

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D. C. 20554

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JUL 3 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
Table of Allotments )  
FM Broadcast Stations. )  
(Cheboygan, Rogers City, )  
and Onaway,<sup>1</sup> Michigan) )

MM Docket No. 00-69  
RM - 9850

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

**REPLY COMMENTS**

Northern Radio Network Corporation ("NRN"), licensee of, among other stations, WHAK-FM, Rogers City, Michigan, herein submits reply comments in the above-captioned proceeding.

**I. Background**

Escanaba License Corp. ("Escanaba") has proposed allotment of Channel 260C2 at Cheboygan, Michigan, as that community's second FM service. Channel 260C2 can be allotted to Cheboygan only if the Commission changes the frequency of WHAK-FM, Rogers City, Michigan, from Channel 260C2 to Channel 292C2. On April 25, 2000, the Commission released a Notice of Proposed Rule Making and Order to Show Cause, DA 00-916 ("NPRM"), regarding Escanaba's proposal. In response to the NPRM, three pleadings were filed:

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<sup>1</sup> Onaway has been added to the caption.

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List A B C D E

(a) Escanaba filed comments in support of its original proposal.<sup>2</sup>

(b) NRN submitted a counterproposal that would not require WHAK-FM to change frequencies. Specifically, NRN proposes allotment of Channel 292C2 to Onaway, Michigan, as that community's first aural service, and Channel 249C3 to Cheboygan as that community's second FM service.

(c) D&B Broadcasting, L.L.C., licensee of Station WSRQ (FM), Bear Lake, Michigan, and Fort Bend Broadcasting Company, proposed assignee of WSRQ (collectively "D&B") also filed a counterproposal. D&B proposes modifying the existing license of WSRQ to specify Channel 260C1 instead of Channel 261A and to change the station's community of license from Bear Lake to Bellaire, Michigan. In light of the fact that WSRQ is Bear Lake's only local aural service, D&B proposes allotment of Channel 291A at Bear Lake as a new allotment. D&B further proposes to allot Channel 259A to Rapid River, Michigan, as its first local aural service. In order to implement the D&B proposal, four other allotments would need to be changed:

- (i) **Rogers City, Michigan.** The allotment used by WHAK-FM would have to be changed from Channel 260C2 to Channel 292C2.
- (ii) **Manistique, Michigan.** Channel 260A would have to be replaced by Channel 265A and the application of Todd Stuart Noordyk (BPH-

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<sup>2</sup> Although Escanaba's pleading is dated June 9, 2000, and was received by NRN on June 12, 2000, the Commission's records indicate that Escanaba's filing was received by the Commission on June 20, 2000, after the June 16 deadline for comments and counterproposals. Under the circumstances, Escanaba's proposal to allot Channel 260C2 to Cheboygan is subject to dismissal.

970922ME), the prospective permittee of the Manistique station, would have to be amended to specify the new channel.

- (iii) **Ludington, Michigan**. The allotment used by Station WKLA (FM), Ludington, Michigan would have to be changed from Channel 292A to Channel 254A.
- (iv) **Walhalla, Michigan**. The vacant allotment at Walhalla would have to be changed from Channel 255A to Channel 293A.

## **II. Discussion**

NRN opposes the D&B counterproposal. As detailed below, significant technical problems exist with respect to D&B's proposed allotments at Bellaire, Bear Lake and Rapid River. Furthermore, an alternative channel is available for allotment at Rapid River that would satisfy all Commission standards and would not require any other change in the Table of Allotments. Finally, even if the technical deficiencies with D&B's proposed allotments at Bellaire, Bear Lake and Rapid River are ignored, public interest factors favor adoption of NRN's counterproposal over the D&B counterproposal.

### **A. Technical Deficiencies with D&B's Proposed Allotments**

#### **1. Bellaire, Michigan**

D&B proposes to move WSRQ to Bellaire as that community's first local broadcast service. The special reference coordinates D&B specifies, NL 45° 20' 48", WL 85° 07' 46", are 41.2 kilometers from Bellaire. From D&B's proposed site, with a radiation center at the reference height of 299 meters above average terrain, the proposed station would not provide a line-of-sight signal

to Bellaire. A significant terrain obstruction is located between that site and the community. *See* Engineering Report of Munn-Reese, Inc., Exhibit 1 hereto (hereinafter "Munn-Reese Report"), at p.1 & Figure 2. Such a terrain obstruction precludes allotment of Channel 261C1 to Bellaire. *E.g.*, *Moscow, Idaho*, 14 FCC Rcd 17012 (¶14) (Allocations Branch, 1999); *Jefferson City, Tennessee*, 10 FCC Rcd 12207 (Allocations Branch, 1995), *recon. denied*, 13 FCC Rcd 2303 (Policy & Rules Div., 1998); *Creswell, Oregon*, 3 FCC Rcd 4608 (1988), *recon. denied*, 4 FCC Rcd 7040 (1989).

## **2. Bear Lake, Michigan**

D&B obviously recognized that removal of a community's only local service generally is deemed contrary to the public interest. *E.g.*, *Tuscola, Michigan*, DA 00-1109 (Allocations Branch, released May 19, 2000). Accordingly, D&B suggested allotment of Channel 291A as a replacement channel at Bear Lake, using the special reference coordinates of NL 44° 19' 41", WL 86° 16' 14". That site, however, is located in the Bar Lake Swamp. *See* Munn-Reese Report at pp.1-2 & Figure 3. D&B has not made any showing that, in fact, the reference coordinates are on dry land. In the absence of such a showing, Channel 291A should not be allotted to Bear Lake. *E.g.*, *Ocracoke, North Carolina*, 9 FCC Rcd 2011 (Allocations Branch, 1994). Furthermore, as noted in the Munn-Reese Report, there do not appear to be access roads or electrical power in the vicinity of the proposed reference point. Were these factors not enough to reject allotment of Channel 291A to Bear Lake, the terrain between the proposed reference point and the community will not permit the station to provide a city-grade signal to all of Bear Lake nor will it permit line-of-sight coverage to the community. *See* Munn-Reese Report at p.2 and Figures 4, 4A, 4B and 5. These defects preclude

allotment of Channel 291A to Bear Lake. *E.g., Cloverdale, Alabama*, FCC 00-169 (released June 14, 2000); *Moscow, Idaho, supra*; *Jefferson City, Tennessee, supra*; *Creswell, Oregon, supra*.

### 3. Rapid River, Michigan

To bolster its public interest showing, D&B proposes allotment of Channel 259A at Rapid River, Michigan, as that community's first local radio service. But, the proposed reference point, NL 46° 01' 42", WL 86° 52' 00", is located in the Hiawatha National Forest, which has few access roads or power lines. *See Munn-Reese Report at p.3 & Figure 6*. D&B has not demonstrated that in fact the reference point is available for use. Where a reference point is in a national forest, the Commission requires such a showing. *E.g., Cassville, Missouri*, 10 FCC Rcd 13781 (Allocations Branch, 1995); *Big Sky, Montana*, 10 FCC Rcd 10343 (Allocations Branch, 1995); *Ocracoke, North Carolina, supra*. Under such circumstances, if a proponent fails to demonstrate that an actual transmitter site is available, the proposal must be denied. *See Neihart, Montana*, 14 FCC Rcd 18997 (Allocations Branch, 1999). Moreover, an alternative frequency, Channel 224A, is available for allotment at Rapid River. *See Munn-Reese Report at p.3 & Figure 7*. That allotment (a) meets all spacing requirements at the reference point for the community itself (*i.e.*, outside the national forest) and (b) does not require any other change in the Table of Allotments.

Thus, to reiterate and summarize:

- (a) Terrain shielding precludes allotment of Channel 260C1 to Bellaire, Michigan.
- (b) The reference coordinates proposed for Channel 291A at Bear Lake, Michigan are situated in a swamp and no showing has been made that a fully spaced site on dry land is available.
- (c) Even if the site is on dry land, the lack of city-grade coverage to all of Bear Lake and the existence of terrain shielding preclude allocation of Channel 291A to Bear Lake.

(d) D&B's proposed reference coordinates for Channel 259A at Rapid River are located in a national forest and D&B has made no showing that that site is in fact available and suitable for use.

**B. Comparative Considerations**

But even if the technical deficiencies in the D&B proposal are ignored, NRN's proposal should be favored. First, since an alternative frequency is available for Rapid River, D&B's plan to allot Channel 259A to that community does not influence the comparative calculation. Therefore, the choice is between (a) adoption of a plan that would bring a first local service to Bellaire, Michigan (1998 estimated population of 1,290), but require *five* other changes in the Table of Allotments<sup>3</sup> or (b) adoption of a plan that would require *no* other changes in the Table of Allotments, but would bring both a first local service to Onaway, Michigan, (1998 estimated population of 1,104) and a second FM service to Cheboygan, Michigan (1998 estimated population of 5,440).

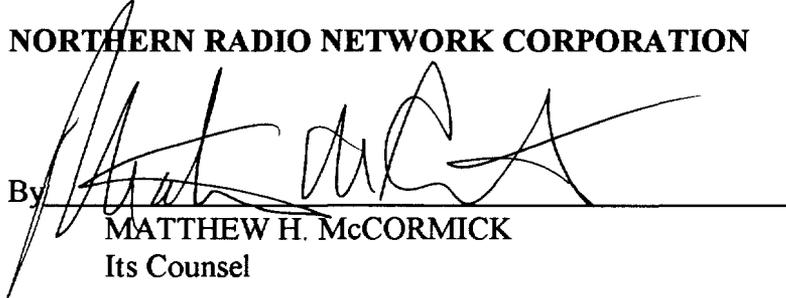
In light of (a) the very small difference in population between Bellaire and Onaway (an estimated 186 persons), (b) the additional local service that would be provided to Cheboygan, and (c) the very substantial disruption of other stations that D&B's proposal would entail, adoption of the NRN proposal clearly would better serve the public interest even if the technical deficiencies in the D&B proposal were ignored.

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<sup>3</sup> Rogers City, Manistique, Ludington, Wahalla and Bear Lake.

WHEREFORE, in light of all circumstances present, adoption of the proposal advanced in NRN's Comments and Counterproposals, filed June 16, 2000, would best serve the public interest.

**NORTHERN RADIO NETWORK CORPORATION**

By 

MATTHEW H. McCORMICK  
Its Counsel

Reddy, Begley & McCormick  
2175 K Street, N.W., Suite 350  
Washington, D.C. 20037  
(202) 659-5700

July 3, 2000

**ENGINEERING REPORT**

**Reply to Counterproposal by  
D & B Broadcasting L.L.C. and  
Fort Bend Broadcasting Company  
In MM Docket No. 00-69**

**June 2000**

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**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

**ENGINEERING REPORT**

**Reply to Counterproposal by  
D & B Broadcasting L.L.C. and  
Fort Bend Broadcasting Company  
In MM Docket No. 00-69**

**June 2000**

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Broadcast Engineering Consultants  
Coldwater, MI 49036

CERTIFICATION OF ENGINEER

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

This report has been prepared by properly trained electronics specialists, under the direction of the undersigned, whose qualifications are a matter of record before the Federal Communications Commission.

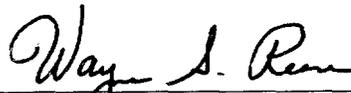
The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed to be accurate, errors or omissions in the database and file data are possible. This firm cannot be held liable for damages as a result of those data errors or omissions.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

June 28, 2000

MUNN-REESE, INC.

By

  
\_\_\_\_\_  
Wayne S. Reese, President

100 Airport Drive, P. O. Box 220  
Coldwater, Michigan 49036

Telephone: (517) 278-7339  
Telecopier: (517) 278-6973

e-mail: wayne@mun-reese.com

**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

## ENGINEERING DISCUSSION

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This firm was retained by Northern Radio Network Corp., licensee of Radio Station WHAK-FM, Rogers City, MI, to prepare selected engineering exhibits with respect to the rulemaking counterproposal filed by D & B Broadcasting L.L.C., along with Fort Bend Broadcasting Company, (D&B/Fort Bend) in MM Docket No. 00-69.

First, as part of the D&B/Fort Bend proposal, Channel 260C1 was proposed for a first aural broadcast service to the community of Bellaire, MI. Reference coordinates of NL 45°20'48" by WL 85°07'46" were chosen for the proposal. It was stated that the allotment site was "25 kilometers" north of the community of Bellaire. This appears to be a typographical error, as it is 41.2 kilometers or 25.6 miles. While this location meets the minimum mileage separation requirements and complies with the FCC calculation of city grade coverage of Bellaire, it has been discovered that line-of-sight is not possible with a radiation center at the maximum 299 meter height above average terrain (HAAT). A radiation center height of 502.8 meters AMSL is required to achieve 299 meters HAAT. While several radials fall over portions of Lake Michigan, the 34 dBu contour falls on land areas on the other side of the lake. Therefore, no adjustment of the individual radial elevations has been made. Figure 1 is a tabulation of the data employed to determine the center of radiation height above mean sea level for 299 meters HAAT. Figure 2 demonstrates that employing this height and plotting the terrain to the community reference point for the City of Bellaire (NL 44°58'49" by WL 85°12'40") line-of-sight cannot be achieved by this proposal, even with a receive antenna 10 meters above ground level (AGL). This is in contravention of §73.315(b) of the rules. The allocation reference point cannot be moved closer to Bellaire to correct this problem due to the first adjacent channel, 209 kilometer spacing requirement to WUGN, Midland, MI on Channel 259C, as shown in Exhibit E-2 of the D&B/Fort Bend proposal.

Second, as part of the D&B/Fort Bend proposal, Channel 291A was proposed as a replacement channel for Channel 261A at Bear Lake, MI. A special reference point was proposed at coordinates NL 44°19'41" by WL 86°16'14". This transmitter reference site is 14.2 kilometers southwest of the community of Bear Lake. Figure 3 is a portion of the Parkdale topographical map showing the reference site to be in the Bar Lake Swamp. There are no access roads or available power near the proposed site. It

**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

certainly would require an environmental impact study. It was stated that "a transmitter operating at these coordinates will fully illuminate Bear Lake with the required city grade signal." However, Figures 4 and 4A of this report show that a full facility Class A operation from these coordinates provides a 3.16 mV/m, 70 dBu, service to only a small portion of the community of Bear Lake due to the terrain in the area. This is in contravention of §73.315(a) of the rules. Per §73.313(d)(2), radials 0°, 225°, 270°, and 315° T. were truncated where they entered Lake Michigan beyond 3.0 kilometers. Figure 4B is a tabulation of the data employed to calculate the contour. Examining Exhibit E-4 of the D&B/Fort Bend counterproposal shows that the reference point chosen for this channel is 0.3 kilometers short-spaced to WKHQ-FM, Charlevoix, MI, but clears with rounding. However, WKHQ-FM prevents moving the reference point closer to Bear Lake to allow coverage of the community with the city grade contour. In fact, Figure 5 of this report, shows that line-of-sight cannot be achieved from the reference coordinates and an antenna radiation center height of 100 meters height above average terrain back to the city. This is in contravention of §73.315(b) of the rules.

Third, the counterproposal also proposes the addition of Channel 259A at Rapid River, MI as that community's first aural broadcast service. It is stated that this channel is presently precluded by FM Channel 260A at Manistique, MI which the petitioner is proposing to change to Channel 265A. The proposed reference point is at NL 46°01'42"; WL 86°52'00", 13.5 kilometers northeast of the city. Figure 6 is a 1:250,000 series map that has the reference point proposed plotted on it. The site is located in the Hiawatha National Forest, which has few access roads and very limited power availability. Checks of the NOAA tower database for a radius of 10 kilometers from the reference point coordinates shows no other towers existing. Nothing in the counterproposal indicates whether the reference site is available for use. The site is not a designated electronics site for use by full service broadcast stations. An environmental impact showing would have to be generated to allow use of the reference point D&B/Fort Bend has proposed.

However, it has been determined that there is an allocation, Channel 224A, that meets all the spacing requirements at the reference point for the community, NL 45°55'37"; WL 86°58'00", not requiring the move of any station or vacant allotment

ENGINEERING DISCUSSION

Page 3 of 3

channels. Figure 7 shows a tabulation and plot of the spacing requirements for this channel. Therefore, this community can be provided an FM channel without the need of a rulemaking requiring a multiple channel move for existing stations.

Due to the problems demonstrated with the D&B/Fort Bend counterproposal, it should not be adopted.

FIGURE 1

DETERMINATION OF RADIATION CENTER HEIGHT ABOVE MEAN SEA LEVEL

PROPOSED - BELLAIRE, MICHIGAN

Munn-Reese, Inc. - Coldwater, MI 49036  
N. Lat. = 45 20 48 W. Lng. = 85 07 46  
HAAT and Distance to Contour - FCC Method - 03 Arc Sec.

Azi.	AV EL	HAAT	kW	dBk	Field	70 .5
000	176.0	326.8	100.0000	20.00	1.000	51.85
045	186.7	316.1	100.0000	20.00	1.000	51.15
090	238.7	264.1	100.0000	20.00	1.000	47.61
135	240.8	262.0	100.0000	20.00	1.000	47.46
180	221.0	281.8	100.0000	20.00	1.000	48.85
225	206.1	296.7	100.0000	20.00	1.000	49.87
270	184.9	317.9	100.0000	20.00	1.000	51.27
315	176.2	326.6	100.0000	20.00	1.000	51.84

Ave El= 203.81 M HAAT= 298.99 M AMSL= 502.8 M

# Bellaire MI Reference Point to Community Reference Coordinates

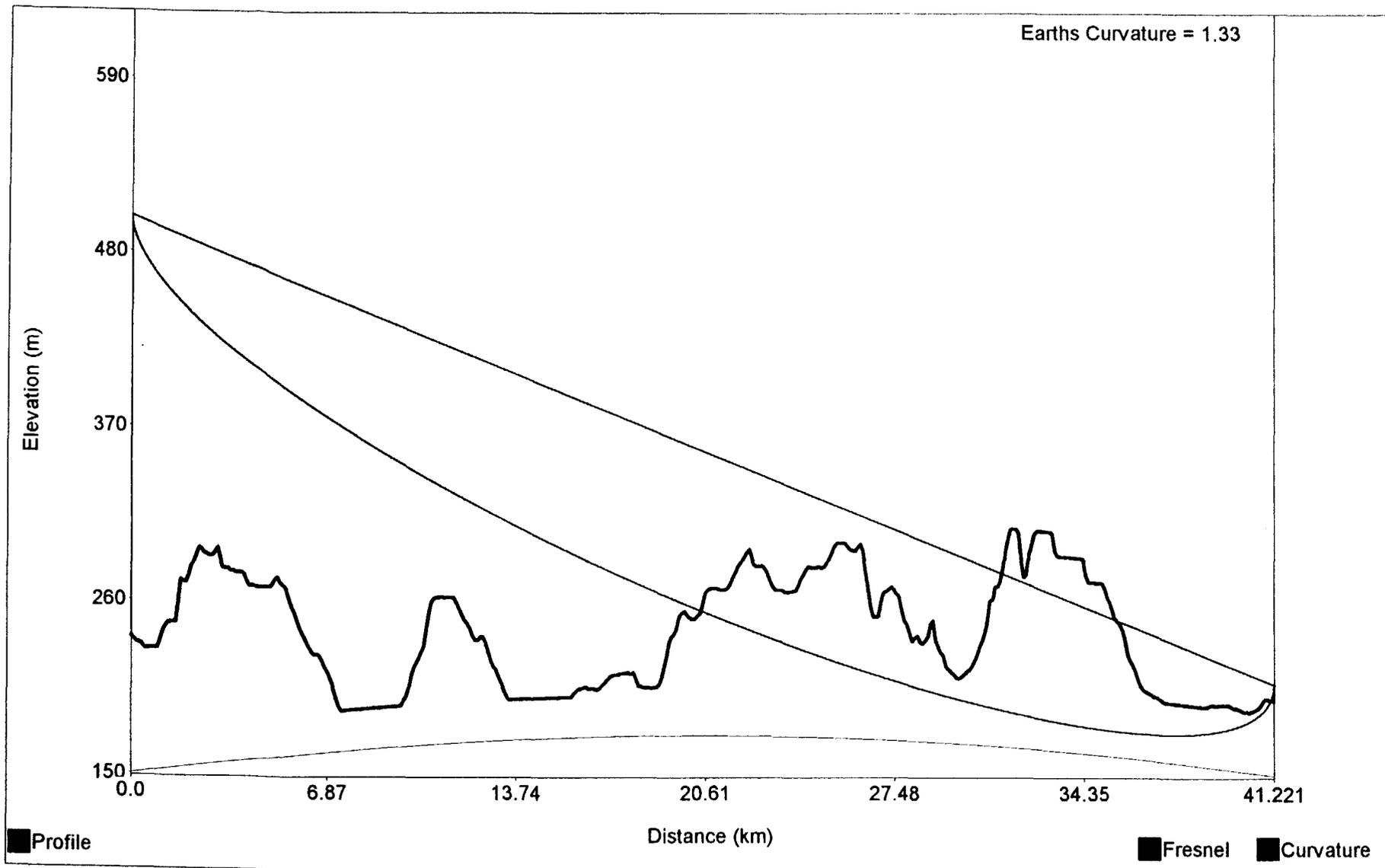


FIGURE 2

Starting Latitude: 45-20-48 N  
Starting Longitude: 085-07-46 W

End Latitude: 44-58-49 N  
End Longitude: 085-12-40 W

Distance: 41.221394191 km  
Bearing: 188.990 deg

Transmitter Height (AG) = 265.6 m  
Receiver Height (AG) = 10.0 m

Transmitter Elevation = 237.2 m  
Receiver Elevation = 198.0 m

Frequency = 99.9 MHz  
Fresnel Zone: 0.6



New  
Latitude: 44-19-41 N  
Longitude: 086-16-14 W  
Power: 6.00 kW  
Channel: 29  
Frequency: 563.0 MHz  
AMSL Height: 312.0 m  
Elevation: 181.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: None

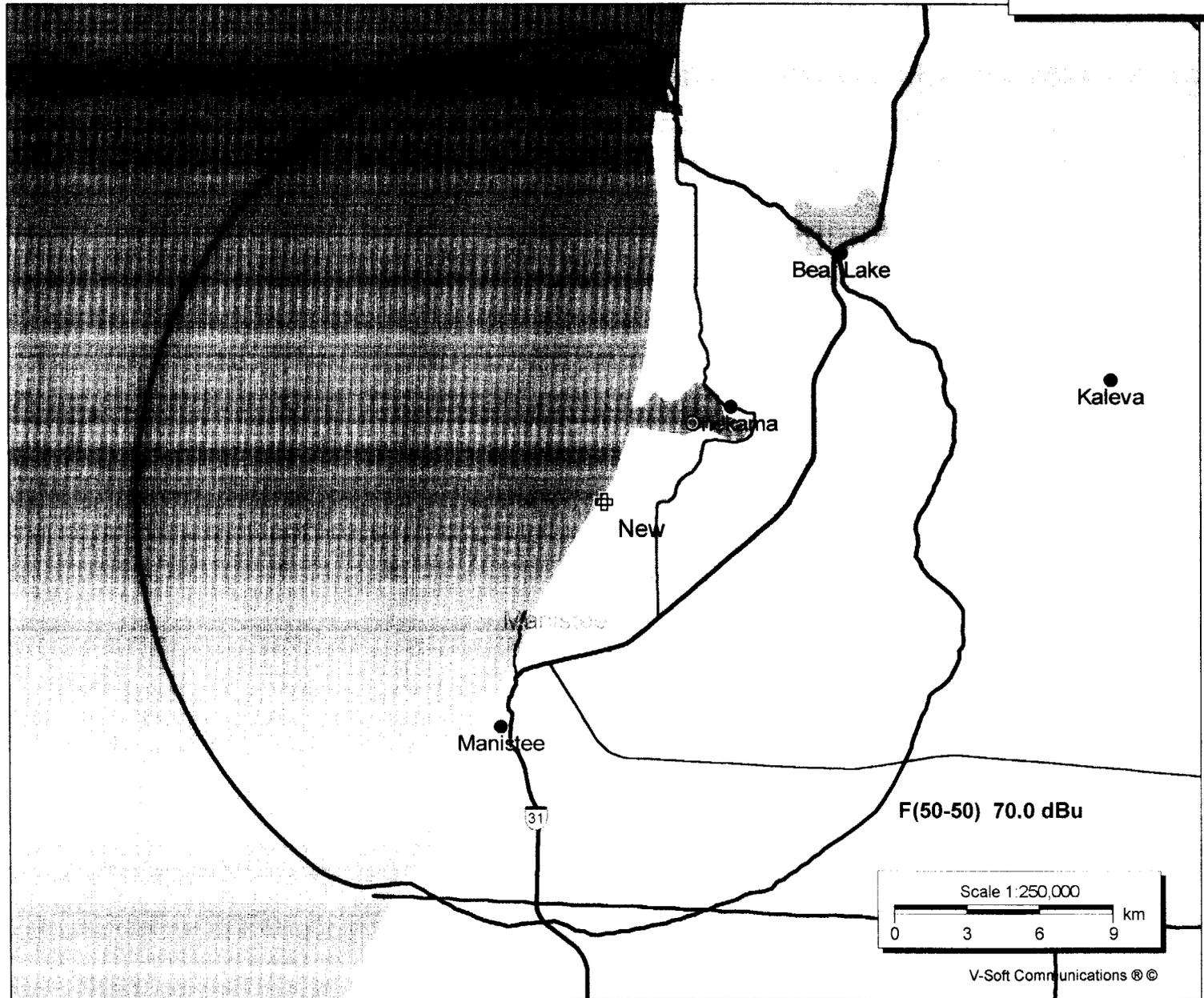


FIGURE 4

New  
Latitude: 44-19-41 N  
Longitude: 086-16-14 W  
Power: 6.00 kW  
Channel: 29  
Frequency: 563.0 MHz  
AMSL Height: 312.0 m  
Elevation: 181.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: None

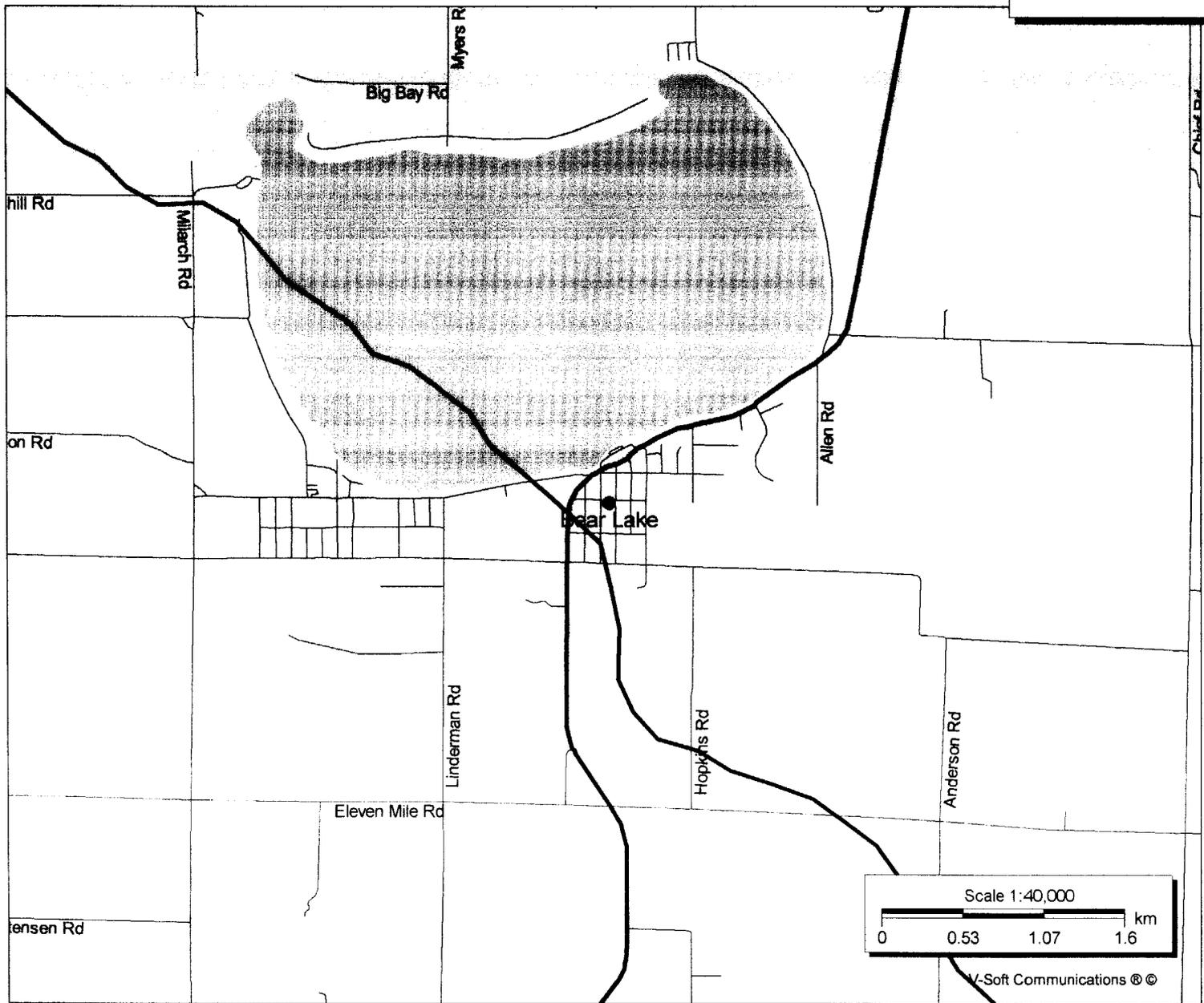


FIGURE 4A

FIGURE 4B

TABULATION OF DISTANCES TO CITY GRADE CONTOUR

CHANNEL 291A - BEAR LAKE, MICHIGAN

Munn-Reese, Inc. - Coldwater, MI 49036

□

N. Lat. = 44 19 41 W. Lng. = 86 16 14

□

HAAT and Distance to Contour - FCC Method - 03 Arc Sec.

□

□

Azi.	AV EL	HAAT	kW	dBk	Field	70 .5
000	176.0*	136.0	6.0000	7.78	1.000	19.06
045	235.3	76.7	6.0000	7.78	1.000	13.99
090	242.0	70.0	6.0000	7.78	1.000	13.40
135	207.8	104.2	6.0000	7.78	1.000	16.56
180	193.8	118.2	6.0000	7.78	1.000	17.77
225	179.4	132.6	6.0000	7.78	1.000	18.82
270	176.0*	136.0	6.0000	7.78	1.000	19.06
315	176.0*	136.0	6.0000	7.78	1.000	19.06

Ave El= 211.66 M HAAT= 100.34 M AMSL= 312 M

\*Radials excluded from average since they fall totally within Lake Michigan.

# AL291A to Bear Lake, MI

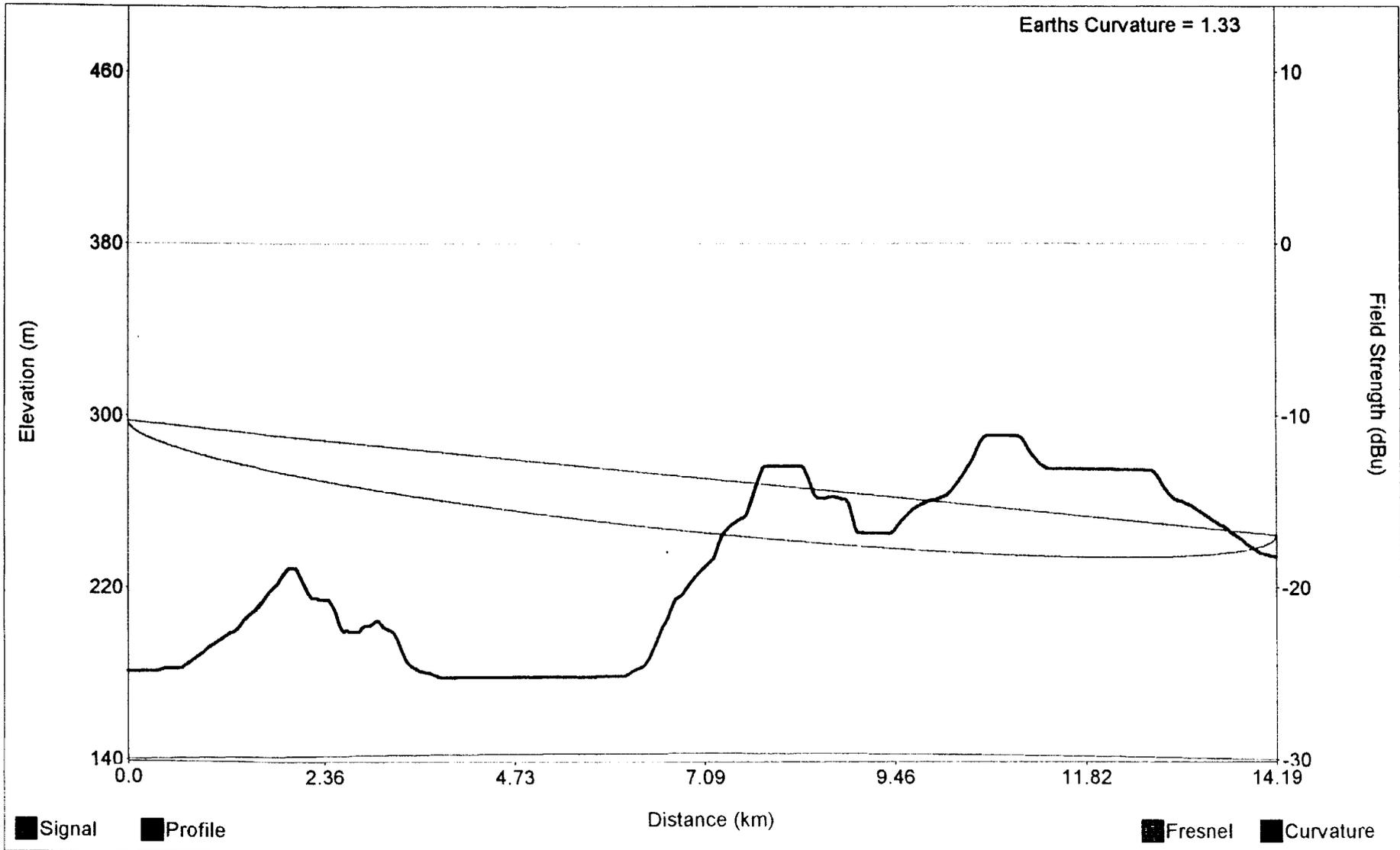


FIGURE 5

Starting Latitude: 44-19-41 N  
 Starting Longitude: 086-16-14 W

End Latitude: 44-25-19.36 N  
 End Longitude: 086-09-00.44 W

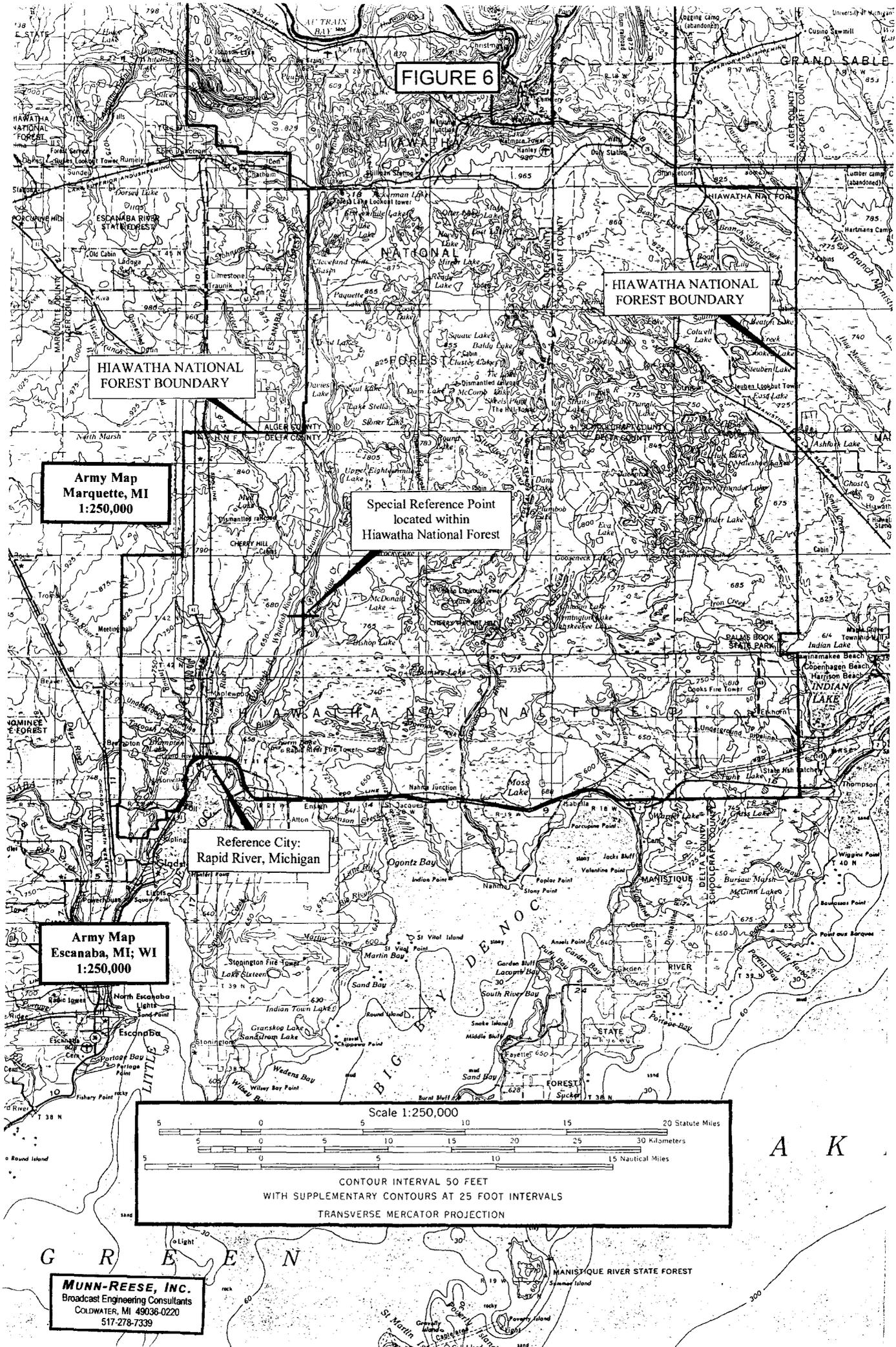
Distance: 14.19 km  
 Bearing: 42.54 deg

Transmitter Height (AG) = 117.0 m  
 Receiver Height (AG) = 10.0 m

Transmitter Elevation = 181.0 m  
 Receiver Elevation = 234.6 m

Frequency = 563.0 MHz  
 Fresnel Zone: 0.6

**FIGURE 6**



**HIAWATHA NATIONAL FOREST BOUNDARY**

**HIAWATHA NATIONAL FOREST BOUNDARY**

**Army Map  
Marquette, MI  
1:250,000**

**Special Reference Point  
located within  
Hiawatha National Forest**

**Reference City:  
Rapid River, Michigan**

**Army Map  
Escanaba, MI; WI  
1:250,000**

**Scale 1:250,000**

5 0 5 10 15 20 Statute Miles

5 0 5 10 15 20 25 30 Kilometers

5 0 5 10 15 Nautical Miles

CONTOUR INTERVAL 50 FEET  
WITH SUPPLEMENTARY CONTOURS AT 25 FOOT INTERVALS

TRANSVERSE MERCATOR PROJECTION

**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
COLDWATER, MI 49036-0220  
517-278-7339

**A K**

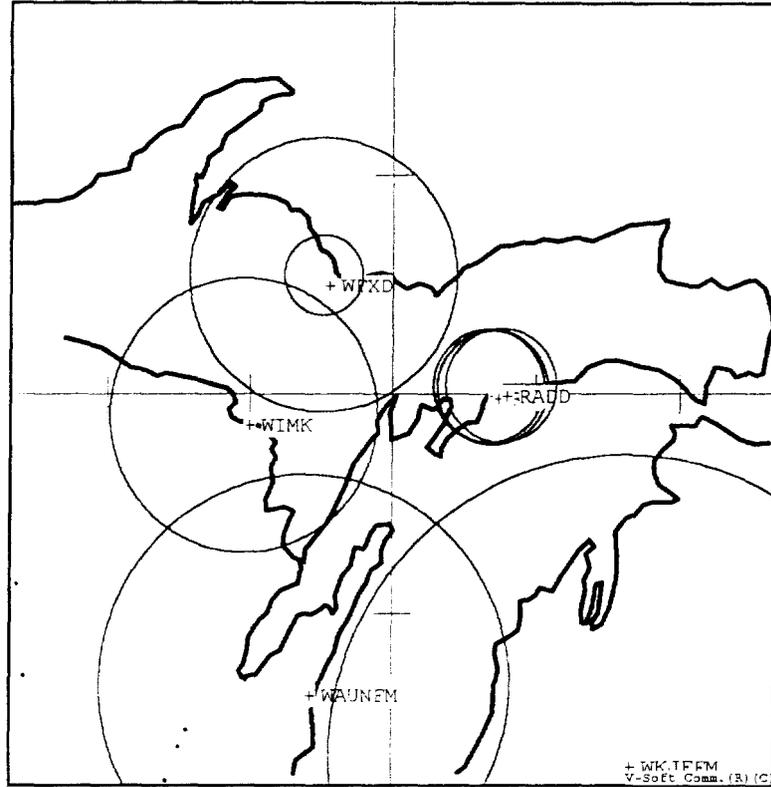
FIGURE 7

Frequency Search  
Rapid River MI

SEARCHFM™ LOCATE STUDY

Ch 224 A  
92.7 MHz

N. Lat. 45 55 37  
W. Lng. 86 58 00



+WKJFFM  
V-Soft. Com. (B) (C)

Call	CH#	Location		D-KM	Azi	FCC	Margin
WJPD	222C1	Ishpeming	MI	76.42	328.9	75.0	1.42
WIMK	226C1	Iron Mountain	MI	84.25	262.3	75.0	9.25
RADD	227A	Manistique	MI	53.64	85.3	31.0	22.64
RADD	227A	Manistique	MI	53.95	84.9	31.0	22.95
RADD	227A	Manistique	MI	55.93	86.3	31.0	24.93
RADD	227A	Manistique	MI	60.70	85.3	31.0	29.70
WAUNFM	224A	Kewaunee	WI	166.19	197.2	115.0	51.19
WFXD	277C1	Marquette	MI	76.25	329.2	22.0	54.25
WKJFFM	225C	Cadillac	MI	236.57	146.8	165.0	71.57

**CERTIFICATE OF SERVICE**

I, Matthew H. McCormick, hereby certify that on this 3rd day of July, 2000, copies of the foregoing **REPLY COMMENTS** were hand-delivered or mailed, first-class, postage prepaid, to the following:

John A. Karousos\*  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
The Portals  
445 Twelfth Street, SW  
Room 3-A266  
Washington, DC 20554

Kathleen Scheuerle\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
The Portals  
Room 3-A247  
445 Twelfth Street, SW  
Washington, DC 20554

Lyle Robert Evans, President  
Escanaba License Corp.  
1101 Ludington Street  
Escanaba, Michigan 49829

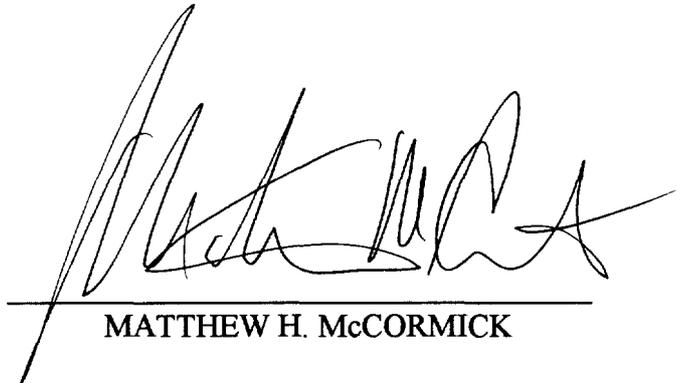
Denise B. Moline, Esq.  
PMB No. 215  
1212 South Naper Boulevard  
Suite 119  
Naperville, Illinois 60540

Todd Stuart Noordyk  
1001 Huron Court  
Negaunee, Michigan 49886

Lake Michigan Broadcasting, Inc.  
Radio Station WKLA  
215 Harbor Drive  
Ludington, Michigan 49431

Jerrold D. Miller, Esq.  
Miller & Miller, PC  
1990 M Street, NW  
Suite 760  
Washington, DC 20036

Robert J. Buenzle, Esquire  
12110 Sunset Hills Road  
Suite 450  
Reston, Virginia 20190



A handwritten signature in black ink, appearing to read 'Matthew H. McCormick', is written over a horizontal line. The signature is stylized and cursive.

MATTHEW H. McCORMICK

\* HAND DELIVERED