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Federal Communications Commission
Washington, D.C. 20554

OCT 16 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Honor, Bear Lake, Ludington,)
and Walhalla, Michigan))

MM Docket No. 01-186 /
RM-9976

To: Chief, Allocations Branch
Mass Media Bureau

REPLY COMMENTS OF NORTHERN RADIO OF MICHIGAN, INC.

Northern Radio of Michigan, Inc. ("Northern") hereby submits its reply comments in this proceeding. Its replies are addressed to the following pleadings responsive to the *Notice of Proposed Rule Making and Order to Show Cause*, DA 01-1906 ("Notice") (released August 10, 2001): (1) Response to Order to Show Cause filed by Lake Michigan Broadcasting, Inc. ("Lake Michigan"), licensee of Station WKLA(FM), Ludington, Michigan; (2) Comments of WCCW Radio, Inc., licensee of Stations WCCW and WCCW-FM, Traverse City, Michigan ("WCCW"); and (3) Response of Fort Bend Broadcasting Company to Order to Show Cause. Fort Bend Broadcasting Company ("Fort Bend") is licensee of Station WCUZ(FM), Bear Lake, Michigan, and the proponent in MM Docket 00-69 of the relocation of WCUZ to Bellaire, Michigan, with an upgrade to Class C1. Northern also is responding to (4) the Counterproposal of Mason County Broadcasting Company ("Mason"), which advocates the allocation of Channel 263A at Custer, Michigan in lieu of Northern's proposal to substitute Channel 264C3 for Channel 264A at Honor, Michigan. Northern's replies are as follows:

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List ABCDE

(1) Lake Michigan

Lake Michigan argues that WKLA's license should not be modified to specify operations on Channel 254A in lieu of Channel 292A because (a) a change in WKLA's frequency will be disruptive and result in public confusion, (b) Channel 254A will be potentially susceptible to "lake effect" interference from first-adjacent Channel 255A at Two Rivers, Wisconsin, and (c) Northern's upgrade plan is flawed because the proposed allotment of Channel 291A to Bear Lake, as a substitute for Channel 261A, does not comport with the FCC's city-grade and line-of-sight coverage requirements. As shown below, Lake Michigan's disruption and lake-effect arguments are not cognizable under the Commission's rules, and its claims that the Bear Lake portion of Northern's proposal is technically flawed are based on incorrect engineering analysis.

Disruption. An involuntary frequency change necessarily causes inconvenience and expense to the station involved. The Commission recognizes this and makes provision for it by requiring the proponent of the frequency change to reimburse the affected licensee for the expenses it incurs in making the change. However, this is all that is required because the FCC also recognizes the overriding benefits to the public from changes to the table of allocations which involve the establishment of new stations, or the upgrade of a station to a higher class. Such changes afford a more efficient use of the spectrum and, as is the situation here, permit the provision of improved service to substantially larger areas and populations.

Lake Michigan's argument on this score is more in the nature of a complaint than a cognizable legal argument. It cites no case where inconvenience or disruption resulted in the denial of a new or upgraded allocation. Indeed, the FCC has regularly

turned down such complaints. See, e.g., *Circleville, Ohio*, 8 FCC 2d 159, 164 (1967) (loss of revenue due to listener unfamiliarity with new dial position not a reimbursable expense); *Kenton and Bellefontaine, Ohio*, 3 FCC 2d 598, 605 (1966) (station required to change channels not entitled to reimbursement for business losses where the public interest requires a change in facilities). The public interest in terms of spectrum efficiency is evident here and more than offsets the inconvenience Lake Michigan may suffer. Indeed, WAIR's coverage will increase by 124 percent, from 35,699 persons within the 60 dBu contour to 79,839. *Notice*, para 2. And very little damage will be done in the process since WKLA will have identical technical facilities allowing it to reach all of its current listeners.

Lake Michigan's citation to *Columbus et al, Nebraska; and Hill City, Kansas*, 59 RR 2d 1184, 1185 (1986), does not support its disruption argument. In that case the Commission announced that as a matter of policy its staff henceforth would be instructed not to act upon TV and FM rulemaking petitions seeking more than two involuntary channel substitutions due to the disruptions that are caused by multiple-channel changes. In *Columbus*, the petitioner had sought a total of six frequency changes to accommodate its upgrade. Here, in contrast, only *one* involuntary channel substitution is required (at Ludington). This is a modest proposal fully consistent with the policy adopted in *Columbus*.

Lake-Effect Interference. Nor does Lake Michigan cite any precedent to support its theory that Channel 255A, Two Rivers, Wisconsin will impact on WKLA after Two Rivers station begins operations on first-adjacent Channel 254A. The reason Lake Michigan has not presented any Commission rulings even referring to (much less giving

legal weight to) the phenomenon of “lake effect” interference is because no such concept exists in the FCC’s rules or cases. As Lake Michigan itself concedes, Channel 255A’s spacing to Channel 254A at WKLA’s site (99.8 kilometers) exceeds the minimum for first-adjacent Class A stations by 27.9 kilometers. Lake Michigan is not entitled to any greater protection. Section 73.209(a) states “...stations are not protected from any interference which may be caused by the grant of [an authorization] in accordance with this subpart.” *See also, Boulder City and Las Vegas, Nev.*, 10 FCC Rcd. 7717, 7719 (Allocations Branch, 1995). Lake Michigan is deserving of no more protection than the rules provide, and the rules do not protect it from “lake-effect” interference.

City-Grade Coverage. Lake Michigan’s analysis of Northern’s proposed substitution of Channel 291A for Channel 261A at Bear Lake includes an engineering showing which purports to demonstrate that the allocation is defective because, Lake Michigan says, the allocation would not provide city-grade coverage to Bear Lake. The supporting engineering showing, however, uses an analytic method which applies in the application context, but not to allocations. Lake Michigan’s engineering study uses height above average terrain calculations, the methodology used in evaluating a specific technical proposal submitted in an application for construction permit. The theoretical and somewhat speculative nature of reference sites in allocations proceedings, and why a different analytic technique is used in assessing them, is explained in *Woodstock and Broadway, VA*, 3 FCC Rcd. 6398, 6399 (1988), to wit:

Normally, the Commission does not evaluate specific terrain data in allotment proceedings. . . . Instead the Commission generally assumes that a station’s city grade coverage contour is a circle with a defined radius from a

hypothetical transmitter site. Thus, compliance with our city grade coverage requirement is determined by a simple distance calculation. If the far boundary of a community is farther than the length of the circle's radius from the closest hypothetical transmitter site, we will not make the allotment.*** [At the application] stage, the Commission will examine terrain along a radial from the transmitter site to the community of license, in accordance with our standard prediction methods.***We do not undertake a similar analysis at the allotment stage, because we generally cannot determine what specific transmitter sites will ultimately be applied for, nor whether the petitioner will be the successful applicant. [Footnotes omitted.]

Accord, Kuna, Idaho, 15 FCC Rcd. 4976, 4977 (Chief, Alloc. Br. 2000)(“At the allocations stage, the Commission assumes omnidirectional signals. . . .”)

The attached engineering statement of Carl T. Jones Corporation shows that when the correct methodology, described in *Woodstock* and *Kuna*, is applied, city grade coverage to all of Bear Lake is provided from the reference coordinates for the Channel 291A allotment (as slightly revised at page 7 of the statement).

While the FCC permitted the *Woodstock* proponent to establish city grade coverage for allotment purposes based on Section 73.313 average terrain calculations, that very limited exception was based on unique circumstances not present here. In *Woodstock* the petitioner was seeking to upgrade an existing station, and thus the channel was not subject to competing applications specifying different sites; and the petitioner had secured the very site from which its average-terrain city-coverage study was based. *Woodstock and Broadway, VA*, 3 FCC Rcd. at 6399. Here, multiple applications for Bear Lake can be expected if WCUZ relocates to Bellaire, and Lake Michigan has made no showing that suitable alternative sites cannot be found. Thus, Lake Michigan's city-grade coverage argument is based on faulty engineering and must be rejected.

Line-of-Sight Coverage. Lake Michigan's argument that line-of-sight coverage of Bear Lake cannot be obtained from Northern's reference coordinates is equally unavailing. Lake Michigan's engineer admits that an 850-foot tower would be sufficient to provide line-of-sight coverage to all of Bear Lake. *Lake Michigan Response, Engineering Statement*, p. 2.¹ This admission goes far in mooted the issue, for it has been the Commission's practice in allocations proceedings to investigate whether greater than normal antenna height will permit line-of-sight coverage. *Vacaville and Middletown, CA*, 6 FCC Rcd. 143, 145 (n. 8) (Pol. and Rules Div. 1991); *see also, Cabo Rojo and Hormigueros, PR*, BC Docket No. 82-729 (Pol. and Rules Div., released April 1, 1986) (751-foot antenna height with line-of-sight to community found to be a suitable basis for a Class A allocation). Moreover, as shown in the attached Carl T. Jones engineering study, the terrain obstructions described in Lake Michigan's pleading can be substantially overcome from an antenna height of 122 meters above ground, which is only 22 meters above the standard height for a Class A station and a reasonable tower height for such a facility.²

¹ The Lake Michigan engineer's gratuitous comment the FAA would not approve such a tower is unsupported and, like the arguments made concerning city-grade coverage, does not factor in the theoretical nature of a reference site. At the application stage any number of sites may be considered using the more liberal rules which then will apply.

² In this connection, Northern's engineer found that from the reference coordinates for Channel 291A line-of-sight is achieved to the community reference coordinates as well as to four of five other radial paths to Bear Lake. *Engineering Statement*, p. 4. This is sufficient. *Rush County Broadcasting Co., Inc.*, 26 FCC 2d 480 (1970) ("Minor deviations [from 47 CFR 315(b)] can be...tolerated"); *Jefferson City, et al, TN and Jonesville, VA*, 13 FCC Rcd. 2303, 2306 (Chief Alloc. Br. 1998) ("line-of-sight coverage over the entire community is not an absolute requirement").

(2) WCCW

WCCW has no objection to Northern's proposal to upgrade Station WAIR. Instead, its comments are directed to Fort Bend's related counterproposal in MM Docket No. 00-69 to reallocate Channel 261 from Bear Lake to Bellaire and upgrade Station WCUZ to Class C1. While Northern's proposal for WAIR is dependent on the same Bear Lake channel substitution that Fort Bend advocates in MM Docket 00-69, WCCW's attack on Fort Bend should have been made in the Bellaire proceeding, not here. Its pleading in his proceeding, which lacks any engineering support, contributes nothing to resolution fo the issues. It should be noted that Northern opposed the Bellaire counterproposal in MM Docket No. 00-69 and is sympathetic to that cause; but WCCW simply is in the wrong forum. For that reason, its comments should be rejected. Nevertheless, Northern has no objection to consolidation of this proceeding with MM Docket No. 00-69, as suggested by WCCW, should that result in expeditious resolution of the issues common to both proceedings.

(3) Fort Bend

Fort Bend's comments are directed to the proposed substitution of Channel 291A for WCUZ's existing Channel 261A at Bear Lake. Fort Bend supports this substitution, of course, because it would accommodate its Bellaire counterproposal In MM Docket No. 00-69.. In the process, however, Fort Bend alleges that Northern has breached the agreement, to which Fort Bend acknowledges it is bound, which delineates the financial obligations of the parties in connection with the Bear Lake channel substitution.

The FCC is not the place to litigate private contractual disputes, and Northern will not do so here. Suffice it to say that the Fort Bend-Northern agreement exists, is binding on both parties and will be the governing document for implementation of the frequency change for Station WCUZ if Northern's upgrade of WAIR is approved but Fort Bend's Bellaire counterproposal is rejected. Nothing Northern has done in opposing that counterproposal abrogates or breaches that agreement.

Fort Bend states that the issues concerning Northern's reimbursement obligations (as manufactured by Fort Bend in the first paragraphs of its response) would be moot if the Commission were to take Fort Bend's Bellaire counterproposal out of turn and decide MM Docket No. 00-69 first. Northern agrees that the fate of WCUZ and Channel 261A at Bear Lake (and the requested channel substitution at Ludington) tie this proceeding together with the Bellaire counterproposal in MM Docket 00-69. As indicated above, Northern does not object to the consolidation of the two proceedings. However, Fort Bend's request that the WAIR counterproposal be given secondary status while the Commission deliberates on its Bellaire counterproposal and the other issues in MM Docket 00-69 is self-serving and not conducive to the orderly dispatch of the Commission's business. Nothing presented by Fort Bend warrants delay in consideration of the issues in this proceeding.

(4) Mason Counterproposal

Mason proposes the allotment of Channel 263A to Custer, Michigan as that community's first aural service. This proposal is mutually exclusive with Northern's proposed allotment of Channel 263C3 to Honor to accommodate the upgrade of Station WAIR. However, as shown in Northern's engineering statement (page 8), this mutual

exclusivity can be eliminated by adjusting the reference coordinates for both proposed assignments, which can be done without requiring any other changes to the Table of Allotments. If the suggested changes are made, and they are hereby requested, Northern has no objection to the Custer assignment.

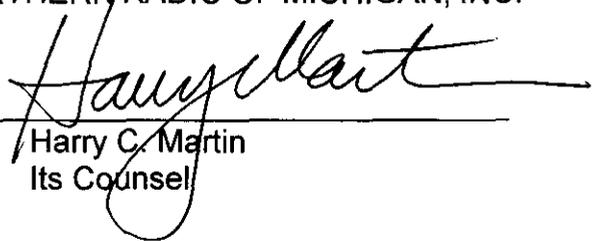
(5) Summary

In sum, none of the parties commenting on Northern's proposal to upgrade Station WAIR to Class C3 has presented a reason why the proposal should not be adopted. Lake Michigan's analyses of "lake-effect" interference, and city-grade and line-of-sight coverage are based on faulty engineering and speculation. Its claim that its business will be disrupted is not cognizable in the context of a proceeding involving only one involuntary channel substitution. WCCW's concern is not with Northern's Honor proposal, but with Fort Bend's proposal in another related proceeding. Moreover, its legal argument concerning the removal of Bear Lake's only station, WCUZ (as Fort Bend proposes in MM Docket No. 00-69), is mooted by the proposals of both Northern in this proceeding and Fort Bend in MM Docket No. 00-69 to substitute Channel 291A for Channel 261A at Bear Lake. For its part, Fort Bend only seeks to use the interrelated nature of its and Northern's Bear Lake proposals as a means to speed consideration of its Bellaire counterproposal. As stated above, Northern believes consolidated consideration of the two proceedings may be appropriate. Finally, Northern has no objection to the Custer counterproposal, provided the reference coordinate adjustments described in the attached engineering statement are made.

WHEREFORE, These matters considered, it is respectfully requested that the Commission amend the table of allotments as proposed in the *Notice*. Upon the substitution of Channel 264C3 for Channel 264A at Honor, and modification of Station WAIR's license accordingly, Northern will file an application for, and construct Class C3 facilities.

Respectfully Submitted,

NORTHERN RADIO OF MICHIGAN, INC.



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October 16, 2001



STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF REPLY COMMENTS
IN MM DOCKET NO. 01-186, RM-9976

Prepared for: Northern Radio of Michigan, Inc.

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Northern Radio of Michigan, Inc., ("Northern Radio") licensee of WAIR(FM), Honor, Michigan, to prepare this statement in support of Reply Comments in the above-referenced proceeding. The FCC's Notice of Proposed Rulemaking and Order to Show Cause ("NPRM and Order") set October 1, 2001, as the deadline to file Comments in the instant proceeding and October 16, 2001, as the Reply Comment date.

This engineering statement specifically responds to the technical issues raised in (1) a Response to Order to Show Cause ("Response to Order") filed by Lake Michigan Broadcasting, Inc. ("Lake Michigan"); and, (2) a Counterproposal filed by Mason County Broadcasting Company ("Mason County").

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In the above-referenced NPRM and Order, the Federal Communications Commission advanced Northern Radio's request to modify Section 73.202(b) of the FCC Rules in the following manner:

	<u>Present</u>	<u>Proposed</u>
Honor, Michigan	264A	264C3
Bear Lake, Michigan	261A	291A
Ludington, Michigan	292A	254A
Walhalla, Michigan	255A	293A

THE LAKE MICHIGAN RESPONSE TO ORDER

The Response to Order filed by Lake Michigan, the licensee of WKLA(FM), Ludington, Michigan, Channel 292A, opposes the WKLA(FM) channel change advanced by the FCC in this proceeding. As part of its opposition, Lake Michigan contends that the proposed channel change at Bear Lake is "fatally flawed" and "the proposed modification of WKLA(FM) is clearly not in the public interest".

On page 7 of the Response to Order, Lake Michigan states that Northern Radio's Bear Lake proposal is "technically deficient and cannot be granted" because "pursuant to Section 73.315(a) of the Commission's Rules, an FM Radio station must locate its transmitter so that it is able to provide a signal of 70 dB to the entire community off license". Further, Lake Michigan alleges that the proposed Bear Lake reference site can be located "no closer to Bear Lake" and that there are "multiple intervening terrain features that would

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prevent WSRQ from obtaining line of sight from the reference coordinates to the community of Bear Lake as required by Section 73.315(b).”

The line-of-sight issue

On page 2 of the Engineering Report contained in the Response to Order, Lake Michigan contends that “there are multiple terrain obstructions between the allocation reference point and Bear Lake” and “it is not likely that airspace approval for a tower height required making 100 meters HAAT could be attained” and “it would take a tower height in excess of 850 feet AGL to achieve line-of-sight...It would be impossible to get FAA approval for a tower of this height.”

Northern Radio maintains that, if necessary, it may be possible to construct a tower of 850 feet AGL from the Bear Lake allotment reference site.¹ Lake Michigan has presented no evidence to support its claim that a tower of this height, whether located at the reference coordinates or elsewhere within the Channel 291A permissible site area, would not be approved by the FAA. The allocation reference site is, by definition, a hypothetical reference site. Contrary to the statements made in the Response to Order, neither FAA approval nor a tower height to achieve 100 meters HAAT is a requirement at the allotment stage.

¹ As shown below, Northern Radio is adjusting its Bear Lake reference coordinates to 44-17-37 N.L. and 86-13-26 W.L. to accommodate a 0.028 km² city grade coverage deficiency.

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In fact, according to the terrain profiles shown in Exhibit 1, a tower height of 850 feet above ground level would not be necessary to achieve line-of-sight coverage to Bear Lake from the proposed allotment reference site. As discussed below, the tower height necessary to achieve line-of-sight would be on the order of 400 feet (122 meters) above ground level, substantially less than alleged by Lake Michigan. Lake Michigan is incorrect to assume a tower of either height (850 feet or 400 feet) is “impossible” or unrealistic.

Exhibit 1 shows multiple terrain profiles from the proposed allotment reference site toward Bear Lake. The first terrain profile is along the direct bearing from the channel 291A allotment reference site to the Bear Lake, Michigan, community reference coordinates.² As shown on the first terrain profile, a tower height of 400 feet above ground level would achieve a line-of-sight path to the Bear Lake community reference coordinates.

The remainder of the terrain profiles show five radials from the proposed allotment reference site to points within the community of Bear Lake. The five additional terrain profiles, generated with a 3-second digitized terrain database, span the Bear Lake city-limits. As shown on Exhibit 1, an unobstructed, line-of-sight path exists to four of these five receive locations in Bear Lake.

² The USGS digitized 30-second terrain database was employed for this radial because the Mass Media Bureau (Allocations Branch included) routinely accepts this terrain database for line-of-sight showings and antenna height above average terrain calculations. In addition, at the time the original Northern Radio Petition for Rulemaking was prepared, this office used the 30-second terrain database to engineer the Bear Lake channel change.

When a realistic tower height is considered, none of the radials show a major terrain obstruction in the path between the channel 291A allotment reference site and Bear Lake.³

The city-grade coverage issue

The Engineering Report contained in Lake Michigan's Response to Order contains a map showing a city-grade service contour, generated from Northern Michigan's Bear Lake allotment reference site. The predicted city-grade contour falls short of Bear Lake and, based on this contour, the Engineering Discussion concludes that "it is clear that the Bear Lake proposal fails allocation rules, Section 73.315(a) regarding city grade coverage of the community". According to the statement on page 2 of the Engineering Report, the Bear Lake city-grade contour shown in Figure 3 was calculated using the FCC F(50,50) curves considering the terrain at one degree intervals

The Response to Order failed to consider that this is an *allotment proceeding*, not a specific technical proposal in an FCC application for Construction Permit for a specific technical facility to serve Bear Lake. Lake Michigan's use of predicted coverage contours, derived from the use of actual terrain along specific bearings, is simply inappropriate in this

³ It should be noted that line-of-sight to a principal community is not an absolute requirement. See *Rush County Broadcasting Co.*, 26 FCC 2d 480 (1970) and Report and Order, *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ravenswood and Elizabeth, West Virginia)*, MM Docket No. 94-15, Adopted March 14, 1995, Released March 21, 1995.

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context. As the Commission clearly stated:

[At the allotment stage] “compliance with the Commission’s city grade coverage requirement is determined by a simple distance calculation. If the far boundary of the community is further than the length of the circle’s radius from the closest hypothetical transmitter site, we will not make the allotment. At the application stage, however, the Commission recognizes that differences in the average elevation of terrain along radials from the transmitter site will affect the distance to a predicted contour. In determining whether the station provides adequate city grade coverage, at that stage the Commission will examine terrain along a radial from the transmitter site to the community of license, in accordance with our standard prediction methods”.⁴

More recently the Allocations Branch followed Commission precedent in a March 17, 2000, Report and Order in MM Docket No. 99-207, RM-9626 (Amendment of Section 73.202(b), Table of Allotments, Kuna, Idaho), where the petitioner submitted city-grade coverage maps based on actual terrain in an attempt to demonstrate city-grade coverage from an allocation reference site:

At the allotment stage the Commission assumes omnidirectional signals operating at maximum facilities for all classes of stations except Class C stations. A staff review of petitioner’s predicted coverage map reveals that its analysis appears to be based on projected terrain effects on signal propagation rather than omnidirectional contours. Therefore the petitioner’s study is not acceptable to demonstrate compliance with the requirements of Section 73.315 of the Commission Rules.

While the Lake Michigan city-grade coverage analysis does not “appear” to be based on projected terrain effects, it is admittedly based on actual terrain, calculated at one degree increments (See Engineering Discussion, page 2). As shown above, this is the wrong analytic method to use in the allotment stage. When the allotment stage city-grade

⁴ See Woodstock and Broadway, Virginia, 3 FCC Rcd 6398 (1988), paragraph 9.

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coverage analysis is performed correctly, Northern Radio's proposed addition of Channel 291A at Bear Lake is compliant with the Commission's city-grade coverage requirements.

Exhibit 2 is a map which shows the entire 7.9 km² permissible site area in which a hypothetical Channel 291A reference site may be proposed for Bear Lake. From within this site area, which is 988% larger than the community of Bear Lake (0.8 km²), the spacing requirements of Section 73.207 of the FCC Rules and the city-grade allotment standards are satisfied for any hypothetical site. In its Response to Order, Lake Michigan asserts that "the proposed Bear Lake reference site cannot be moved any closer to Bear Lake".⁵ The fact is every site within the permissible site area shown on Exhibit 2 is closer to Bear Lake than the site proposed in the Northern Radio Petition for Rulemaking.

In preparing this study it was discovered that Northern Radio's proposed reference site should be moved 0.23 km closer to Bear Lake to achieve 100 percent coverage of the Bear Lake city-limits (a Class A city-grade circle from the original reference site encompassed all but 0.028 km² of the Bear Lake city-limits). That adjustment, to 44-17-37 N.L. and 86-13-26 W.L., is hereby requested.⁶

Northern Radio's new Bear Lake allocation reference site is located 15.2 kilometers from the Bear Lake community reference coordinates. The reference city-grade distance

⁵ See Response to Order, Page 8 and Engineering Discussion, Page 2.

⁶ Note that the terrain profiles contained in Exhibit 1 were performed from the originally proposed Bear Lake reference coordinates. The slight change in reference coordinates requested herein simply moves the reference site 0.23 km closer to Bear Lake. Such a slight transmitter site relocation, in the direction of receive locations located 15 kilometers (or more) away, has no effect the terrain profile studies shown in Exhibit 1.

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for a maximum Class A station (6.0 kW ERP at 100 meters HAAT) is 16.2 kilometers.⁷ Exhibit 3 shows 100 percent city-grade coverage of Bear Lake from this location using the prevailing standard for city-grade analysis.

THE MASON COUNTY COUNTERPROPOSAL

The Mason County counterproposal proposes the addition of Channel 263A at Custer, Michigan at geographical coordinates 43-59-36 N.L. and 86-13-10 W.L. The Custer allotment reference site is 16.9 km short-spaced to Northern Radio's allotment reference site for Channel 264C3 at Honor, Michigan.

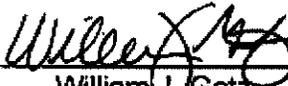
Additional allocation studies revealed that the mutual exclusivity between the Channel 263A at Custer and Channel 264C3 at Honor may be removed with a slight change in reference coordinates for both proposals. The alternate allotment reference coordinates for the Custer, Channel 263A, are: 43-55-55 N.L. and 86-23-54 W.L. The alternate allotment reference coordinates for the Honor, Channel 264C3, are: 44-39-46 N.L. and 85-57-18 W.L. Both alternate allotment reference sites are compatible and satisfy the minimum distance spacing requirements of Section 73.207 of the FCC Rules and allotment standards to each community of license.

⁷ See Report and Order, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alfred, Campbell and Waverly, New York), MM Docket No. 91-339, Adopted December 1, 1993, Released December 13, 1993.

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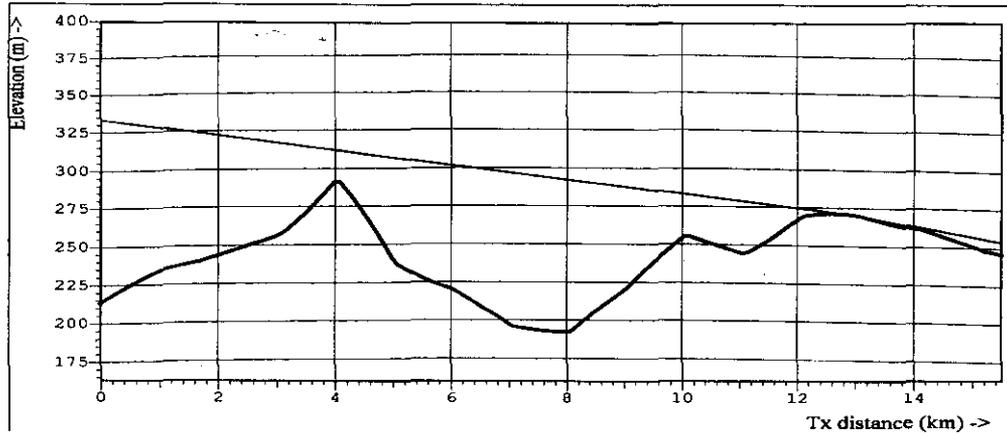
This statement and the supporting exhibits have been prepared by me or under my direct supervision and are believed to be true and correct.

DATED: October 9, 2001

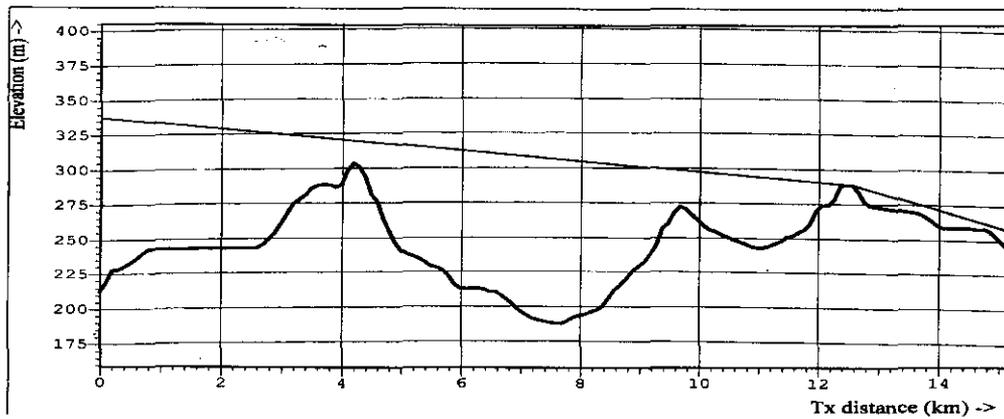


William J. Getz

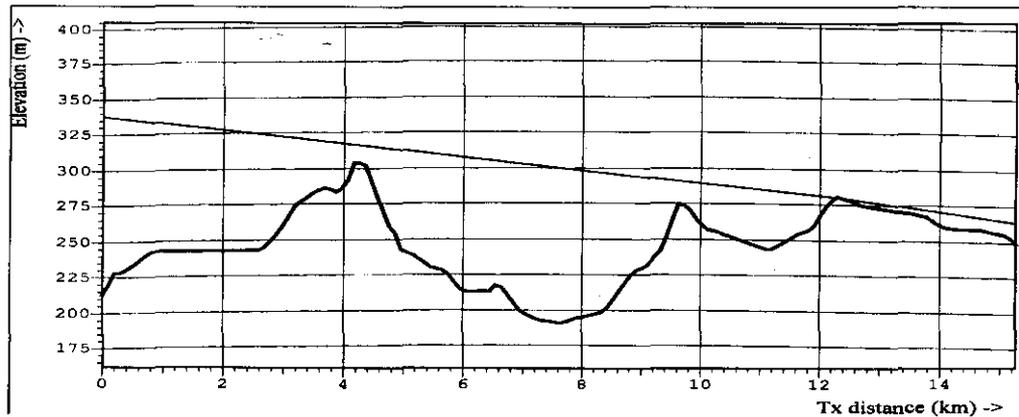
**Terrain Profiles from Bear Lake Channel 291A Reference Site (44-17-30, 86-13-30)
toward Bear Lake assuming 400 foot above ground level tower.**



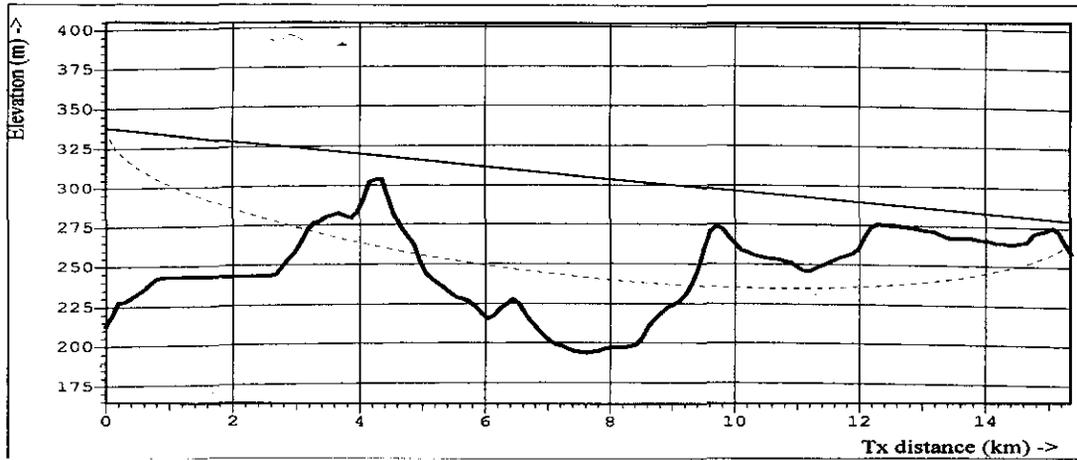
Ref. Site (291A) to Bear Lake Ref. Coordinates (44-25-15, 86-08-53). Dist.=15.6 km Az.=23.0°



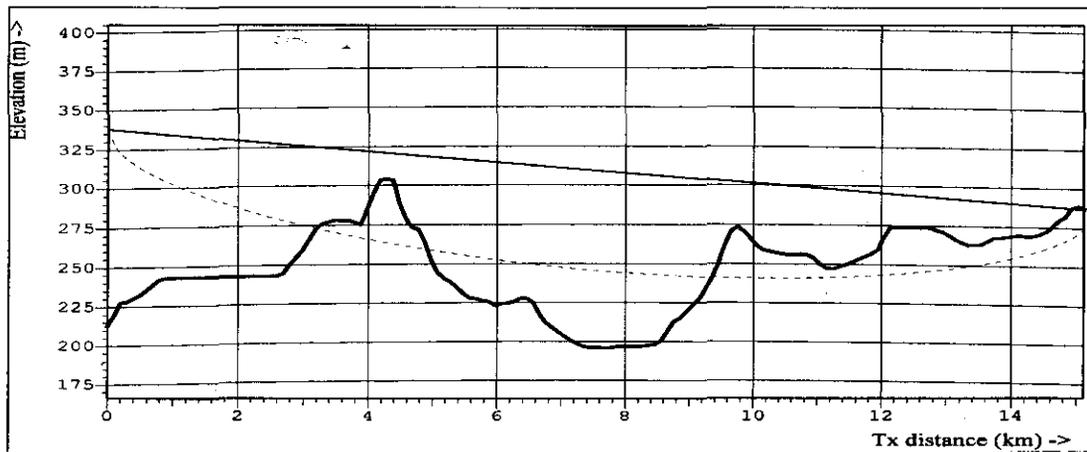
Ref. Site (291A) to Bear Lake Site Number 1 (44-25-05, 86-09-02). Dist.=15.3 km Az.=22.8°



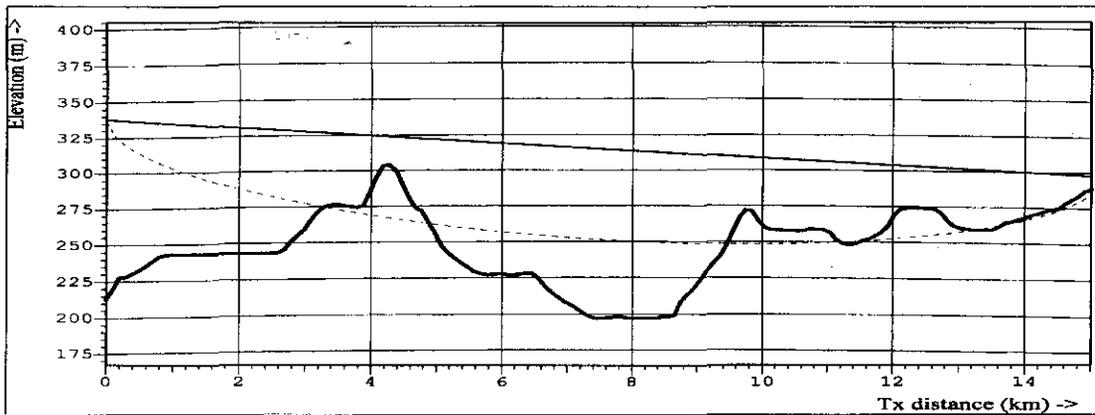
Ref. Site (291A) to Bear Lake Site Number 2 (44-25-06, 86-08-51). Dist.=15.4 km, Az.= 23.6°



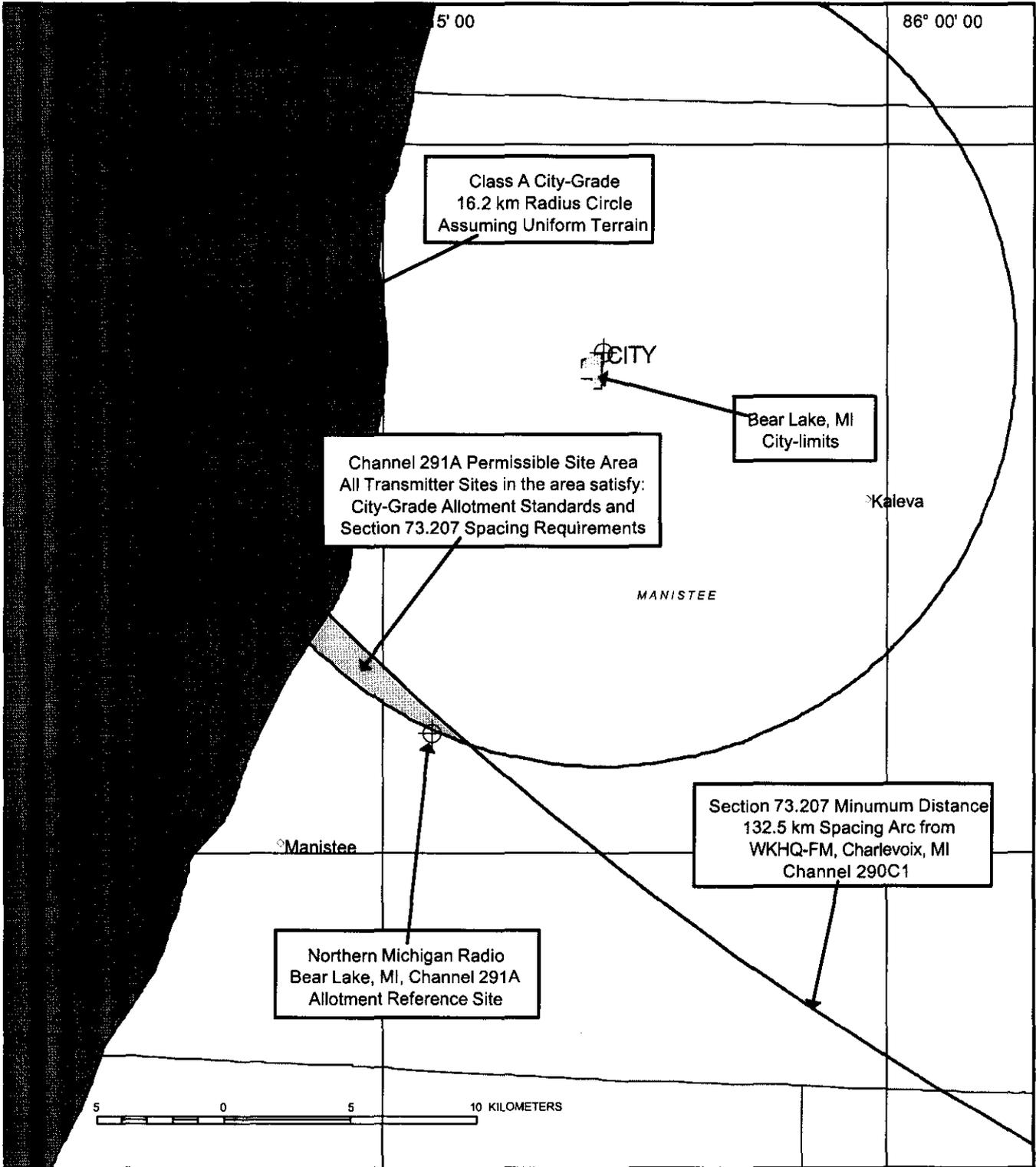
Ref. Site (291A) Site to Bear Lake Site Number 3 (44-25-05, 86-08-39). Dist.=15.5 km, Az.=24.5°



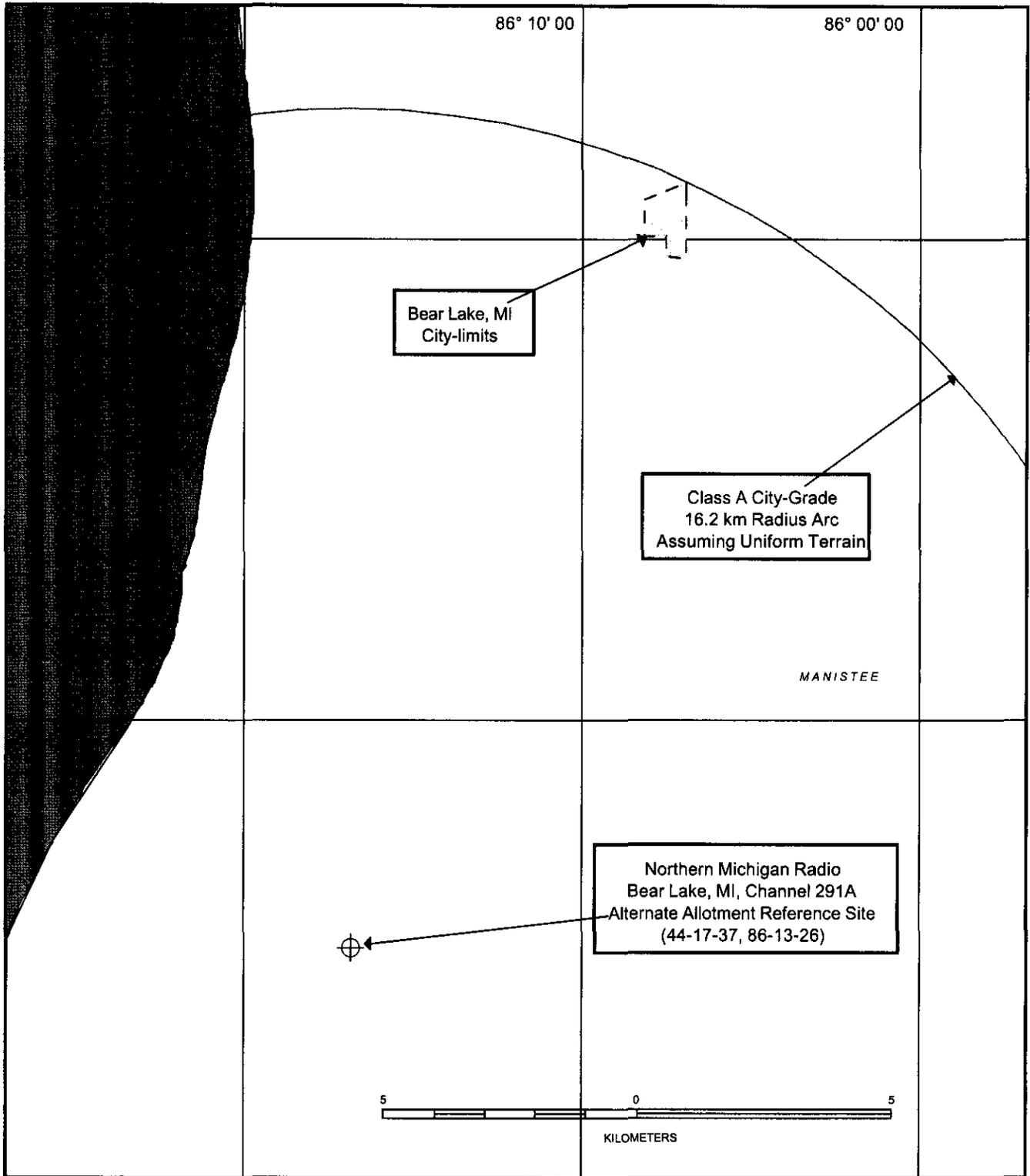
Ref. Site (291A) to Bear Lake Site Number 4 (44-24-56, 86-08-36). Dist.=15.2 km, Az.= 25.2°



Ref. Site (291A) to Bear Lake Site Number 5 (44-24-50, 86-08-30). Dist.=15.1 km, Az.=26.0°



CHANNEL 291A PERMISSIBLE SITE
AREA ASSUMING UNIFORM TERRAIN
BEAR LAKE, MICHIGAN
OCTOBER, 2001



ALTERNATE CHANNEL 291A REFERENCE SITE
CITY-GRADE STUDY
BEAR LAKE, MICHIGAN
OCTOBER, 2001

CERTIFICATE OF SERVICE

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the foregoing *Reply Comments of Northern Radio of Michigan, Inc.* was sent this 16th day of October, 2001, by hand where indicated and via United States First Class Mail, postage prepaid, to the following:

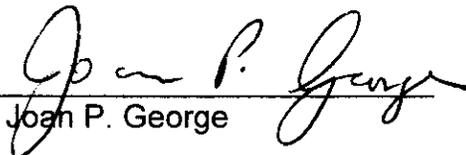
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