

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	File Number: EB-FIELDNER-13-00009298
	)	
Willpower Radio, L.L.C.	)	NOV No.: V201332380007
Licensee of Radio Station WKZE-FM	)	
Salisbury, CT	)	
Facility ID 67773	)	

To: Federal Communications Commission  
New York Office  
Enforcement Bureau

**RESPONSE OF WILLPOWER RADIO, L.L.C.  
TO NOTICE OF VIOLATION**

Willpower Radio, L.L.C. (“Willpower Radio”), licensee of WKZE-FM, Salisbury, Connecticut (the “Station”) by its attorneys, hereby submits its response to the Notice of Violation issued by the New York District Office, Northeast Region, Enforcement Bureau, of the Federal Communications Commission on June 19, 2013 (the “NOV”).<sup>1</sup> Willpower Radio has conducted its own measurements and determined that the Station operates in compliance with Section 73.317 of the Commission’s Rules. The NOV fails to state the basis for concluding WKZE-FM interferes with the Verizon Wireless transmitter, the methodology used for the interference tests, actual test results or what constitutes harmful interference. Consequently, Willpower Radio cannot evaluate remedial options that either Verizon Wireless or Willpower Radio could take to eliminate the alleged interference caused by the eighth harmonic of the Station to the Verizon Wireless equipment. Verizon Wireless knew or should have known that when it constructed its wireless transmitter approximately 500 feet away from the tower site where the Station transmitter has operated for two decades, interference could occur. The

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<sup>1</sup> The NOV authorized the filing of a response within twenty days of the release date of the NOV. Willpower Radio requested and received approval for an extension of time to respond to the NOV until July 16, 2013. This response is therefore timely filed. A copy of the NOV is attached as Exhibit 1.

Commission should require Verizon Wireless either to modify its facilities or reimburse Willpower Radio for any expenses Willpower Radio may incur in modifying its facilities. The Commission should further instruct the parties to meet, agree upon a solution consistent with Verizon Wireless' obligations in this matter and report back to the Commission within a specified period of time. In support thereof, the following is respectfully submitted.

### **Background**

Willpower Radio has been the licensee of WKZE-FM for eight years.<sup>2</sup> During that time, Willpower Radio has made the Station a vibrant and vital participant in the community. The Station provides Emergency Alert System support for two very important regions within the Station's coverage area: Northwest Connecticut and the Hudson Valley.<sup>3</sup> WKZE-FM provided information 24/7 during Hurricane Irene in 2011 and Hurricane Sandy in 2012, with live updates and EAS bulletins.<sup>4</sup> The Station broadcasts school closings five times an hour during inclement weather.

The Station's commitment to serving the public reflects the philosophy of Will and Barbara Stanley, the owners of Willpower Radio. Ownership of the Station brought Mr. Stanley full circle in radio, allowing him to pour his decades of experience and love of the industry into WKZE-FM.<sup>5</sup> The Station is community focused, broadcasting calendars on events of local interest to communities in Northwest Connecticut and the Hudson Valley 12 times each weekday

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<sup>2</sup> On March 24, 2005, the Commission approved the assignment of license of WKZE-FM to Willpower Radio (File No. BALH-20050121AK). On April 7, 2005 Willpower Radio consummated the assignment.

<sup>3</sup> The Station monitors EAS transmissions from WSHU-FM, Fairfield, Connecticut, Facility Id. No. 58515 and WPDH(FM), Poughkeepsie, New York, Facility Id. No. 71514.

<sup>4</sup> This information reached tens of thousands of listeners during the hurricanes. The broadcast industry and radio in particular may have been the primary method for keeping the public informed during these hurricanes.

<sup>5</sup> Will Stanley's career in radio spans 34 years from first working for WDCR-AM and WFRD-FM in Dartmouth in 1979, followed by holding an ownership interest in radio stations in Massachusetts, New Hampshire, New York, Pennsylvania and Vermont between 1984 and 2004.

and once a day on the weekend.<sup>6</sup> Each weekday the Station conducts on air interviews with local business leaders, politicians, school administrators, authors, musicians and representative of local non-profits.<sup>7</sup>

The Station has operated from its present tower site on Silver Mountain in Millerton, New York since 1992.<sup>8</sup> No other primary communications service within the station's protected contour licensed by the Federal Communications Commission has complained to Willpower Radio about the Station causing harmful interference until the NOV.

In Spring, 2013 Verizon Wireless constructed its wireless transmitter located approximately 500 feet away from the Station transmitter. On the afternoon of May 3, 2013 Verizon Wireless contacted Willpower Radio, claiming the Station's transmitter was causing interference to the Verizon Wireless transmitter. Willpower Radio discussed the matter with Verizon Wireless on May 4, 2013. On May 7, 2013 Willpower Radio conducted measurements, determined that Willpower Radio operated in compliance with the Commission's Rules, and shared this information with Verizon Wireless. On May 10, 2013 Verizon Wireless arbitrarily and abruptly terminated these discussions.

Section 2 of the NOV states that on May 22, 2013 an agent of the Enforcement Bureau's New York office observed a violation of Section 73.317(a) of the Commission's Rules with regard to the eight harmonic of WKZE-FM (784.48 MHz) from the Station's transmitter causing interference to the Verizon Wireless transmitter located approximately 500 feet away. On June 19, 2013 the FCC released the NOV.

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<sup>6</sup> The calendars include: (1) Community Bulletin Board for non-profits and public service entities such as libraries, churches and schools; (2) Arts Calendar for non-profit arts organizations and schools; and (3) Entertainment Calendar about for profit venues and events at local educational institutions.

<sup>7</sup> Each interview runs approximately 10 minutes and allows people and organizations to "tell their tale" to the listening public.

<sup>8</sup> File No. BLH-19920911KD.

## **I. WKZE-FM Operates in Compliance with the Commission's Rules**

Willpower Radio takes seriously its obligations to comply with the FCC's technical rules and regulations. Upon receipt of the NOV, Willpower Radio reviewed the operations of the Station's transmission equipment. The Station antenna and transmitter operate within licensed parameters and in accordance with Part 73 of the Commission's Rules. Willpower Radio retains Radio Engineering Services, LLC to maintain the Station's transmission equipment. Radio Engineering Services visits the WKZE-FM transmitter site monthly during which time the company conducts various maintenance activities.<sup>9</sup> Willpower Radio participates in the Alternative Broadcast Inspection Program every three years and in each instance passed inspection.<sup>10</sup>

Section 73.317(a) states in relevant part that "should harmful interference to other authorized stations occur, the licensee shall cure the problem promptly or cease operation." Section 73.317(a) does not define what constitutes harmful interference. Section 73.317(d) however states that:

"Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least  $43 + 10 \text{ Log}_{10}(\text{Power, in watts})$  dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation."

The subject emission in this matter is separated by more than 600 kHz.

On May 7 and May 22, 2013, Willpower Radio conducted measurements to determine whether WKZE-FM was operating in compliance with Section 73.317.<sup>11</sup> The measurements were conducted under the direct supervision of David Groth of Radio Engineering Services using an Agilent N9912A spectrum analyzer as last calibrated on January 28, 2012 and a Maxi

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<sup>9</sup> Radio Engineering Services has been responsible for the maintenance of the Station transmitter equipment since 1992.

<sup>10</sup> The most recent inspection took place in 2012.

<sup>11</sup> See Engineering Statement of David Groth attached as Exhibit 2.

Calibrated Survey Antenna. The May 7, 2013 measurements were made approximately 12 feet from the Station transmitter.

A reference carrier measurement was taken at the fundamental frequency of 98.1 MHz. The instrument input attenuator was adjusted to insure the analyzer was not being overloaded and was not operating in compression. The fundamental frequency reference level was measured at +5dbm. Then, an LPA-1000 log periodic antenna was deployed to measure higher harmonics. This exact antenna has a published frequency response chart and is flat within +/- 1.5db across the operating range of 400 MHz to 1.2 GHz. This chart was used to adjust the measured data at the subject frequency.

The log periodic antenna was aimed at the WKZE-FM transmitter at a distance of 12 feet, just outside of the fence that surrounds the facility. Measurements were taken of the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> harmonic frequencies. Measurements were also taken utilizing the Log periodic antenna while standing near the Verizon tower base. Additional measurements were taken by connecting the analyzer directly to the affected Verizon Antenna transmission line (inside the Verizon Shelter) as well as after the Verizon preamplifier equipment. (These measurements were all recorded as dbm, the reference level being the standard of 1milliwatt = 0dbm.). The eighth harmonic of the station, which falls on 784.8 MHz, was determined to be -94 dBc, which is in tolerance of the requirements of Section 73.317.

As the attached engineering demonstrates, WZKE-FM operates in compliance with Section 73.317. Willpower Radio understands that the investigating agent observed interference caused by the eighth harmonic (784.8 MHz) of WKZE-FM; however given that the NOV does not include details concerning the methodology of the interference tests or the tests themselves, Willpower Radio can only rely upon its own measurements to confirm compliance with the

specifications of Section 73.317. If the Commission disagrees, it would be helpful if the Commission were to provide its engineering measurements and rationale for its conclusion. Absent this information, Willpower Radio stands by its engineering results.

## **II. Remedial Steps for Curing the Interference**

Given the lack of information in the NOV regarding the nature of the interference, fashioning a solution is highly problematic. The NOV includes the conclusive statement that the WKZE-FM transmitter is causing interference to the Verizon Wireless transmitter on the eighth harmonic. The NOV does not explain how the Station is causing the interference, what constitutes harmful interference or whether Verizon Wireless is actually receiving harmful interference.<sup>12</sup> The NOV provides no objective standard for how a remedy would satisfy Section 73.317.<sup>13</sup> Absent such guidance, it is difficult for Willpower Radio to evaluate the potential success of any remedial steps.

Each party does have remedial steps available to it. Verizon Wireless could redesign their wireless transmitter using different equipment, operate in a different frequency band or relocate to a new tower site, thereby eliminating the interference altogether. Willpower Radio could install a filter or shield for the transmitter. However, absent specific guidance from the Commission on how the operation of WKZE-FM for two decades from its licensed tower site constitutes harmful interference to a subsequently and recently installed Verizon Wireless transmitter, Willpower Radio cannot suggest how remedial solutions such as a filter or shielding

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<sup>12</sup> Compare Notice of Violation File No. EB-09-NF-0122 released December 16, 2009 where the Norfolk Office, South Central Region, Enforcement Bureau stated with specificity how the amplitude of one emission on a particular frequency was suppressed by a lesser dB amount than permitted in the rules. No such information is provided in this instance.

<sup>13</sup> Further confusion is created because the NOV discusses interference to the Verizon Wireless transmitter when it would appear that the alleged interference is to equipment receiving signals from wireless devices.

will resolve the problem. Clearly the cessation of operations or relocation of the Verizon Wireless transmitter would resolve the situation.

The Commission should require Verizon Wireless to explain why the company designed and installed a wireless transmitter they knew or should have known could receive interference from a broadcast station. Prior to Verizon Wireless commencing operation from its tower site, the FCC had issued two Notices of Violation involving similar situations between broadcast transmitters and wireless transmitters.<sup>14</sup> Verizon Wireless therefore was on notice that construction of its facilities at its proposed tower site could result in the reception of interference. Yet Verizon Wireless decided to proceed anyway. The Commission should inquire of Verizon Wireless: (1) what steps they took to prevent the interference that is the subject of the instant NOV; (2) whether Verizon Wireless used best engineering practices in the design and installation of their transmitter to avoid interference; (3) what remedial steps Verizon Wireless undertook once it discovered the interference; and (4) why Verizon Wireless should not be held responsible for remedying the interference.

Willpower Radio is willing to meet with Verizon Wireless to discuss remedial solutions. However, Willpower Radio believes the Commission should adopt certain guidelines for any discussion: (1) the remedy cannot result in a loss of service to the public by WKZE-FM; (2) Verizon Wireless must reimburse Willpower Radio for its expenses if Willpower Radio consents to implementing a particular remedy; and (3) the parties must submit a report to the Commission within a certain period of time describing the progress of their meetings and whether a technical solution exists.

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<sup>14</sup> See *Notice of Violation*, File No. File No. EB-11-SF-0329 (released December 20, 2011) (Director, San Francisco Office, Enforcement Bureau) (alleging that ninth harmonic of radio stations were causing interference to AT&T Mobility transmitter located approximately 150 feet away); *Notice of Violation*, File No. EB-FIELDNER-12-00005659 (released December 12, 2012) (New York Office, Enforcement Bureau) (alleging that eighth harmonic of radio station is causing interference to AT&T equipment located approximately 125 feet away).

### **III. Verizon Wireless is Responsible for the Interference**

If a remedial solution exists, the Commission should instruct Verizon Wireless either to modify its facilities to eliminate the interference or reimburse Willpower Radio if the technical remedy to be implemented involves modification to the transmission equipment for WKZE-FM.

It is indisputable that the interference is solely the result of the actions of Verizon Wireless when the company decided to design, install and operate its transmitter in such close proximity to the WKZE-FM transmitter. Verizon Wireless cannot be allowed to construct facilities that results in interference from the WZKE-FM transmitter and then demand Willpower Radio bear responsibility for Verizon Wireless' transgression. The Commission could not have intended when it adopted Section 73.317 that a broadcaster would have to cure interference solely the fault of another party. The logical conclusion is that the Verizon Wireless transmitter must protect the WKZE-FM transmitter and if Verizon Wireless transmitter does receive interference, then Verizon Wireless must take the necessary steps to resolve the interference, including reimbursement to third parties.

To decide otherwise would establish a precedent harmful to the broadcast industry. If Section 73.317 is interpreted such that a broadcaster is responsible for interference created by a third party, broadcasters would be at the mercy of other communications services. There would be no impediment to the wireless industry (or any communications sector for that matter) ignoring existing broadcast stations when designing and deploying wireless transmitters and if interference occurs from a nearby broadcast station, forcing the broadcast station to bear the costs for solving the very problem the wireless operator created. Broadcasters transmitters located on towers in the heartland of America to the Empire State Building in New York would be in jeopardy.



#### **IV. The Commission Should Commence A Rule Making Proceeding**

This case and the two prior Notices of Violation raise concerns about a matter of grave importance which is undefined in the Commission's Rules. The vagueness of the three Notices of Violation with respect to the appropriate standard for determining harmful interference, which party bears responsibility for any remedy, and what would be considered acceptable remedial actions by the parties involved are complex and complicated issues that should be resolved not through an adjudication but a rule making proceeding seeking public comments from all of the parties involved. In this manner the Commission will receive the full benefit of comments from the public and those parties with an interest in this matter. Although there have been only three Notices of Violation on this matter to date, two of these Notices were within the past six months. Undoubtedly more problems will occur in the future as the wireless companies roll out their new wireless network. The Commission should address these concerns in a rule making proceeding and adopt relevant rules and procedures if only for the sake of administrative certainty and providing guidance to the parties.<sup>15</sup>

#### **Conclusion**

Verizon Wireless is responsible for the interference in this matter; Willpower Radio is the innocent party. The Commission should instruct the parties to meet and if possible, agree upon a remedy for this matter. The Commission should further instruct Verizon Wireless either to modify their facilities to eliminate the interference or require Verizon Wireless to reimburse Willpower Radio for the expenses associated with Willpower Radio adopting a remedy. Under

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<sup>15</sup> Defined engineering standards would benefit both parties. Wireless operators would know when they build wireless networks what interference they must accept from broadcasters and design their networks to avoid the problem in the first instance. Broadcasters at their discretion could agree to remedial actions such as shielding or a filter, provided the wireless operator pays for the remedy.

no circumstances should Willpower Radio be required to modify their facilities in a manner that would result in the loss of service to the public. In the alternative, the Commission should defer action in this matter and proceed with a rule making proceeding to address the issues raised in this Notice of Violation.

Willpower Radio wants to be reasonable and work with its neighbors. But cooperation is a two way street. Verizon Wireless must be willing to meet and discuss with Willpower Radio about a reasonable solution consistent with the proposals spelled out in this response. Only then can an equitable and fair solution reached for all parties involved.

Respectfully submitted

**WILLPOWER RADIO, L.L.C.**



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Rini O'Neil, PC  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036  
(202) 955-3931

July 16, 2013

Its Attorney

**EXHIBIT 1**

**FCC NOTICE OF VIOLATION**

Federal Communications Commission

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )

Willpower Radio, L.L.C. )  
Licensee of Radio Station WKZE-FM )  
Salisbury, CT )

File No.: EB-FIELDNER-13-00009298

NOV No.: V201332380007

NOTICE OF VIOLATION

Released: June 19, 2013

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Willpower Radio, LLC, licensee of Station WKZE-FM operating on 98.1 MHz in Salisbury, Connecticut (Willpower). Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On May 22, 2013, agents of the Enforcement Bureau's New York Office monitored Station WKZE-FM and observed the following violation:

47 C.F.R. §73.317(a): "FM broadcast stations employing transmitters authorized after January 1, 1960, must maintain the bandwidth occupied by their emissions in accordance with the specification detailed below. FM broadcast stations employing transmitters installed or type accepted before January 1, 1960, must achieve the highest degree of compliance with these specifications practicable with their existing equipment. In either case, should harmful interference to other authorized stations occur, the licensee shall correct the problem promptly or cease operation." The eighth harmonic of Station WKZE-FM (784.8 MHz) was causing interference to the Verizon Wireless transmitter located approximately 500 feet away.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Willpower, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s)

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> 47 U.S.C. § 308(b).

**Federal Communications Commission**

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taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Willpower to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Willpower Radio, L.L.C. with personal knowledge of the representations provided in the Willpower's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
New York Office  
201 Varick Street, Suite 1151  
New York, NY 10014

6. This Notice shall be sent to Willpower Radio, LLC, at its address of record.

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<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

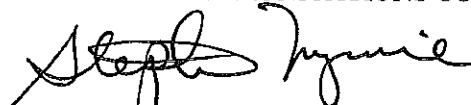
<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

**Federal Communications Commission**

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7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION



Stephen Maguire  
District Director  
New York District Office  
Northeast Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

**EXHIBIT 2**  
**ENGINEERING STATEMENT OF**  
**DAVID GROTH**

**WKZE-FM**  
**SPURIOUS EMISSION MEASUREMENT REPORT**

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July 12, 2013

**INTRODUCTION:**

Harmonic and spurious emission measurements were conducted upon the transmitter facilities of WKZE-FM, with transmitter facilities located at Silver Mountain, Town of Northeast, New York, licensed to Willpower Radio, LLC on May 7, 2013 and again on May 22, 2013 at the request of the licensee for the purpose of determining if the facilities are operating within compliance with part 73.317 of the Federal Communications Commission (FCC) rules and regulations.

**HARMONIC AND SPURIOUS MEASUREMENTS:**

Measurements were made utilizing an Agilent N9912A spectrum analyzer, serial number MY50023282, last factory calibrated on January 28, 2012. A Maxrad calibrated survey antenna was set up on a tripod 12 feet outside the transmitter building on the South side along an axis toward the Crown Castle tower, upon which Verizon has mounted their antenna arrays. A reference carrier measurement was taken at the fundamental frequency of 98.1 Mhz. The instrument input attenuator was adjusted to insure the analyzer was not being overloaded and was not operating in compression. The fundamental frequency reference level was measured at +5dbm. Then, an LPA-1000 log periodic antenna was deployed to measure higher harmonics. This exact antenna has a published frequency response chart and is flat within +/- 1.5db across the operating range of 400 MHz to 1.2 GHz. This chart was used to adjust the measured data at the subject frequency.

The log periodic antenna was aimed at the WKZE transmitter at a distance of 12 feet, just outside of the fence that surrounds the facility. Measurements were taken of the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> harmonic frequencies.

Measurements were also taken utilizing the Log periodic antenna while standing near the Verizon tower base. Additional measurements were taken by connecting the analyzer directly to the affected Verizon Antenna transmission line (inside the Verizon Shelter) as well as after the Verizon preamplifier equipment. (These measurements were all recorded as dbm, the reference level being the standard of 1 milliwatt = 0dbm.)



WKZE operates on an assigned frequency of 98.1 MHz with a transmitter power output of 2.5 kilowatts, and an effective radiated power of 1.8 kilowatts in the maximum lobe (directional antenna). The transmitter was observed to be operating at the correct licensed power prior to taking measurements. 73.317 of the FCC rules and regulations require all harmonic and spurious frequencies associated with FM transmission to be attenuated by  $43+10[\log(\text{power})]$ , in this case 75.5 decibels below carrier (dbc) or 80 decibels below carrier reference, whichever is less attenuation. The following are the results of our measurements:

**AT FENCE LINE:**

7<sup>TH</sup> HARMONIC (686.7MHz): -87dbc (in tolerance by 7db)

8<sup>TH</sup> HARMONIC (784.8MHz): -94dbc (in tolerance by 14db) [subject cellular band]

9<sup>TH</sup> HARMONIC (882.9MHz): -101dbc (in tolerance by 23db)

**AT VERIZON TOWER BASE:**

8<sup>th</sup> HARMONIC (784.8MHz): -124dbm (approaching ambient noise floor @ -130dbm)

**IN VERIZON EQUIPMENT SHELTER:**

8<sup>th</sup> HARMONIC (784.8MHz): -110dbm at end of Gamma transmission line\*  
- 89dbm at output of Verizon preamplifier

\*Note that the approximate forward gain of the Verizon panel antenna is 16db, while the total transmission line loss over 160' is approximately 4.5db, yielding a net gain of 11.5db prior to the preamplifier. The stated and measured Verizon preamplifier gain is 21db.

**CONCLUSION:**

Measurements taken at the WKZE-FM facility indicate compliance with respect to harmonic and spurious radiation as defined in section 73.317 of the rules and regulations for FM broadcast transmitters. There were no un-related frequency spurious emissions, or inter-modulation distortion products observed at levels greater than -90dbm as of the date(s) taken. Verizon is measuring the 8<sup>th</sup> harmonic of the station at the output of their preamplifier, which, combined with their antenna system, provides an additional gain of 31db. However, the 8<sup>th</sup> harmonic, as measured by a standard reference antenna, is attenuated

far beyond requirement as radiated by the station antenna system, and still 14db beyond requirement as radiated by the station transmitter chassis at distances as close as 12 feet.

**CERTIFICATION:**

I, David W. Groth, do hereby state that I personally conducted the measurements contained in this report, using properly calibrated test equipment, and utilizing accepted sample and measurement procedures. I further certify that I have been a licensed radio broadcast engineer since 1973; That I have held an FCC General class license (first class) since 1973; that I have been a continuous member of the Society of Broadcast Engineers since 1986; that I have been a member of the National Association of Radio and telecommunications Engineers since 1987, holding a master endorsement in RF radiation systems; that I am a Graduate of Dutchess Community College and Rensselaer Polytechnic Institute; that I have conducted various radio frequency measurements in the past and have written numerous reports of a technical nature which are a matter of record before the FCC. I hereby certify that all of the measurements and data contained in this report are true and correct to the best of my knowledge.

Very Truly Yours,



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David W. Groth

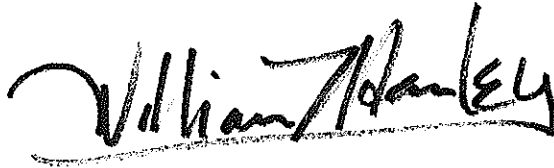
Communications Engineer

**EXHIBIT 3**

**DECLARATION OF WILLIAM STANLEY**

**DECLARATION OF WILLIAM STANLEY**

My name is William Stanley. I am Managing Member of Willpower Radio, L.L.C., licensee of WKZE-FM, Salisbury, Connecticut, Facility Id. No. 67773 (the "Station"). I have reviewed the response to the Enforcement Bureau's Notice of Violation dated June 19, 2013, File No. EB-FIELDNER-13-00009298 to which this Declaration is attached and to the best of my information, personal knowledge, and belief, is true and accurate. To the best of my knowledge and belief, all of the information requested by the Enforcement Bureau's Notice of Violation dated June 19, 2013, File No. EB-FIELDNER-13-00009298 that is in the Licensee's possession, custody, control or knowledge has been produced. I declare under the penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink that reads "William Stanley". The signature is written in a cursive style with a horizontal line underneath the name.

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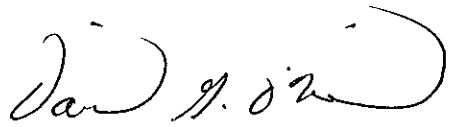
William Stanley  
Managing Member  
Willpower Radio, L.L.C.

July 16, 2013

**CERTIFICATE OF SERVICE**

I, David G. O'Neil, an attorney in the office of Rini O'Neil, PC, hereby certify that a true and correct copy of the foregoing "Response of Willpower Radio, L.L.C. to Notice of Violation" was sent via e-mail this 16<sup>th</sup> day of July, 2013 to the following:

Mr. Stephen Maguire  
District Director  
New York District Office, Northeast Region  
Enforcement Bureau  
201 Varick Street, Suite 1151  
New York, NY 10014

  
\_\_\_\_\_  
David G. O'Neil