

**EXHIBIT A**

LAW OFFICES  
HENRY E. CRAWFORD  
SUITE 900  
1150 CONNECTICUT AVENUE, N.W.  
WASHINGTON, D.C. 20036  
202-862-4395

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DEC 17 1996

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INTERNET: crawlaw@wizard.net  
Microsoft Network: crawlaw@msn.com

Federal Communications Commission  
Office of Secretary

December 17, 1996

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: 

In the Matter of Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations Arborland Broadcasting Company Glen Arbor, Michigan
MM Docket No.:

Dear Mr. Caton:

Transmitted herewith on behalf of Arborland Broadcasting Company are an original and four (4) copies of a "Petition for Rulemaking" as directed to the Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford  
Counsel for  
Arborland Broadcasting  
Company

cc: The Allocations Branch

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MMB

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DEC 17 1996

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C.

Federal Communications Commission  
Office of Secretary

In the Matter of ) MM Docket No. \_\_\_\_\_  
 )  
Amendment of Section 73.202(b) ) RM No. \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations )  
Glen Arbor, Michigan )

To: The Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

Arborland Broadcasting Company ("Arborland Broadcasting"), by counsel, hereby petitions the Federal Communications Commission for the initiation of a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202 of the Commission's Rules, to assign FM Channel 227A to the community of Glen Arbor, Michigan, as follows:

City	Present	Proposed
Glen Arbor, Michigan	238C2, 251C3	227A, 238C2, 251C3

1. As indicated in the attached Engineering Statement (attached hereto as Exhibit 1), Channel 227A can be assigned to Glen Arbor in complete compliance with the Commission's distance separation requirements as contained in 47 CFR §73.207. The reference coordinates: 44-50-02 N 86-02-02 W will show the 70dbu (city grade contour) entirely encompassing the city of Glen Arbor, Michigan. Moreover, there is a wide area available for placing an appropriate transmitter.

2. Glen Arbor is a city located in Leelanau County, Michigan. According to the 1990 Census, Glen Arbor has a population of 644 persons. Glen Arbor is located near Sleeping Bear Dunes National Lakeshore in northwestern Michigan. At present, the community is receiving community service from one FM station. Therefore, the public interest will be served by the assignment of Channel 227A to Glen Arbor, Michigan.

3. If the Commission assigns Channel 227A to Glen Arbor, Michigan, Arborland Broadcasting will apply for a construction permit and will construct a new facility upon award of that permit.

WHEREFORE, in accordance with the above, Arborland Broadcasting Company respectfully requests that Channel 227A be assigned to Glen Arbor, Michigan.

December 17, 1996

Law Offices of

Henry E. Crawford, Esq.  
1150 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036  
(202) 862-4395

Respectfully Submitted,

Arborland Broadcasting  
Company

By:

  
Henry E. Crawford

Its Attorney

**Arborland Broadcasting Company  
Petition for Rulemaking  
December 17, 1996**

**EXHIBIT 1**

Glen Arbor MI

REFERENCE  
44 50 02 N  
86 02 02 W

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 11-29-96  
SEARCH 12-06-96

----- Channel 227 - 93.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WKJFFM	LI 225C	Cadillac	MI	95.01	144.5	95.0	0.01
WBCM	LI 228C2	Boyne City	MI	106.02	58.6	106.0	0.02
WKQZ	LI 227C2	Midland	MI	189.80	124.7	166.0	23.80
WDORFM	LI 230C1	Sturgeon Bay	WI	105.96	274.8	75.0	30.96
AD229	AD 229A	Harrietta	MI	67.35	156.7	31.0	36.35
WIMK	LI 226C1	Iron Mountain	MI	191.84	305.7	133.0	58.84
WJZI	LI 227B	Milwaukee	WI	245.29	218.3	178.0	67.29
WCLX	LI 230C2	Mio	MI	133.03	94.5	55.0	78.03
WCMWFM	LI 280C2	Harbor Springs	MI	110.73	48.8	15.0	95.73
WOZZ	LI 228C2	New London	WI	201.94	261.8	106.0	95.94
WAUNFM	LI 224A	Kewaunee	WI	128.70	253.6	31.0	97.70
AD281	AD 281A	Forestville	WI	113.54	262.6	10.0	103.54
AD281	AD 281A	Algoma	WI	114.02	257.6	10.0	104.02
WNBYSM	LI 229A	Newberry	MI	169.43	13.7	31.0	138.43
AL225	AL 225B	Sault Ste Marie	ON	229.16	34.6	84.0	145.16
WWJR	LI 229A	Sheboygan	WI	183.71	228.1	31.0	152.71

**CERTIFICATE OF SERVICE**

I, Henry E. Crawford, do hereby certify that copies of the foregoing  
Petition for Rulemaking have been served by United States mail, postage  
prepaid this 17th day of December, 1996 upon the following:

\*Kathleen Scheuerle  
Allocations Branch, Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., 5th Floor  
Washington, D.C. 20554

\*Hand Delivered

  
Henry E. Crawford

LAW OFFICES  
**HENRY E. CRAWFORD**

Suite 900  
1150 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
202-862-4395

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Email: [crawlaw@wizard.net](mailto:crawlaw@wizard.net)  
Web: <http://www.wizard.net/~crawlaw>

TELECOPIER NUMBER  
202-828-4130

RECEIVED

March 24, 1997

MAR 24 1997

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: 

Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations Glen Arbor, Michigan MM Docket No. 97-41, RM-8865
--

Dear Mr. Caton:

Transmitted herewith on behalf of Arborland Broadcasting Company are an original and four (4) copies of its "Comments of Arborland Broadcasting Company" as directed to the Chief, Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford  
Counsel for  
Arborland Broadcasting Company

cc: John A. Karousos  
Ms. Kathleen Scheuere

No. of Copies rec'd  
List ABCDE

*By*



**WHEREFORE**, in accordance with the above, Arborland Broadcasting Company respectfully requests that Channel 227A be assigned to Glen Arbor, Michigan as its third FM broadcast service.

March 24, 1997

Law Offices of  
Henry E. Crawford, Esq.  
1150 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036  
(202) 862-4395

Email: [crawlaw@wizard.net](mailto:crawlaw@wizard.net)  
Web: <http://www.wizard.net/~crawlaw>

Respectfully Submitted,

Arborland Broadcasting Company

By:   
Henry E. Crawford  
Its Attorney

**CERTIFICATE OF SERVICE**

I, Henry E. Crawford, Esq., do hereby certify that copies of the foregoing  
*Comments of Arborland Broadcasting Company* have been served by United  
States mail, postage prepaid this 24th day of March, 1997 upon the following:

\*John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D.C. 20554

\*Ms. Kathleen Scheuerle  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D.C. 20554

\*Hand Delivered

  
Henry E. Crawford, Esq.

**EXHIBIT B**



IN REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE  
Sleeping Bear Dunes National Lakeshore  
9922 Front St. (Hwy M-72)  
Empire, Michigan 49630-8797

DEC 18 1997

A3815(SLBE)

Office of the Secretary  
Federal Communications Commission  
1919 M Street N. W.  
Washington, D. C. 20554

Dear Mr. Secretary:

This is our notice of objection for the Application for FM Construction Permit, Channel 227A, at Glen Arbor, Michigan. This application was prepared for George S. Flinn, Jr., July 1997, by D. C. Williams of Carson City, Nevada. Your application file is 970724M4.

This application would place an fm tower within Sleeping Bear Dunes National Lakeshore, a unit of the National Park System. Such commercial use of these federal property is not allowed. Congress has directed this area be preserved and managed for its natural and cultural resources.

The application indicates under Section VII Certifications, item 3, that contact was made with National Lakeshore representative Duane Pearson. Assistant Superintendent Pearson's comments to the applicant's representative were that while an application might be filed, the National Park Service would be opposed to any such construction. That conversation has been misconstrued to imply that placement of a transmitter antenna would be allowed in this highly visible portion of the Lakeshore. This is not the case.

Please place this objection within your file, and contact me if you need further information at (616)329-5134.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ivan D. Miller".

Ivan D. Miller  
Superintendent

**EXHIBIT C**

RECEIVED

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET NW  
WASHINGTON DC 20554

DEC 18 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MASS MEDIA BUREAU  
AUDIO SERVICES DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/mmb/asd/](http://www.fcc.gov/mmb/asd/)

PROCESSING ENGINEER: Dale Bickel  
TELEPHONE: (202) 418-2720  
FACSIMILE: (202) 418-1410  
MAIL STOP: 180083  
INTERNET ADDRESS: [dbickel@fcc.gov](mailto:dbickel@fcc.gov)

November 19, 1998

Mr. Stephen C. Simpson  
Suite 800  
1090 Vermont Avenue  
Washington, D.C. 20005

In re: NEW; Glen Arbor, MI  
George S. Flynn, Jr.  
BPH-970724M4

Dear Mr. Simpson:

This letter is in reference to the application of Mr. George S. Flynn, Jr. for a new commercial station on 93.3 MHz in Glen Arbor, MI.

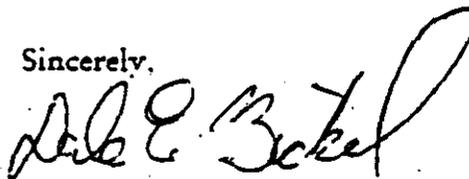
The application indicates that the transmitter site is located within the boundaries of the Sleeping Bear Dunes National Lakeshore, and Section VII of the application indicated that "reasonable assurance" of the use of that site was given by a Duane Pearson. However, by facsimile received December 18, 1997 (copy attached), the National Park Service stated that the Park Service is opposed to any transmitter site within the Sleeping Bear Dunes National Lakeshore. Thus Mr. Flynn cannot build his station at the location specified in the application. Mr. Flynn must amend his application to specify a new transmitter site outside of the Sleeping Bear Dunes National Lakeshore.

Pursuant to 47 C.F.R. § 73.3522(a)(6), "...an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. § 73.3564(a) states that, "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for corrective amendment." See Appendix B in the Report and Order

in MM Docket No. 91-347, 7 FCC Rcd 5074, 57 Fed. Reg. 34872. released July 27, 1992.  
This letter constitutes your opportunity for corrective amendment pursuant to 47 C.F.R. §  
73.3522(a)(6).

Further action will be withheld for a period of 30 days from the date of this letter to allow  
Mr. Flynn to locate a new transmitter site and file an amendment to application  
BPH-970724M4. Failure to respond in this time period will result in the application being  
dismissed for failure to prosecute pursuant to 47 CFR 73.3568(b). Please note that any  
amendment must be submitted in triplicate, and that one copy must contain an original  
signature from the applicant. The amendment should be directed to the Office of the  
Secretary (1800B3), FCC, Washington, D.C. 20554.

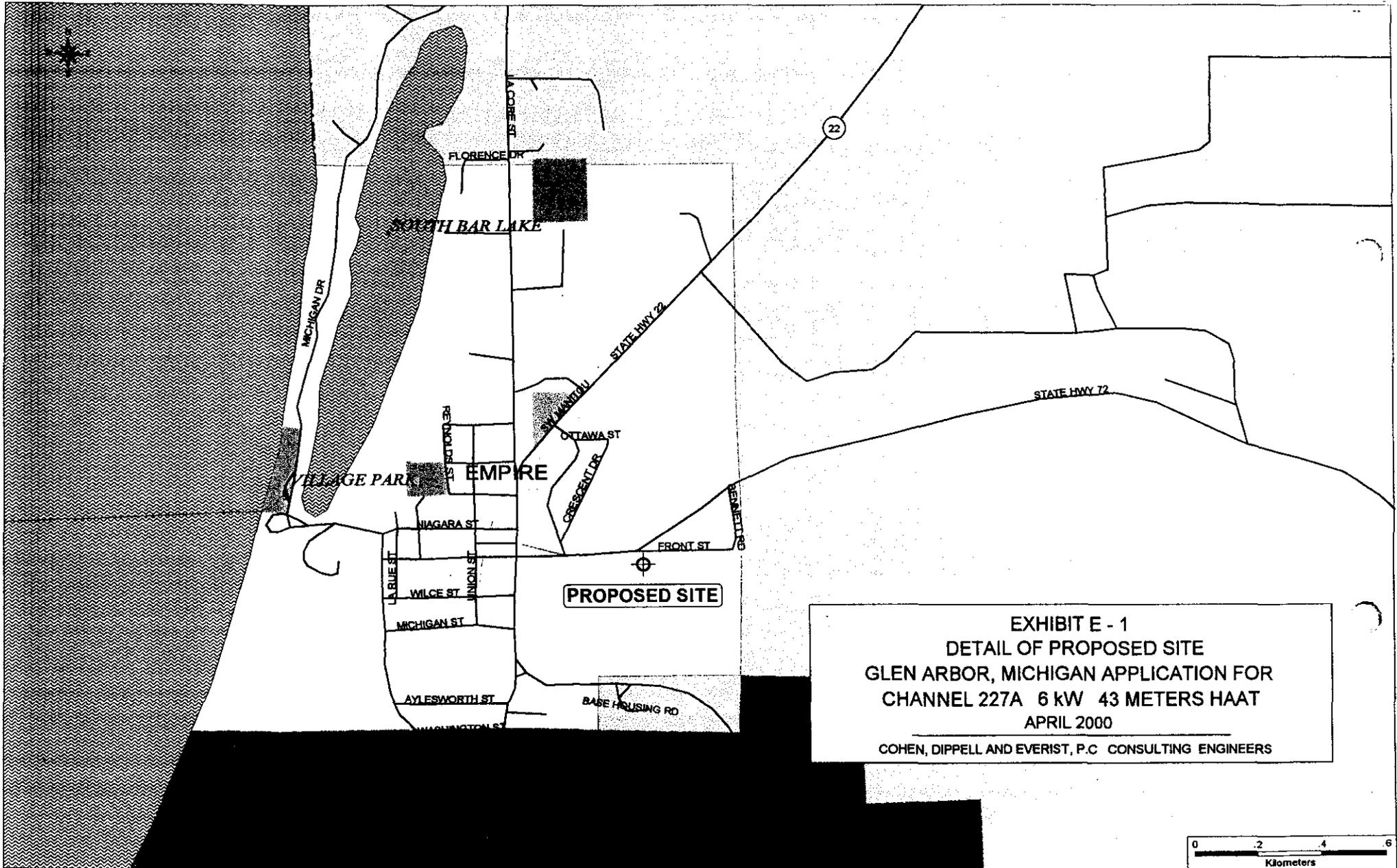
Sincerely,



Dale E. Bickel  
Senior Electronics Engineer  
Audio Services Division  
Mass Media Bureau

cc: Mr. George S. Flynn, Jr.  
Mr. D.C. Williams  
Mr. Ivan D. Miller, Superintendent, National Park Service

**EXHIBIT D**



**EXHIBIT E - 1**  
**DETAIL OF PROPOSED SITE**  
**GLEN ARBOR, MICHIGAN APPLICATION FOR**  
**CHANNEL 227A 6 KW 43 METERS HAAT**  
**APRIL 2000**  
 COHEN, DIPPELL AND EVERIST, P.C CONSULTING ENGINEERS



**EXHIBIT E**

**FEDERAL COMMUNICATIONS COMMISSION**  
1919 M STREET NW  
WASHINGTON DC 20554

MASS MEDIA BUREAU  
AUDIO SERVICES DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/mmb/asd/](http://www.fcc.gov/mmb/asd/)

PROCESSING ENGINEER: Dale Bickel  
TELEPHONE: (202) 418-2720  
FACSIMILE: (202) 418-1410  
MAIL STOP: 1800B3  
INTERNET ADDRESS: [dbickel@fcc.gov](mailto:dbickel@fcc.gov)

January 20, 1999

Mr. Stephen C. Simpson  
Suite 800  
1090 Vermont Ave. NW  
Washington, DC 20005

In re: NEW, Glen Arbor, MI  
George S. Flinn, Jr.  
BPH-970724M4

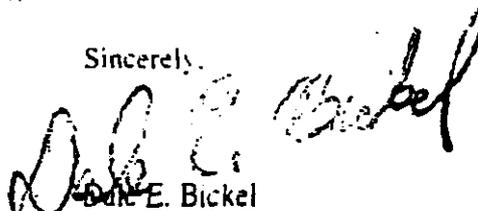
Dear Mr. Simpson:

In response to my letter dated November 19, 1998, you submitted an amendment on December 18, 1998 to change the transmitter site specified in this application to eliminate the use of a transmitter site within the Sleeping Bear Dunes National Lakeshore. This amendment has been reviewed and is acceptable for filing.

However, we have not yet received FAA clearance for the proposed 66 meter tower. Your amendment indicates that FAA approval was being concurrently requested with the submission of the amendment, but apparently the FAA has not yet made its determination on the proposed structure. We request that once FAA approval is secured, that a copy of the FAA's determination be submitted along with an application to register the proposed antenna structure on FCC Form 854. This registration is necessary before the FM construction permit application can be approved. I have enclosed a copy of FCC Form 854 with relevant information for your convenience.

When FCC Form 854 is submitted to the Commission, please advise the Audio Services Division by letter of that registration application filing so that we may expedite the registration process. If the Form 854 application cannot be filed before April 20, 1999, please so advise by letter submitted as an amendment to application BPH-970724M4.

Sincerely,



Dale E. Bickel  
Senior Electronics Engineer  
Audio Services Division  
Mass Media Bureau

cc: Mr. George S. Flynn, Jr.

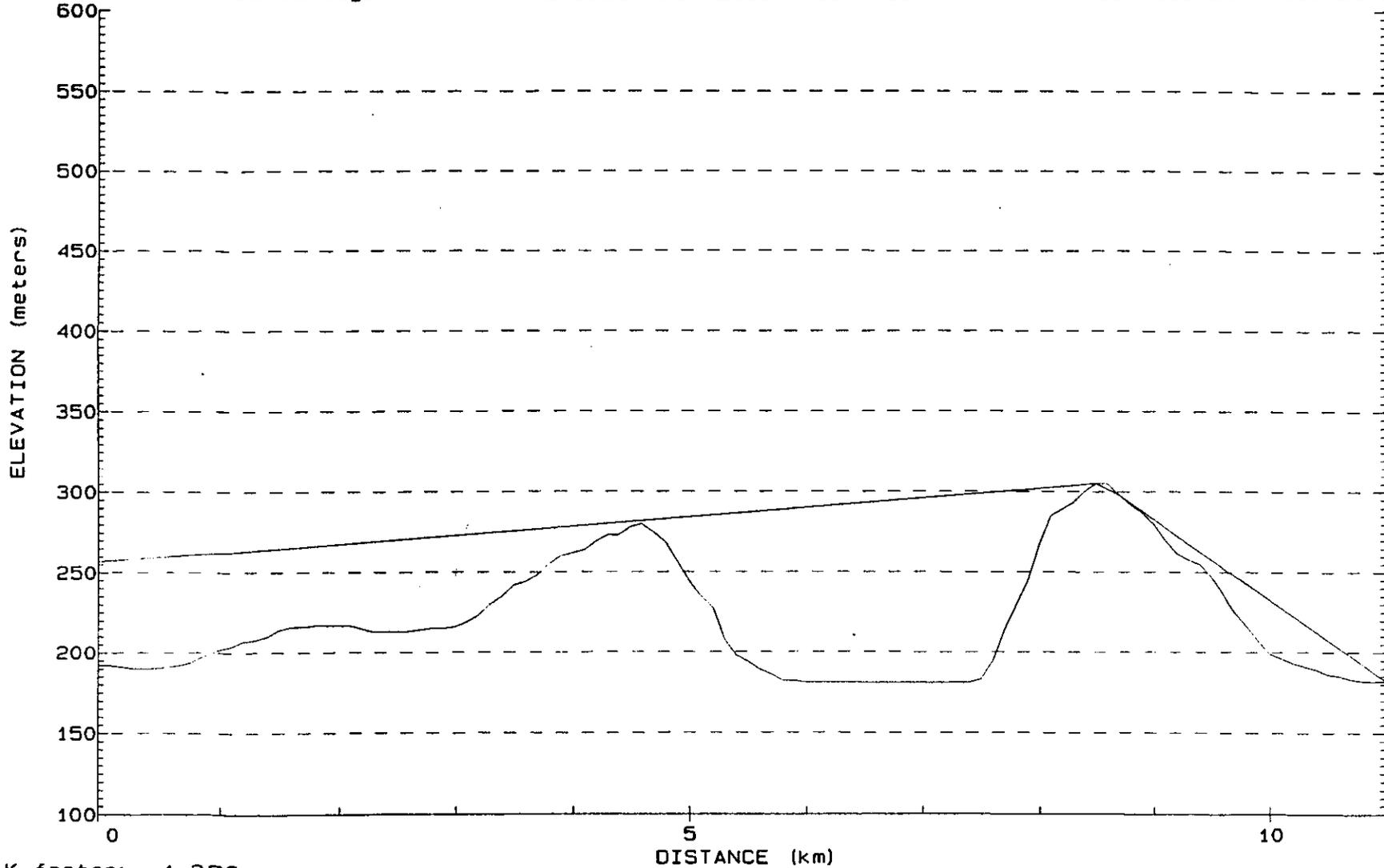
**EXHIBIT F**



Site: GLEN ARBOR SITE  
 N 44 48 39 W 86 3 11  
 Ant. Elev. (AMSL): 257.0 m  
 Path azimuth: 29.16 degs.

Frequency: 93.3 MHz  
 Path Length: 11.0 km  
 Total Path Loss: 111.4 dB  
 Excess Path Loss: 18.7 dB

Site: GLEN ARBOR CITY  
 N 44 53 50 W 85 59 6  
 Ant. Elev. (AMSL): 182.5 m  
 Path azimuth: 209.21 degs.



K factor: 1.333

3 Second Database - NAD 27  
 Rain loss: .0 dB  
 Urban loss: .0 dB  
 Foliage loss: .0 dB

EXHIBIT E - 3

COHEN, DIPPELL & EVERIST  
 Consulting Engineers  
 WASHINGTON, D.C.

Application BPH-970724M4  
 George S. Flinn

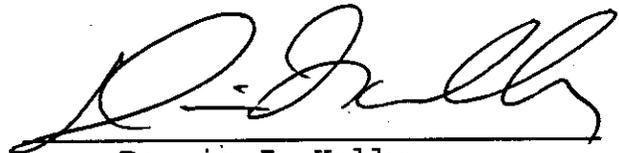
TERRAIN PROFILE

APRIL 2000

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing "Petition for Rulemaking to Delete Channel" were served by first-class United States mail, postage prepaid, on the 24<sup>th</sup> day of April, 2000, upon the following:

Stephen C. Simpson, Esquire  
Law Office of Stephen C. Simpson  
1090 Vermont Avenue, N. W., Suite 800  
Washington, DC 20005  
Counsel for George S. Flinn, Jr.

A handwritten signature in black ink, appearing to read "D. Kelly", written over a horizontal line.

Dennis J. Kelly

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing "Comments of WKJF Radio, Inc." was served by first-class United States mail, postage prepaid, on this 20<sup>th</sup> day of May, 2002 upon each of the following:

Robert J. Buenzle, Esquire  
Law Office of Robert J. Buenzle  
12110 Sunset Hills Road - Suite 450  
Reston, Virginia 22090  
Counsel for Northern Paul Bunyan Radio Company

Stephen C. Simpson, Esquire  
Law Office of Stephen C. Simpson  
1090 Vermont Avenue, N.W., Suite 800  
Washington, DC 20005  
Counsel for George S. Flinn, Jr.

  
Dennis J. Kelly