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Federal Communications Commission
Office of the Secretary

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

In re Applications of	)	MM Docket No. N/A
WINDSOR WIRELESS	)	FCC File No. BPH-911115ME
MARGERY E. CLARK	)	FCC File No. BPH-911115MJ
ERIC R. HILDING	)	FCC File No. BPH-911115MR
JUDY YEP HUGHES	)	FCC File No. BPH-911115MT
For a Construction Permit for a new Commercial FM Radio Station on Channel 281A, Windsor, California	)	

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FCC MAIL BRANCH

To: Chief, FM Branch

PETITION TO DENY

I, Eric R. Hilding, recognized "Channel Petitioner" and applicant for new FM Channel 281A at Windsor, California, tender my PETITION TO DENY the mutually-exclusive applicants in the above-captioned matter. The applicants noted below have failed to comply with the Commission's "Hard Look" policy standards for processing, as their applications contain glaring defects which are grounds for dismissal.

Unfortunately, the general site area was the subject of much local public controversy and opposition to any tower construction due to "environmentally sensitive" issues. It also appears, therefore, that Wireless failed to state "Yes" instead of "No" to reflect that its application would, in fact, "...have a significant environmental impact".

B. In response to FCC Form 301 Section V-B, Items #16(b) & 16(c), Wireless attached "Exhibit V-5" which alleges that it's 3.16 mV/m (70dbu) contour will cover the entire community of Windsor, California which is incorrect. Wireless labeled the alleged community boundaries as "Windsor City Limits" which are incorrectly shown on its Exhibit V-5 pursuant to its proposed future operating facilities and coverage.

C. In response to FCC Form 301 Section IV-B, Item #2(c), Wireless has claimed, in its related "Exhibit 3", Item #2, an alleged female qualitative enhancement factor which is a violation of my Civil Rights to Equal Opportunity and due process pursuant to the Constitution of the United States of America. Wireless also failed to properly amend its application by the requisite deadline of March 3, 1992, to reflect the demise of any such Unconstitutional "female" qualitative factor. *Jerome Thomas Lamprecht v. Federal Communications Commission* (United States Court Of Appeals - DC Circuit, February 19, 1992). The Integration Statement of Wireless is therefore also accordingly incorrect for said same reasons.

D. In response to FCC Form 301 Section VII, Item #1, Wireless certified that it would comply with the public notice requirement of 47 C.F.R. Section 73.3580. Wireless failed to comply with the requirements, which therefore amounts to a false certification of its application. The application of Wireless must be dismissed.

E. In response to FCC Form 301 Section II, Item #3, Wireless failed to provide an accurate "date" of filing of its enabling charter (i.e., its "Partnership

Agreement"). California law requires that a "Fictitious Business Name Statement" be filed, which it appears Wireless may not have done prior to the filing of its FCC

3.16 mV/m and 1 mV/m predicted contours as set forth in her application. This means all tabulated data in FCC Form 301 Section V-B, Item #19 is also incorrect.

D. In response to FCC Form 301 Section V-B, Item #2(b), Clark claimed, in her attached "Exhibit 3", Past Local Residence in the "community of license" and property ownership in the (community of license). Pursuant to her proposed future

3. FCC File No. BPH-911115MT - Judy Yep Hughes ("Hughes")

A. In response to FCC Form 301 Section V-B, Items #7(a)(1), #7(b)(2), #7(b)(3), #8 (including Exhibit 1), and Item #9(a), Hughes has proposed unauthorized facilities pursuant to the Commission's rules. All figures stated in response to the above indicated items are incorrect, and the proposed ERP of .250 KW exceeds the Commission's maximum allowed power from the actual antenna site.

B. In response to FCC Form 301 Section V-B, Item #20, Hughes' Engineering Statement failed to give an accurate RF Radiation Exposure analysis pursuant to OST Bulletin No. 65, October 1985. Hughes failed to provide the Commission with specific numeric data, including a composite analylsis which reflects details of <u>all</u> other RF producing communications facilities on the proposed tower.

C. In response to FCC Form 301 Section V-B, Items #16(b) & 16(c), Hughes attached "Exhibit 3" which clearly failed to show "the legal boundaries of the principal community to be served". Due to the specifics of paragraph 3(A) above, Hughes' alleged "Area" served and "Population" figures are incorrect, as well as her 3.16 mV/m and 1 mV/m predicted contours as set forth in her application. This means all tabulated data in FCC Form 301 Section V-B, Item #19 is also incorrect.

D. In response to FCC Form 301 Section IV-B, Items #2(a), 2(b) & 2(c), Hughes has claimed, in her related "Exhibit B" (incorrectly labeled as "C"), alleged "minority" and female qualitative enhancement factors which are a violation of my Civil Rights to Equal Opportunity and due process pursuant to the Constitution of the United States of America. Hughes also failed to properly amend her application by the requisite deadline of March 3, 1992, to reflect the demise of any such Unconstitutional "female" qualitative factor. *Jerome Thomas Lamprecht v. Federal*

Communications Commission (United States Court Of Appeals - DC Circuit, Feb. 19, 1992). The Integration Statement of Hughes is therefore also accordingly incorrect for said same reasons. Hughes also alleges she has "...resided in Healdsburg...and will continue to reside there..." which is incorrect pursuant to the Commission's rules and amounts to false certification. Hughes failed to indicate her actual percentage of alleged "Chinese" (minority) status claimed in spite of its Unconstitutionality.

E. In response to FCC Form 301 Section III, Item #3, Hughes failed to provide a "contact person" and address for the indicated Wells Fargo Bank financial funds source as required by the FCC's instructions therein.

PURSUANT TO THE FOREGOING, the Commission should accordingly **DENY** the applications of Windsor Wireless, Margery E. Clark and Judy Yep Hughes for excessive violation of the Commission's "Hard Look" and stringent processing guidelines.

Respectfully submitted,

Eric R. Hilding

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CERTIFICATE OF SERVICE

I, Eric R. Hilding, under penalty of perjury, hereby declare that a copy of this "PETITION TO DENY" has been sent via First Class Mail, U.S. postage prepaid, today, April 13, 1992, to each of the following:

Nancy L. Dewey
Barney L. Dewey
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