

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

JUN 8 2000

In the Matter of:)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations,)
(Cheboygan and)
Rogers City, Michigan)

MM Docket No. 00-69
RM - 9850

To: Chief, Allocations Branch
Policy & Rules Division, Mass Media Bureau

REPLY COMMENTS
OF
TODD STUART NOORDYK

Todd Stuart Noordyk ("Noordyk"), by Counsel, pursuant to the *Notice of Proposed Rule Making and Order to Show Cause (DA 00-916, released April 25, 2000)* ("NPRM"), hereby submits these Reply Comments to the "Counterproposal" filed herein on June 16, 2000 by D&B Broadcasting, L.L.C. ("D&B"). In support hereof, Noordyk submits the following:

1. By way of brief summary, the NPRM proposes the allotment of Channel 260C2 at Cheboygan, Michigan for new local FM radio service, which would also require Radio Station WHAK-FM at Rogers City, Michigan to modify its channel of operation from 260C2 to 292C2.

2. D&B's Counterproposal suggests that the public interest would be better served if Radio Station WSRQ-FM at Bear Lake, Michigan be permitted to modify its license from Channel 261A to 260C1 in conjunction with a change

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in the station's community of license from Bear Lake, Michigan to Bellaire, Michigan. D&B's counterproposal also includes the allotment of Channel 259A to Rapid River, Michigan as that community's first local aural service. In order to effectuate D&B's counterproposal, it is requested that Channel 260A at Manistique, Michigan be replaced with Channel 265A.

3. Noordyk is the proposed new Permittee for Channel 260A at Manistique, Michigan by virtue of Broadcast Auction No. 25. *See, BPH-970922ME (Facility ID No. 88444); FCC Letter Ruling 1800B3-TSN (dated May 5, 2000).*¹ Accordingly, Noordyk has standing to submit these Reply Comments by virtue of his vested interest in the current Channel 260A allotment at Manistique, Michigan.

4. Noordyk neither supports nor opposes D&B's proposal. However, should the Commission find merit with D&B's proposal, Noordyk would prefer the substitution of Channel 241A for 260A at Manistique, not the substitution of Channel 265A for 260A. Attached hereto is the Technical Statement of Graham Brock, Inc., wherein it is demonstrated that Channel 241A can be allotted to Manistique at site reference coordinates North Latitude 45 - 59 - 21 and West Longitude 86 - 17 - 14. At this location, Channel 241A would

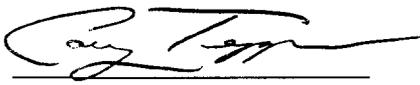
¹ In response to certain Public Notices, Noordyk has timely paid some of the consideration due to the Commission as the result of Noordyk's winning bid in Closed Broadcast Auction No. 25. The FCC's request for the final auction payment due, and the actual issuance of the Manistique, Michigan Construction Permit to Noordyk, has been delayed to a series of administrative appeals by Roy E. Henderson -- the most recent of which was submitted June 5, 2000 in the form of an "Application for Review."

provide the requisite city-grade contour coverage of the Manistique community, and fully protect Radio Station WLXT-FM at Petoskey, Michigan.

WHEREFORE, the above premises considered, Noordyk respectfully requests the substitution of Channel 241A for Channel 260A at Manistique, Michigan should the Commission decide to accept D&B's counterproposal in this proceeding.

Respectfully submitted,

TODD STUART NOORDYK

By: 
Cary S. Tepper

His Attorney

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Washington, D.C. 20016-4120

(202) 686-9600

June 30, 2000

**Technical Statement
of
Graham Brock, Inc.**

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
TODD STUART NOORDYK
MM DOCKET NO. 00-96
SHEBOYGAN AND ROGERS CITY, MICHIGAN
June 2000

TECHNICAL EXHIBIT

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TECHNICAL COMMENTS
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June 2000

TECHNICAL STATEMENT

This Technical Statement and attached Exhibits were prepared on behalf of Todd Stuart Noordyk ("Noordyk"), proposed permittee for a new FM station on Channel 260A at Manistique, Michigan.¹ During the comment period in MM Docket #00-96, D&B Broadcasting, LLC, submitted a counterproposal which requested, among other things, the substitution of Channel 265A for Channel 260A at Manistique, Michigan.

Noordyk herein requests that, should the Commission deem the D&B Broadcasting proposal implementable, rather than the substitution of Channel 265A for 260A at Manistique, Channel 241A be substituted for Channel 260A. As demonstrated on Exhibit #1, Channel 241A can be allotted to Manistique, Michigan, at North Latitude 45° 59' 21" and West Longitude 86° 17' 14". This represents a site restriction of 4.4 kilometers northwest of the community in order to avoid shortspacing WLXT, Channel 242C1, Petosky, Michigan.² Exhibit #2 is a map depicting where Channel 241A could be utilized in the Manistique, Michigan, area. From the proposed location, a 3.16 mV/m contour will be delivered over all of Manistique.

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- 1) Noordyk was awarded the channel in Broadcast Auction #25 held September 28, 1999, FM MX Group #63, Facility Identification #88444.
 - 2) While this is not the present site proposed in Noordyk's application, Noordyk will modify his outstanding construction permit to reflect the change in channel and site if Channel 241A is allotted to Manistique.

Therefore, Noordyk supports the below referenced change as it relates to Manistique, Michigan.

Manistique, Michigan

<u>Present</u>	<u>Proposed</u>
260A	241A

Once Channel 241A is allotted to Manistique, Michigan, Noordyk will file FCC Form 301 to modify the outstanding construction permit for his new facility at Manistique, Michigan, on Channel 241.

The foregoing was prepared on behalf of Todd Stuart Noordyk by Graham Brock, Inc., his Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All information relating to FM facilities was extracted from the CDBS database as updated June 23, 2000. We assume no liability for errors or omissions in that database which may be adverse to the request made herein.

TECHNICAL COMMENTS
TODD STUART NOORDYK
MM DOCKET NO. 00-96
SHEBOYGAN AND ROGERS CITY, MICHIGAN
June 2000

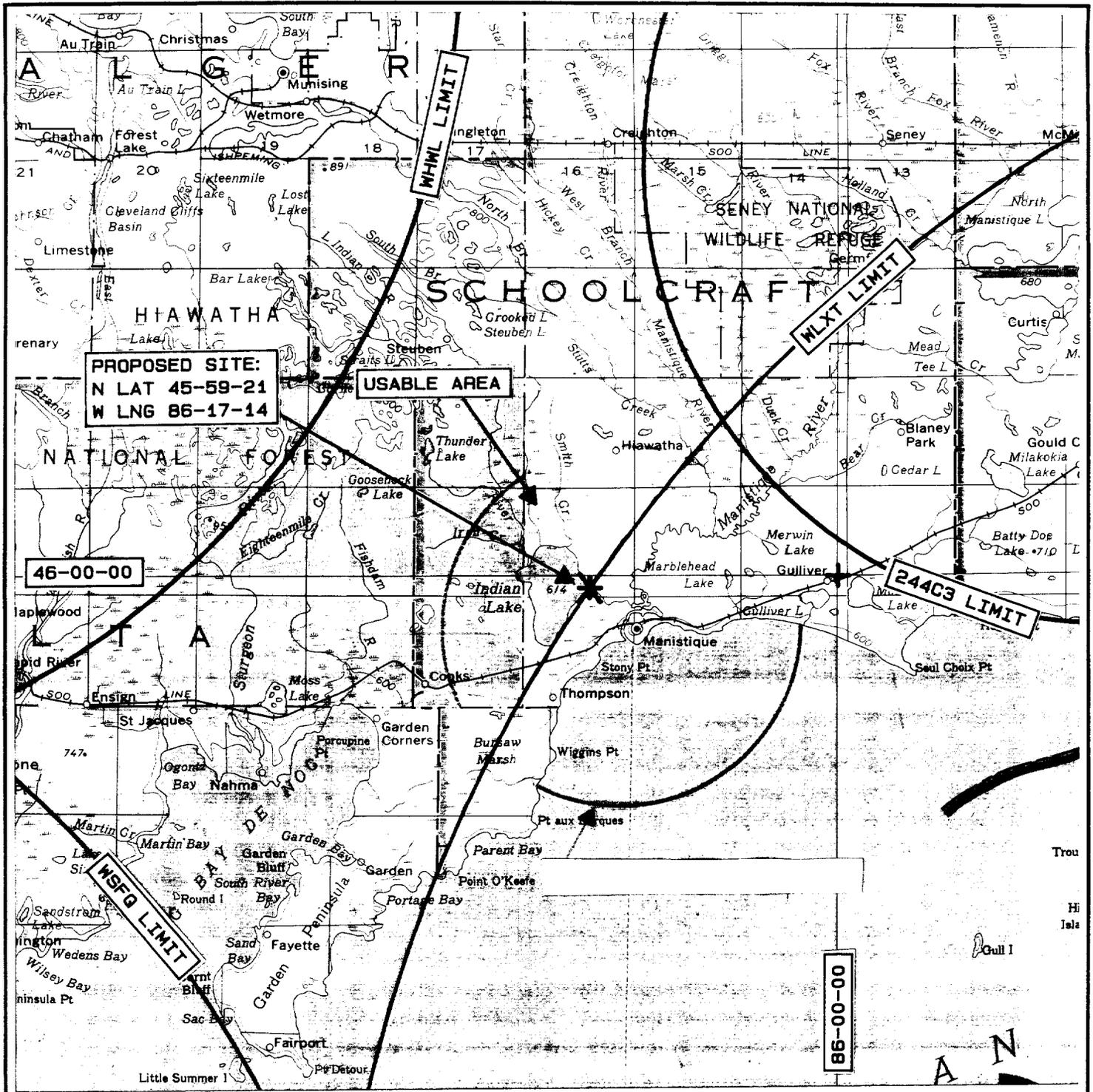
EXHIBIT #1

ALLOCATION STUDY FOR MANISTIQUE, MICHIGAN
USING PROPOSED SITE AS REFERENCE

REFERENCE		DISPLAY DATES
45 59 21 N	CLASS A	DATA 06-23-00
86 17 14 W	Current rules spacings	SEARCH 06-29-00
----- CHANNEL 241 - 96.1 MHZ -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD241	241A	Manistique	MI	0.0	0.00	115.0	-115.00
AD	45 59 21	86 17 14	0.000 kW	0M	0.0	71.5	
Todd Stuart Noordyk							
* WLXT	242C1	Petoskey	MI	123.6	132.71	133.0	-0.29
LIC CN	45 19 17	84 52 33	100.000 kW	299M	82.5	82.7	
				Macdonald Garber Broadcasting BLH-19870325KL			
AVAC	244C3	Mcmillan	MI	49.6	60.60	42.0	18.60
VAC N	46 20 24	85 41 12	0.000 kW	0M	37.7	26.1	
WHWL	239C1	Marquette	MI	303.5	103.83	75.0	28.83
LIC CN	46 29 52	87 24 59	100.000 kW	162M	64.5	46.6	
				Gospel Opportunities, Inc. BMLED-19910502KE			
WHWL.A	239C1	Marquette	MI	303.5	103.83	75.0	28.83
APP CN	46 29 52	87 24 59	100.000 kW	162M	64.5	46.6	
				Gospel Opportunities, Inc. BMLED-19950907KB			
WSFQ	242C2	Peshtigo	WI	232.2	155.62	106.0	49.62
LIC CN	45 07 19	87 51 07	49.000 kW	147M	96.7	65.9	
				Badger Communications, L.L.C. BLH-19960805KB			
AL238	238C	Sault Ste Marie	ON	68.0	161.64	103.0	58.64
VAC N	46 31 00	84 20 00	0.000 kW	0M	100.5	64.0	
AL241	241A	Blind River	ON	84.1	256.46	180.0	76.46
VAC N	46 10 37	82 58 55	0.000 kW	0M	159.4	111.9	
WJZJ	238C2	Glen Arbor	MI	170.0	131.80	55.0	76.80
LIC CN	44 49 16	85 59 47	21.000 kW	225M	81.9	34.2	
				North Star Broadcasting, L.L.C. BLH-19970212KB			
AVAC	242C1	Houghton	MI	306.6	215.31	133.0	82.31
VAC N	47 07 06	88 34 06	0.000 kW	0M	133.8	82.7	
971009	240C3	Fife Lake	MI	154.1	171.52	89.0	82.52
APP CX	44 35 51	85 20 31	25.000 kW	100M	106.6	55.3	
				Roy E. Henderson D/b/a Fife BMPH-20000505AAI			
AVAC	240C3	Fife Lake	MI	154.1	171.52	89.0	82.52
VAC	44 35 51	85 20 31	0.000 kW	0M	106.6	55.3	
				Roy E. Henderson D/b/a Fife			

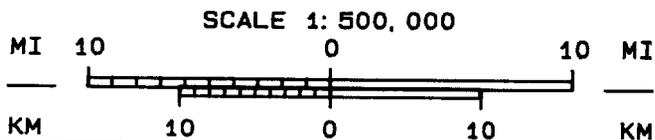
* Note: The shortage to WLXT is less than 0.49 km and therefore rounds to zero.



USABLE AREA

MAP IS A PORTION OF THE 1: 500, 000 SCALE U.S.G.S. BASE STATE MAP OF MICHIGAN.

EXHIBIT #2
TECHNICAL COMMENTS
TODD STUART NOORDYK
MM DOCKET NO. 00-96
SHEBOYGAN AND
ROGERS CITY, MICHIGAN
June 2000



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

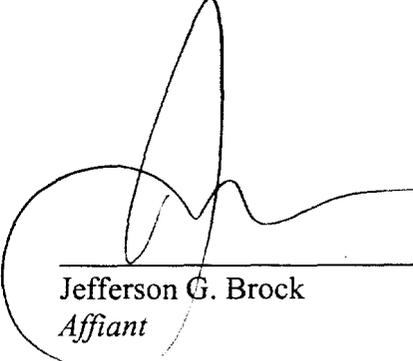
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Todd Stuart Noordyk, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 29th day of June, 2000.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 29th day of June, 2000.*



Notary Public, State of Georgia
My Commission Expires: April 20, 2002

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 30th day of June, 2000, have served a copy of the foregoing "**Reply Comments of Todd Stuart Noordyk**" first-class, postage-prepaid, on the following:

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Cary S. Tepper, Esq.

*/ indicates delivery by hand