick Chamblee*

 Name: Rick Chamblee

Address: 7116 Trenton Ridge Ct

City/State/Zip: Raleigh NC 27613

Phone: 919 368 9029

Email: rick.chamblee@gmail.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com

Fax: (954) 827-0277

Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462



Listener Declaration

I am a regular listener to US 98.3 (WLUS-FM) which broadcasts on 98.3 FM to listeners in Durham, Franklin, Granville and Wake Counties in North Carolina.

Recently, a new radio station began music programming on 98.3 FM that is interfering with my regular listening to WLUS. This interference is occurring at the following location:

Address: 13686 Capital Boulevard
City: Wake Forest State: 27587 NC

I am a regular listener of US 98.3 and listen to the station more than two times per month. I am providing this declaration to ask the Federal Communications Commission to take action to stop the interference on 98.3 FM so that I can continue to listen to WLUS. Other than being a regular listener, I have no legal, employment, financial, or familial association with WLUS.

Date: 9/3/2024

Signed: [Signature]

Printed Name: Justin Shearin

Address: 235 Gill Farm Way

City/State/Zip: Franklinton, NC
27525

Phone: 919-691-7068

Email: justin.wayne.shearin@gmail.com

Return to one of the following addresses:

Email: tombirch@lakesmediallc.com
Fax: (954) 827-0277
Mail: Lakes Media LLC
7120 Trenton Ridge Ct.
Raleigh, NC 27613-7462

Exhibit C
Email to First State April 2021

From: tombirch@lakesmediallc.com <tombirch@lakesmediallc.com>
Sent: Wednesday, April 14, 2021 5:30 PM
Subject: Potential Translator Interference to WLUS

Don, you had the courtesy of calling me last October to discuss your plan to co-locate a translator on 98.3 and I have a clear memory that you assured me that it would be engineered to prevent interference to WLUS. I am now returning the courtesy of notifying you of my current position and plans should you put W253CY on 98.3.

Clearly, your assurance that interference to WLUS would be prevented is not the case. If you were to go through with putting W253CY (new calls W252EL) on 98.3, WLUS will be obliterated in Raleigh, Durham, Chapel Hill and Wake Forest and, more importantly, W253CY will make WLUS unlistenable in the WLUS 45 dBu contour which includes Creedmoor, Butner and other areas of Granville, Durham and Franklin Counties where we have significant audience.

As noted in Jeff Reynolds' message below, new FCC translator interference guidelines requires only 6 listener complaints in order for a valid interference claim to be filed. I have over 20 complaints on file from our 2016 complaint against Arohi Broadcasting's W252DK, most of whom would be willing to file a new complaint should their favorite radio station be made unlistenable due to W253CY interference.

I urge you to terminate your plan to move W253CY to 98.3. Should you do so, we will immediately file a complaint which will certainly result in an FCC order to cease operation.

Tom

Tom Birch, President

Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462
P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com
<http://LakesMediaNetwork.com>

From: Jeff Reynolds <jeff@dlr.com>
Sent: Wednesday, April 14, 2021 4:02 PM
To: tombirch@lakesmediallc.com
Cc: Bob du Treil, Jr. <bobjr@dlr.com>
Subject: RE: Potential Translator Interference to WLUS

Tom,

It was nice talking to you today concerning WLUS-FM and the interference potential for the authorized W253CY operation.

The interference map is attached. It depicts the 60 dBu and 45 dBu contour for WLUS-FM. The 60 dBu, f(50,50) contour is the protected contour used for FM translator (FX) allocation studies. The 45 dBu, f(50,50) contour is the protected contour for FX interference complaints based on the new FX interference rules. The interfering 40 dBu, f(50,10) and 25 dBu, f(50,10) contours for authorized W253CY operation are also shown. Based on the FCC's normal allocation criteria, the W253CY 40 dBu contour can't overlap the WLUS-FM 60 dBu based on the FCC's allocation rules (it doesn't although it's essentially tangent). With regard to protection of the WLUS-FM 45 dBu contour, interference is predicted to occur if the W253CY 25 dBu interfering contour overlaps the 45 dBu contour which it does (the overlap is significant). The resulting interference area, determined based on a -20 dB U/D ratio per FCC rules, is depicted with yellow tinting. Valid listener complaints would need to be located within the yellow tinted area.

As also indicated on the map, the WLUS-FM 60 dBu contour contains an estimated 2010 Census population of 123,449 persons. Based on the new FM translator interference rules, a station having a 60 dBu contour population of 199,999 persons, or less, only needs a minimum of 6 listener complaints in order to file a valid interference claim.

Please do not hesitate to call me with any questions concerning this report and map.

Regards, Jeff.

dLR:4862.21620

William Jeffrey Reynolds
[du Treil, Lundin & Rackley, Inc.](#)
Consulting Engineers
5120 Station Way
Sarasota, FL 34233-3221
o: 941-329-6000
d: 941-329-6013
e-mail: JEFF@DLR.COM

----- Original message -----

From: tombirch@lakesmediallc.com
Date: 4/14/21 14:09 (GMT-05:00)
To: "Bob du Treil, Jr." <bobjr@dlr.com>
Subject: Potential Translator Interference to WLUS

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Please call me at your convenience today at 919-341-1804. We are anxious to proceed as quickly as possible.

Thanks.

Tom

.

Tom Birch, President

Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462

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Exhibit D
Declaration of President and Managing Member of Lakes
Media, LLC, Thomas C. Birch

Declaration of Thomas C. Birch

I, Thomas C. Birch, Managing Member of Lakes Media, LLC, licensee of WLUS-FM of Clarksville, Virginia (FIN: 11723), hereby state under penalty of perjury that I have read the foregoing complaint and associated exhibits thereto regarding FM Translator W252EL, Cary, North Carolina (FIN: 157569) and the facts stated therein are true and correct to the best of my knowledge and belief.

Stated this 4 day of September 2024

A handwritten signature in black ink, appearing to be 'T. Birch', written over a horizontal line.

Thomas C. Birch, Managing Member

Exhibit E
Email from Lakes to First State August 22, 2024

From: Tom Birch <tombirch@lakesmediallc.com>
Sent: Thursday, August 22, 2024 5:04 PM
To: Don Curtis <dcurtis@curtismedia.com>
Subject: Pending W253CY Complaint
Importance: High

CAUTION: The sender of this message is external to the CMG network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to phishing@curtismedia.com.

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This is notice that we are now collecting listener signatures and will be moving as quickly as possible to file a complaint with the FCC to immediately shut down this spurious interference to WLUS. Please remember that we successfully shut down W252DK in 2017 and we fully expect to similarly silence W253CY.

Tom Birch, President

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P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com
<http://LakesMediaNetwork.com>

----- Forwarded message -----

From: <tombirch@lakesmediallc.com>
Date: Wed, Apr 14, 2021 at 5:49 PM

Subject: Potential Translator Interference to WLUS

To: Don Curtis <dcurtis@curtismedia.com>

Don, you had the courtesy of calling me last October to discuss your plan to co-locate a translator on 98.3 and I have a clear memory that you assured me that it would be engineered to prevent interference to WLUS. I am now returning the courtesy of notifying you of my current position and plans should you put W253CY on 98.3.

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Don, I urge you to discontinue your plan to move W253CY to 98.3. Please keep W253CY on 98.5.

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P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

<http://LakesMediaNetwork.com>

From: Jeff Reynolds <jeff@dlr.com>

Sent: Wednesday, April 14, 2021 4:02 PM

To: tombirch@lakesmediallc.com

Cc: Bob du Treil, Jr. <bobjr@dlr.com>

Subject: RE: Potential Translator Interference to WLUS

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Please do not hesitate to call me with any questions concerning this report and map.

Regards, Jeff.

dLR:4862.21620

William Jeffrey Reynolds

[du Treil, Lundin & Rackley, Inc.](#)

Consulting Engineers

5120 Station Way

Sarasota, FL 34233-3221

o: 941-329-6000

d: 941-329-6013

e-mail: JEFF@DLR.COM

----- Original message -----

From: tombirch@lakesmediallc.com

Date: 4/14/21 14:09 (GMT-05:00)

To: "Bob du Treil, Jr." <bobjr@dlr.com>

Subject: Potential Translator Interference to WLUS

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in the same locations cited by 2016 and 2017 complainants, the FCC should be able to act quickly to order W252EL off the air.

Please call me at your convenience today at 919-341-1804. We are anxious to proceed as quickly as possible.

Thanks.

Tom

Tom Birch, President

Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462

P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

<http://LakesMediaNetwork.com>



Exhibit F
Email from First State to Lakes August 23, 2024

From: Don Curtis <dcurtis@curtismedia.com>
Sent: Friday, August 23, 2024 11:46 AM
To: Tom Birch <tombirch@lakesmediallc.com>
Cc: Charles M. Anderson <cma@andersonassociatesradio.com>; Coe Ramsey
(cramsey@brookspierce.com) <cramsey@brookspierce.com>
Subject: RE: Pending W253CY Complaint

My instructions to our consultant was to design a antenna that complied with the rules with providing you the protection afforded by the rules. I will forward your concerns to our consultant.

I understand your position and appreciate that you feel you need to proceed with further action.

From: Tom Birch <tombirch@lakesmediallc.com>
Sent: Thursday, August 22, 2024 5:04 PM
To: Don Curtis <dcurtis@curtismedia.com>
Subject: Pending W253CY Complaint
Importance: High

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P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com
<http://LakesMediaNetwork.com>

----- Forwarded message -----

From: <tombirch@lakesmediallc.com>

Date: Wed, Apr 14, 2021 at 5:49 PM

Subject: Potential Translator Interference to WLUS

To: Don Curtis <dcurtis@curtismedia.com>

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Tom

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Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462

P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

<http://LakesMediaNetwork.com>

From: Jeff Reynolds <jeff@dlr.com>

Sent: Wednesday, April 14, 2021 4:02 PM

To: tombirch@lakesmediallc.com
Cc: Bob du Treil, Jr. <bobjr@dlr.com>
Subject: RE: Potential Translator Interference to WLUS

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dLR:4862.21620

William Jeffrey Reynolds

[du Treil, Lundin & Rackley, Inc.](http://www.dlrl.com)

Consulting Engineers

5120 Station Way

Sarasota, FL 34233-3221

o: 941-329-6000

d: 941-329-6013

e-mail: JEFF@DLR.COM

----- Original message -----

From: tombirch@lakesmediallc.com

Date: 4/14/21 14:09 (GMT-05:00)

To: "Bob du Treil, Jr." <bobjr@dlr.com>

Subject: Potential Translator Interference to WLUS

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<http://LakesMediaNetwork.com>



Exhibit G
Email from Lakes to First State August 23, 2024

From: Tom Birch <tombirch@lakesmediallc.com>

Sent: Friday, August 23, 2024 12:15 PM

To: Don Curtis <dcurtis@curtismedia.com>

Cc: Charles M. Anderson <cma@andersonassociatesradio.com>; Coe Ramsey <cramsey@brookspierce.com>; Dawn Sciarrino <Dawn@sciarrinolaw.com>; Aurora Birch <auroradpb@gmail.com>

Subject: Pending W253CY Complaint

Don, I am attaching 4 audio files that I recorded yesterday as well as the 2021 projected Interference Map developed for us by du Treil. Yesterday afternoon, I drove from my home to Creedmoor via NC-50, west to I-85 via NC-56, south on I-85 to I-885, south from I-885 to NC-98 and home via NC-98.

While I have many more files available, four are attached:

- 8 In my driveway at 7120 Trenton Ridge Ct., Raleigh
- 12 Intersection of Old Weaver Trail and NC-50
- 13 US 15 exit off of I-85
- 14 Glen School Road exit off of I-85

WLUS was not listenable at any of these locations, but in the Durham locations, including NC-98 between I-885 and Patterson Road, W253CY was the only signal that I could receive.

I urge you, or a member of your team, to drive this route to confirm my findings and, hopefully, to save us both time and money by your voluntarily discontinuing transmission from this translator. We are now in the process of collecting listener complaints that will be validated by with U/E readings at each location by our consulting engineer and we will be filing our complaint as soon as possible.

If the shoe were on the other foot – if I introduced a translator that interfered with any of your FMs - I am certain that you would proceed as I am.

Don, I am hopeful that you will do the right thing and click the “off” button on transmission by W253CY on 98.3 FM, ASAP.

Tom

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P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

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Cc: Charles M. Anderson <cma@andersonassociatesradio.com>; Coe Ramsey
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Importance: High

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dLR:4862.21620

William Jeffrey Reynolds

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Consulting Engineers

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Tom Birch, President


Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462

P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

<http://LakesMediaNetwork.com>



Exhibit H
Email from Lakes to First State September 2, 2024

From: Tom Birch tombirch@lakesmediallc.com 

Subject: Termination of Interference

Date: September 2, 2024 at 12:18 PM

To: Don Curtis dcurtis@curtismedia.com

Cc: Dawn Sciarrino Dawn@sciarrinolaw.com, Megan Wilson Davis Megan@sciarrinolaw.com, Robert J. Clinton bclinton@cavellmertz.com

TB

Don, I am making one last attempt to request that you immediately terminate W252EL interference to WLUS. We are now fully prepared to file our Complaint. We have our Listener Declarations to accompany our Complaint and we have engaged consulting engineering firm Cavell Mertz to support the Complaint.

I have made you fully aware of the interference to the WLUS 45 dBU contour in northern Wake and southern Granville Counties, and we also have listener complaints from I have not only provided an updated map of the interference area; I have also provided you with audio files of the interference.

In the interest of saving us both time and legal/engineering expenses, I am respectfully requesting that you immediately discontinue the interference. As we have all needed interference, the FCC will ultimately order W252EL off the air.

We successfully fought this battle in 2016 against Ahoi Media's W252DK. We will succeed again against W252EL, but I am hopeful that you will do the right thing - and so

Respectfully,

Tom Birch, President

Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462

P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

<http://LakesMediaNetwork.com>



P.S. Please review the attached 2021 correspondence.

From: tombirch@lakesmediallc.com <tombirch@lakesmediallc.com>

Sent: Wednesday, April 14, 2021 5:30 PM

Subject: Potential Translator Interference to WLUS

Don, you had the courtesy of calling me last October to discuss your plan to co-locate a translator on 98.3 and I have a clear memory that you assured me that it would be no interference to WLUS. I am now returning the courtesy of notifying you of my current position and plans should you put W253CY on 98.3.

Clearly, your assurance that interference to WLUS would be prevented is not the case. If you were to go through with putting W253CY (new calls W252EL) on 98.3, WLUS Durham, Chapel Hill and Wake Forest and, more importantly, W253CY will make WLUS unlistenable in the WLUS 45 dBU contour which includes Creedmoor, Butner and other Franklin Counties where we have significant audience.

As noted in Jeff Reynolds' message below, new FCC translator interference guidelines requires only 6 listener complaints in order for a valid interference claim to be filed. From our 2016 complaint against Arohi Broadcasting's W252DK, most of whom would be willing to file a new complaint should their favorite radio station be made unlistenable

I urge you to terminate your plan to move W253CY to 98.3. Should you do so, we will immediately file a complaint which will certainly result in an FCC order to cease operation

Tom

Tom Birch, President

Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462

P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

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From: Jeff Reynolds <jeff@dlr.com>

Sent: Wednesday, April 14, 2021 4:02 PM

To: tombirch@lakesmediallc.com

Cc: Bob du Treil, Jr. <bobjr@dlr.com>

Subject: RE: Potential Translator Interference to WLUS

Tom,

It was nice talking to you today concerning WLUS-FM and the interference potential for the authorized W253CY operation.

The interference map is attached. It depicts the 60 dBU and 45 dBU contour for WLUS-FM. The 60 dBU, f(50,50) contour is the protected contour used for FM translator (FM) operation. The 45 dBU, f(50,50) contour is the protected contour for FX interference complaints based on the new FX interference rules. The interfering 40 dBU, f(50,10) and 25 dBU, f(50,10) operation are also shown. Based on the FCC's normal allocation criteria, the W253CY 40 dBU contour can't overlap the WLUS-FM 60 dBU based on the FCC's allocation rules (they are essentially tangent). With regard to protection of the WLUS-FM 45 dBU contour, interference is predicted to occur if the W253CY 25 dBU interfering contour overlaps the 45 dBU contour (the overlap is significant). The resulting interference area, determined based on a -20 dB U/D ratio per FCC rules, is depicted with yellow tinting. Valid listener complaints would be required in the yellow tinted area.

As also indicated on the map, the WLUS-FM 60 dBU contour contains an estimated 2010 Census population of 123,449 persons. Based on the new FM translator interference rules, a 60 dBU contour population of 199,999 persons, or less, only needs a minimum of 6 listener complaints in order to file a valid interference claim.

Please do not hesitate to call me with any questions concerning this report and map.

Regards, Jeff.

dLR:4862.21620

William Jeffrey Reynolds
[du Treil, Lundin & Rackley, Inc.](http://www.dlr.com)
Consulting Engineers
5120 Station Way
Sarasota, FL 34233-3221
o: 941-329-6000
d: 941-329-6013
e-mail: JEFF@DLR.COM

----- Original message -----

From: tombirch@lakesmediallc.com

Date: 4/14/21 14:09 (GMT-05:00)

To: "Bob du Treil, Jr." <bbobjr@dlr.com>

Subject: Potential Translator Interference to WLUS

Bob, as noted in my voice message this morning, First State Communications (an entity owned by Don Curtis) is preparing to put translator [W252EL](#)/Cary NC on the air on [WLUS](#)/Clarksville VA.

Our consulting engineer, Will Patnaud, recommended that I contact you to prepare a predicted coverage map of W252EL. Will believes that W252EL's power (150 watts) will obliterate WLUS in the southern 40 dBu contour and will make WLUS unlistenable in the southern 54 dBu contour. As you may know, we've been down this road before contentious battle in 2016 and 2017, we finally succeeded in removing Arohi Broadcasting's W252DK, a translator emanating from Durham with lower power and at a lower The FCC's final ruling, our initial complaint and an RBR article describing our travail is attached.

It is my intention to share the map with Don Curtis as a warning that if he proceeds with launching W252EL, we will immediately file an interference complaint with the FCC. complaints on file, and I am confident that members of the Audio Division will recall our fight with Arohi. If the predicted coverage map shows interference in the same local complainants, the FCC should be able to act quickly to order W252EL off the air.

Please call me at your convenience today at 919-341-1804. We are anxious to proceed as quickly as possible.

Thanks.

Tom

Tom Birch, President

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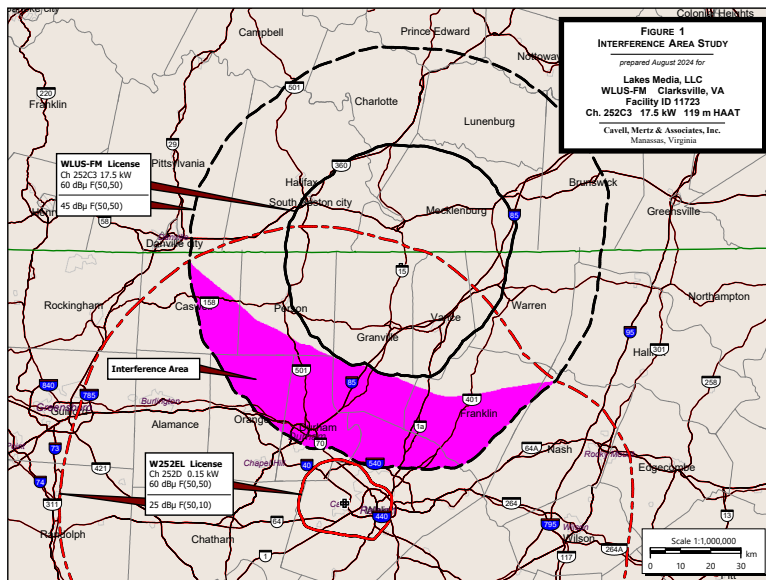


Exhibit I
Email from Lakes to Curtis Media September 3, 2024

From: Tom Birch <tombirch@lakesmediallc.com>
Sent: Tuesday, September 3, 2024 12:17 PM
To: tsavery@curtismedia.com <tsavery@curtismedia.com>
Cc: Don Curtis <dcurtis@curtismedia.com>
Subject: Termination of Interference . . . FYI

Trip, I'm writing to make certain that you have been looped into what is going on regarding W252EL interference to WLUS. Don and I have been acquainted for nearly 4 decades and have, until now, had a mutually beneficial relationship. In the 1980s, Curtis Media was an enthusiastic client of Birch Radio, and I appreciated Don's support.

As you can see from the attached emails dating back to April 2021, I have politely informed Don of the potential interference to WLUS were he to move W253CY from 98.5 to 98.3 as W252EL. I hired du Treil Engineering in 2021 to map potential interference based on his proposed CP and, immediately following the launch of W252EZ, I hired Cavell Mertz to update the map. The map and an example of one of the four audio files sent to Don on August 23rd are attached.

In 2016, Arohi Media launched 252DK from Durham and, because the FCC did not have a streamlined approach to dealing with translator interference, and because Arohi's owners dishonestly attempted to disallow our legitimate listener complaints, it took us a year to take W252DK off the air. . . . but we persevered and, in August 2017, the FCC ordered W252DK off the air. We included more than 20 listener Declarants in our 2016 Complaint; today, we need only 6, and we have more than 6 valid complaints to attach to our Complaint.

Yesterday, I made a final plea to Don to shut down W252EL. If I don't have written confirmation that W252EL has been taken off the air by midday tomorrow (which I will personally confirm by driving the interference area), we will file our Complaint by day's end. W252EL is wiping WLUS off the air in approximately 10% of our 45 dBu contour. We cannot allow this to continue.

Trip, please read the attached thread.

Thanks.

Tom

Tom Birch, President

Lakes Media LLC | 7120 Trenton Ridge Court | Raleigh NC 27613-7462

P 919.341.1804 | F 954.827.0277 | tombirch@lakesmediallc.com

<http://LakesMediaNetwork.com>



From: Tom Birch <tombirch@lakesmediallc.com>
Sent: Monday, September 2, 2024 1:18 PM
To: Don Curtis <dcurtis@curtismedia.com>
Cc: 'Dawn Sciarrino' <Dawn@sciarrinolaw.com>; Megan Wilson Davis <Megan@sciarrinolaw.com>; Robert J. Clinton <bclinton@cavellmertz.com>
Subject: Termination of Interference

Don, I am making one last attempt to request that you immediately terminate W252EL interference to WLUS. We are now fully prepared to file our Complaint. We have more than six fully compliant Listener Declarations to accompany our Complaint and we have engaged consulting engineering firm Cavell Mertz to support the Complaint. I have made you fully aware of the interference to the WLUS 45 dBu contour in northern Wake and southern Granville Counties, and we also have listener complaints from Durham and Franklin Counties. I have not only provided an updated map of the interference area; I have also provided you with audio files of the interference.

In the interest of saving us both time and legal/engineering expenses, I am respectfully requesting that you immediately discontinue the interference. As we have all necessary evidence of illegal interference, the FCC will ultimately order W252EL off the air.

We successfully fought this battle in 2016 against Ahori Media's W252DK. We will succeed again against W252EL, but I am hopeful that you will do the right thing - and shut down now.

Respectfully,

Tom Birch, President

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Clearly, your assurance that interference to WLUS would be prevented is not the case. If you were to go through with putting W253CY (new calls W252EL) on 98.3, WLUS will be obliterated in Raleigh, Durham, Chapel Hill and Wake Forest and, more importantly, W253CY will make WLUS unlistenable in the WLUS 45 dBu contour which includes Creedmoor, Butner and other areas of Granville, Durham and Franklin Counties where we have significant audience.

As noted in Jeff Reynolds' message below, new FCC translator interference guidelines requires only 6 listener complaints in order for a valid interference claim to be filed. I have over 20 complaints on file from our 2016 complaint against Arohi Broadcasting's W252DK, most of whom would be willing to file a new complaint should their favorite radio station be made unlistenable due to W253CY interference.

I urge you to terminate your plan to move W253CY to 98.3. Should you do so, we will immediately file a complaint which will certainly result in an FCC order to cease operation.

Tom

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From: Jeff Reynolds <jeff@dlr.com>

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As also indicated on the map, the WLUS-FM 60 dBu contour contains an estimated 2010 Census population of 123,449 persons. Based on the new FM translator interference rules, a station having a 60 dBu contour population of 199,999 persons, or less, only needs a minimum of 6 listener complaints in order to file a valid interference claim.

Please do not hesitate to call me with any questions concerning this report and map.

Regards, Jeff.

dLR:4862.21620

William Jeffrey Reynolds

[du Treil, Lundin & Rackley, Inc.](#)

Consulting Engineers

5120 Station Way

Sarasota, FL 34233-3221

o: 941-329-6000

d: 941-329-6013

e-mail: JEFF@DLR.COM

----- Original message -----

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Tom

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Tom Birch, President

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<http://LakesMediaNetwork.com>

CERTIFICATE OF SERVICE

I, Dawn M. Sciarrino, an attorney with the firm of Sciarrino & Shubert, PLLC, hereby certify that a copy of the foregoing “Petition for Reconsideration and Interference Complaint” was served 4th day of September 2024 to the following:

By email and LMS:

Robert Gates
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Robert.gates@fcc.gov

By email:

Donald Curtis
President
First State Communications
3012 Highwoods Blvd. Suite 201
Raleigh, NC 27604
dcurtis@curtismedia.com

Coe W. Ramsey
Counsel
Brooks, Pierce et al.
150 Fayetteville Street Suite 1700
Raleigh, NC 27601
cramsey@brookspierce.com

/s/ Dawn M. Sciarrino

Dawn M. Sciarrino
Megan L. Davis
Counsel to Lakes Media, LLC