

**ORIGINAL**

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Before the

**Federal Communications Commission**  
Washington, D.C. 20554

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JUL - 3 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	
Table of Allotments,	)	MM Docket No. 00-69
FM Broadcast Stations	)	RM-9850
(Cheboygan, Rogers City, Bear Lake,	)	RM-9945
Bellaire, Rapid River, Manistique,	)	RM-9946
Ludington, Walhalla and	)	
Onaway, Michigan)	)	

To: Chief, Audio Division  
Media Bureau

**PETITION FOR RECONSIDERATION**

Fort Bend Broadcasting Company ("Fort Bend"), by its attorneys, and pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, hereby petitions the Commission for reconsideration of the *Report and Order* (DA 02-1156, rel. May 17, 2002) in the above-captioned proceeding.<sup>1</sup> This petition for reconsideration focuses on three significant deficiencies in the *Report and Order*. First, the staff erred in determining that Fort Bend's counterproposal was defective for failure to preserve local service at Bear Lake, Michigan, since Fort Bend had proposed an allotment at Bear Lake that complied with the Commission's rules. Second, although the staff did not entertain the allegation of Northern Radio Network Corporation that Fort Bend's proposed allotment at Bellaire, Michigan suffers from terrain blockage, that argument is incorrect, and the Bellaire allotment can be properly made. Third, the staff also erred in disregarding Fort Bend's proposed allotment at Rapid River, Michigan as that community's first local service.

<sup>1</sup> This Petition for Reconsideration is timely filed within 30 days of publication of the Report and Order in the Federal Register on June 3, 2002 67 FR 38206. See Section 1.429(d) and 1.4(b).

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When Fort Bend's counterproposal is properly considered, it must prevail over the proposal granted in the *Report and Order*. Accordingly, Fort Bend urges the Commission to reconsider its decision and grant Fort Bend's counterproposal. In support whereof, the following is shown.

**I. The Staff's Determination that Fort Bend's Counterproposal was Defective for Failure to Preserve Local Service at Bear Lake was Clearly Erroneous.**

1. In its counterproposal in this proceeding, Fort Bend requested certain changes to the FM Table of Allotments, including the deletion of Channel 261A at Bear Lake, Michigan and the allotment of Channel 260C1 at Bellaire, Michigan for use by Station WSRQ(FM).<sup>2</sup> Since Channel 261A is Bear Lake's only local service, Fort Bend also proposed the allotment of Channel 291A at Bear Lake to preserve local service to the community. In the *Report and Order* the staff determined that Fort Bend's counterproposal was defective. Specifically, the *Report and Order* stated:

Based on a Quadrangle map for the area, our engineering analysis found that the proposed site for Channel 291A is located in the Bear Lake Swamp and has been determined to be an unusable site. *It is our determination that Channel 291A cannot be allotted to Bear Lake as a back-fill channel as requested by Fort Bend to accommodate the reallocation of Channel 260C1 to Bellaire.*<sup>3</sup>

2. This determination is arbitrary and capricious and contrary to precedent. It is arbitrary and capricious because it is in direct conflict with the staff's determination in another case released the same day. In *Honor, Bear Lake, Ludington, Walhalla, and Custer, Michigan*, MM Docket 01-186 (DA 01-1155, rel. May 17, 2002) the staff determined that Channel 291A *could* be allotted to Bear Lake. *See* note 4. The staff apparently reached this conclusion after

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<sup>2</sup> Fort Bend's counterproposal was filed jointly with D&B Broadcasting, L.L.C., the then-licensee of WSRQ. Subsequently, as recited in the *Report and Order*, Fort Bend became the licensee of WSRQ pursuant to an assignment application granted on September 27, 2000 (File No. BALH-20000717AAU).

performing its own engineering analysis of two different sites in the vicinity of the reference coordinates specified by Fort Bend.<sup>4</sup> For the Commission to simultaneously conclude that an allotment can be made in one proceeding and cannot be made in another proceeding is the height of arbitrary and capricious decisionmaking.

3. As indicated in the materials attached in Exhibit 1, the reference point site specified by Fort Bend in its counterproposal is on dry land. Fort Bend had a surveyor confirm the location of this site. The surveyor Gourdie-Fraser has provided a statement in which the surveyor attests that “the site is generally level and is located in a large open grassy area.” Fort Bend has taken pictures which demonstrate that the land is dry and grassy and perfect for the location of a tower and transmitting facility. The surveyor also states that three phase electrical service is available. See Exhibit 1.

4. In addition, Elizabeth A. Miller, real estate agent, viewed the location and provides a statement which indicates that “the property appears to be mostly dry and accessible, as well as being a large wide-open field of several acres, level and dry.” She also reports that the landowner is willing to sell or lease the property for the purpose of erecting a tower. Finally, David Maxson, Operation Manager of Station WLDR, Traverse City, Michigan, also visited the site and states “this site would serve as an excellent location for a broadcast tower. I found the location to be flat, firm ground with more than adequate drainage. The property is served by a two track improved road ....” Based on these materials and statements, there can be no doubt that the specified reference point is located on dry land and suitable in all respects for a tower and transmission facility. In the *Report and Order*, the Commission merely relied on the fact that the location is within an area known as Bar Lake Swamp. Beyond the name of the area, the

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<sup>3</sup> *Report and Order*, ¶ 9.

<sup>4</sup> *Honor, Bear Lake, Ludington, Walhalla, and Custer, Michigan*, DA 02-1155, at n.4.

Commission had no contrary evidence before it that the reference site was not suitable for a tower.

5. At the allotment stage, the Commission is generally not concerned with the suitability of a particular site. Indeed, the Commission generally presumes that a technically feasible site will be available. See *Mount Wilson FM Broadcasters v. FCC*, 884 F.2d 1462 (D.C. Cir. 1989). Even when the suitability of a particular site is challenged in an allotment proceeding, the Commission will make the allotment if it can confirm that an alternate, suitable site is available. *Monck's Corner, Kiawah Island, and Sampit, South Carolina*, 15 FCC Rcd 8973 (2000).

6. In *Monck's Corner, supra*, although the Commission found that the reference coordinates for Channel 288C2 at Kiawah Island were located in a swamp, the fact that there were alternate sites on dry land provided reasonable assurance that there would be a suitable transmitter site available. *Id at* ¶¶ 7-8. Similarly, the Commission allotted Channel 271C3 to Randolph, Vermont even though the reference coordinates were in a swamp, because there was an alternative site on dry land. *Randolph and Brandon, Vermont*, 6 FCC Rcd 1760,1761 [¶ 12] (1991). *Accord, Rockport, Gregory, Alice, and Armstrong, Texas*, 4 FCC Rcd 8075, 8076 [¶ 9] (1989) (reference coordinates in the water, but sites on dry land available); *Homerville, Lakeland and Statenville, Georgia*, 8 FCC Rcd 2953, 2954 (1993) (reference coordinates located in an area of wet and dry land with enough dry land to construct a transmitter).<sup>5</sup>

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<sup>5</sup> The fact that Fort Bend's proposed Channel 291A allotment at Bear Lake was advanced in a counterproposal, as opposed to an initial petition for rule making, is of no consequence. In *Rockport, supra*, the allotment the Commission considered and granted was advanced in comments. 4 FCC Rcd at 8076. Moreover, in *Monck's Corner, supra*, the Commission held that a change in reference coordinates was not an untimely counterproposal, but rather an adjustment to the original proposal. 15 FCC Rcd at 8977. Accordingly, Channel 291A may be allotted to Bear Lake with adjusted reference coordinates within the scope of Fort Bend's counterproposal.

7. Thus, not only is Fort Bend's specified site for Channel 291A demonstrably suitable, there are a large number of other potential transmitter sites that are on dry land and meet the Commission's spacing requirements, including the site specified by the Commission in MM Docket 01-186. *See Moncks Corner, supra*, and cases cited therein. Thus, the Commission's finding that Channel 291A cannot be allotted because the specified site is unsuitable is clearly erroneous. Since there was no other basis for denying Fort Bend's counterproposal, the Commission must reconsider the Report and Order and grant the allotment of Channel 260C1 at Bellaire, Michigan, with the backfill allotment of Channel 291A at Bear Lake to maintain its local service and the related channel changes at Rogers City, Manistique, Ludington and Walhalla, Michigan.

**II. The Allotment of Channel 260C1 at Bellaire is Not Terrain-Obstructed and Complies with the Commission's Rules.**

8. In its reply comments and in a petition for reconsideration filed on June 17, 2002, and re-filed on June 28, 2002, Northern Radio of Michigan, Inc. ("Northern") alleges that Fort Bend's proposed allotment of Channel 260C1 at Bellaire, Michigan is defective for failure to provide line-of-sight coverage to Bellaire.<sup>6</sup> The staff apparently did not agree with Northern, since the *Report and Order* does not question the Bellaire allotment. The Commission should not disturb this conclusion, since, as shown below, the Bellaire allotment complies fully with the Commission's rules.

9. The Commission's rules require that (i) a minimum field strength of 70 dBu be provided over the entire community of license, and (ii) there should be no "major obstruction" in the signal path from the transmitter location to the community. 47 C.F.R. § 73.315(a)-(b). The

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<sup>6</sup> In its petition for reconsideration, Northern acknowledges that the basis upon which the Report and Order was decided, i.e., the unsuitability of Channel 291A, cannot be sustained.

rules *recommend* that there be a clear line-of-sight over the entire community, but this is not mandatory. 47 C.F.R. § 73.315(b). Indeed, the Commission routinely makes allotments that do not offer clear line-of-sight to the community of license, as long as the minimum field strength requirement and other technical requirements are met. *See, e.g., Jackson and Salyersville, Kentucky*, 17 FCC Rcd 4662 (2002).; *Madison, IN*, 14 FCC Rcd 9518 (1999); *Vacaville, CA*, 4 FCC Rcd 8315 (1989); *recons. denied*, 6 FCC Rcd 143 (1991).

10. Fort Bend's proposed allotment of Channel 260C1 at Bellaire meets these criteria. What Northern describes as terrain "obstructions" are not obstructions at all. As can be seen in Northern's own technical exhibit, the terrain between the proposed reference coordinates for Channel 261C1 and the community of Bellaire is characterized by a number of dips corresponding to lakes or waterways. In between these dips, the terrain remains at a nearly constant elevation. There are no hills, and nothing that could be described as an "obstruction," much less a "major" obstruction. By any reasonable calculation method, from the proposed reference site a transmitter will provide a 70 dBu signal over the entire community of Bellaire. Indeed, as the Technical Narrative demonstrates, the predicted field strength to Bellaire is in excess of 70 dBu. *See* Engineering Statement, Figure 1. Thus, the allotment complies with the rules and applicable precedent. *See* 47 C.F.R. § 73.315; *Jackson and Salyersville, Kentucky, supra*.

11. Moreover, using reasonable assumptions regarding tower height, a transmitter at the proposed reference coordinates *could* provide line-of-sight to the community of Bellaire. The Technical Narrative demonstrates that line-of-sight can be provided with a center of radiation at 299 meters above average terrain. *See* Engineering Statement, Figure 4. A height of 299 meters above average terrain can be achieved with a tower of 268.2 meters above ground

level. *See* Engineering Statement. Accordingly, even though not required under the rules, there is reasonable assurance that a transmitter site will be available which can provide line-of-sight to the community.

**III. The Staff Erroneously Failed to Consider Fort Bend's Proposed Allotment of Channel 259A at Rapid River.**

12. By removing Channel 260A at Manistique, Michigan, Fort Bend's counterproposal enables Channel 259A to be allotted to Rapid River, Minnesota (2000 pop 1,005) as that community's first local service. However, the staff disregarded this allotment, stating that Fort Bend "neglected to make a showing that it had reasonable assurance for use of a site" inside the Hiawatha National Forest (emphasis added). In doing so, the staff applied the wrong standard. As discussed above, at the allotment stage, the Commission presumes that a technically feasible transmitter site will be available unless that presumption is rebutted. *Mount Wilson FM Broadcasters, supra*. A party attempting to rebut the presumption has the burden of demonstrating that no suitable transmitter site is available. *Bear Lake and Honor, Michigan*, 14 FCC Rcd 8799 (1999). No party has demonstrated that the Forest Service will not allow approval of a town within the forest area. *See Ruidoso and Cloudcroft, New Mexico*, 12 FCC Rcd 6054 (1997) (allotment made in National Forest); *Harrietta, Michigan*, 12 FCC Rcd 6058 (1997) (same). Accordingly, the Commission should have considered the Rapid River allotment as part of Fort Bend's counterproposal.

**IV. When Compared According to the Commission's Allotment Priorities, Fort Bend's Counterproposal is Superior to Any Other Mutually Exclusive Proposal in the Proceeding.**

13. As demonstrated above, the staff erroneously concluded that Fort Bend's counterproposal was defective. As a result, the staff erroneously granted the counterproposal of Northern Radio Network Corporation ("NRNC") without comparing it to Fort Bend's

counterproposal as it is required to do when faced with mutually exclusive proposals. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Had the staff conducted the required comparison, Fort Bend's counterproposal would have proved superior.

14. Fort Bend's counterproposal will provide a new first local service to Bellaire, with a 2000 population of 1,164, and Rapid River, with a 2000 population of 1,005, furthering priority 3. NRNC's counterproposal would provide a first local service to Onaway, with a 2000 population of 993, also furthering priority 3. When faced with two mutually exclusive proposals each of which would further priority 3, the tiebreaker is the population of the community. *Blanchard, Louisiana and Stephens, Arkansas*, 8 FCC Rcd 7083 (1993). Accordingly, Fort Bend's counterproposal should have been granted on the basis of Bellaire's greater population alone. Rapid River's population contributes to the overall public interest benefits of Fort Bend's counterproposal.

WHEREFORE, for the foregoing reasons, the Commission should reconsider the *Report and Order* in this proceeding and grant Fort Bend's counterproposal in its entirety.<sup>7</sup>

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<sup>7</sup> On July 26, 2001, Fort Bend submitted Supplemental Comments requesting that Channel 271C3 be considered for allotment to Cheboygan, Michigan instead of Channel 249C3 in order to allow a pending proposal to be considered in MM Docket 01-115. The Report and Order makes no mention of this pleading nor any of the pleadings that were filed in response. Fort Bend again urges that if the Commission determines that Cheboygan, Michigan should receive an additional allotment, that Channel 271C3 be selected rather than Channel 249C3.

Respectfully submitted,

FORT BEND BROADCASTING  
CORPORATION

By: 

Mark N. Lipp  
J. Thomas Nolan  
Shook, Hardy & Bacon, LLP  
600 14<sup>th</sup> Street, NW  
Washington, DC 20005-2004  
(202) 783-8400

Its attorneys

July 3, 2002

**Engineering Statement**  
**In Support of a**  
**Petition for Reconsideration**  
**MM Docket 00-69**  
**Fort Bend Broadcasting Company**

**General**

In its Report and Order in MM Docket 00-69 (dated May 1, 2002), the Commission made reference to a showing by another party that the proposed allocation coordinates for Channel 260C1 at Bellaire, Michigan failed to achieve line of sight into the proposed community of license. However, recent Commission decisions have introduced the notion of using the F(50,50) 70 dBu contour and the Irregular Terrain Model (“ITM”, based on the Tech Note 101 methodology) to determine coverage of the community of license.

Fort Bend Broadcasting Company (“Fort Bend”), in the engineering portion of this Petition for Reconsideration, hereby makes the argument that adequate coverage of Bellaire, Michigan can be achieved with a 280.2 meter (919.3 feet) tower (assuming an eight-bay full-wave antenna). This would make the radiation center line of the antenna 268.2 meters above ground level. (See Exhibit E, Figure 3). This tower height gives Channel 260C1 at Bellaire, Michigan a height above average terrain of 299 meters. (See Exhibit E, Figure 4.)

### **Engineering Exhibits Explained**

Exhibit E, Figure 1 is a map showing the FCC and the ITM 70 dBu contours over the city of Bellaire, Michigan. The parameters used to conduct the study are in keeping with the Commission's policies governing the use of alternative propagation models. Exhibit E, Figure 1A is a table showing the distances to the respective contours for each model.

Exhibit E, Figure 2 is a map demonstrating the site proposed for channel 260C1 at Bellaire.

Northern Michigan Radio ("NRN") commissioned an aeronautical study to determine if a tower in excess of 1,500 feet would be approved at the proposed site. Exhibit E, Figure 3 is a vertical sketch that demonstrates how Fort Bend could achieve maximum class C1 status while remaining well under the 1,500-foot study height presented by NRN. Further, coupled with the earlier engineering exhibits, it is clear that Fort Bend is perfectly capable of constructing a full class C1 facility at Bellaire, Michigan (at the allocation site) while meeting the Commission's requirements that the community of license be covered with at least a 70 dBu contour.

Exhibit E, Figure 4 shows that the proposed height for the class C1 at Bellaire, Michigan would achieve a HAAT of 299 meters (using 30-second NGDC terrain data).

### **Conclusion**

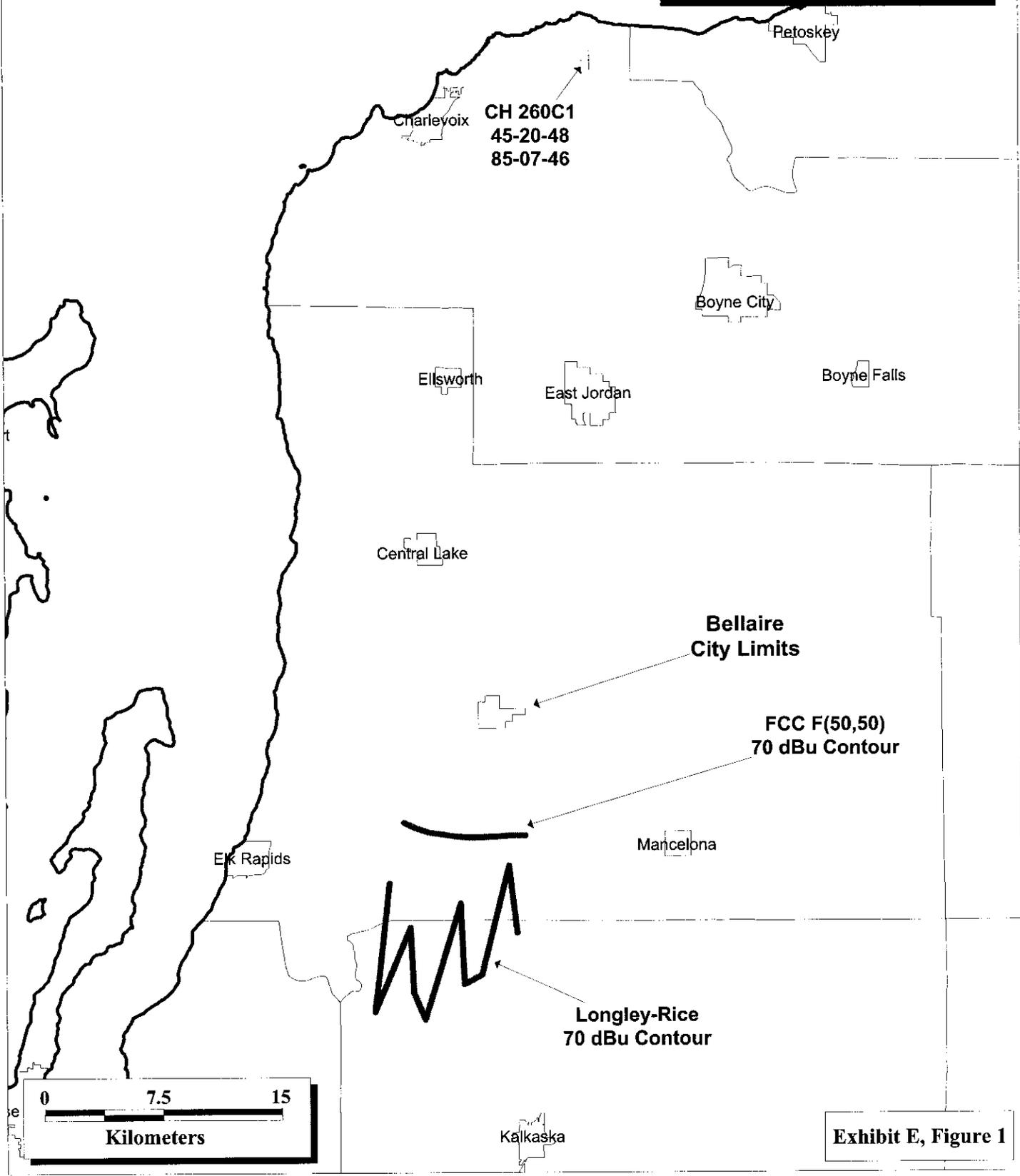
Recent Commission decisions allow the use of the ITM in determining primary coverage of the community of license in allocations. As a result, Fort Bend asserts, by means of this Petition for Reconsideration, that the community of Bellaire, Michigan can be covered with the proposed allotment of channel 260C1 at its proposed coordinates. Further, Fort Bend contends that this coverage can be achieved without the need for a

massive 1,500-foot tower. Rather, by simply meeting the Commission's requirements for a maximum class C1 (100 kW at 299 meters HAAT), Bellaire will be served with a 70 dBu contour. This is shown in both the FCC F(50,50) curves and the Irregular Terrain Model.

For Fort Bend Broadcasting Company

**Lee S. Reynolds**  
Reynolds Technical Associates  
12585 Old Highway 280 East  
Suite 102  
Chelsea, Alabama 35043  
205.618.2020

**Channel 260C1, Bellaire, MI  
Proposed Class C1 FCC and  
Longley-Rice 70 dBu Contours  
Over the City of Bellaire**



**Exhibit E, Figure 1**

Distances to F(50,50) 70 dBu

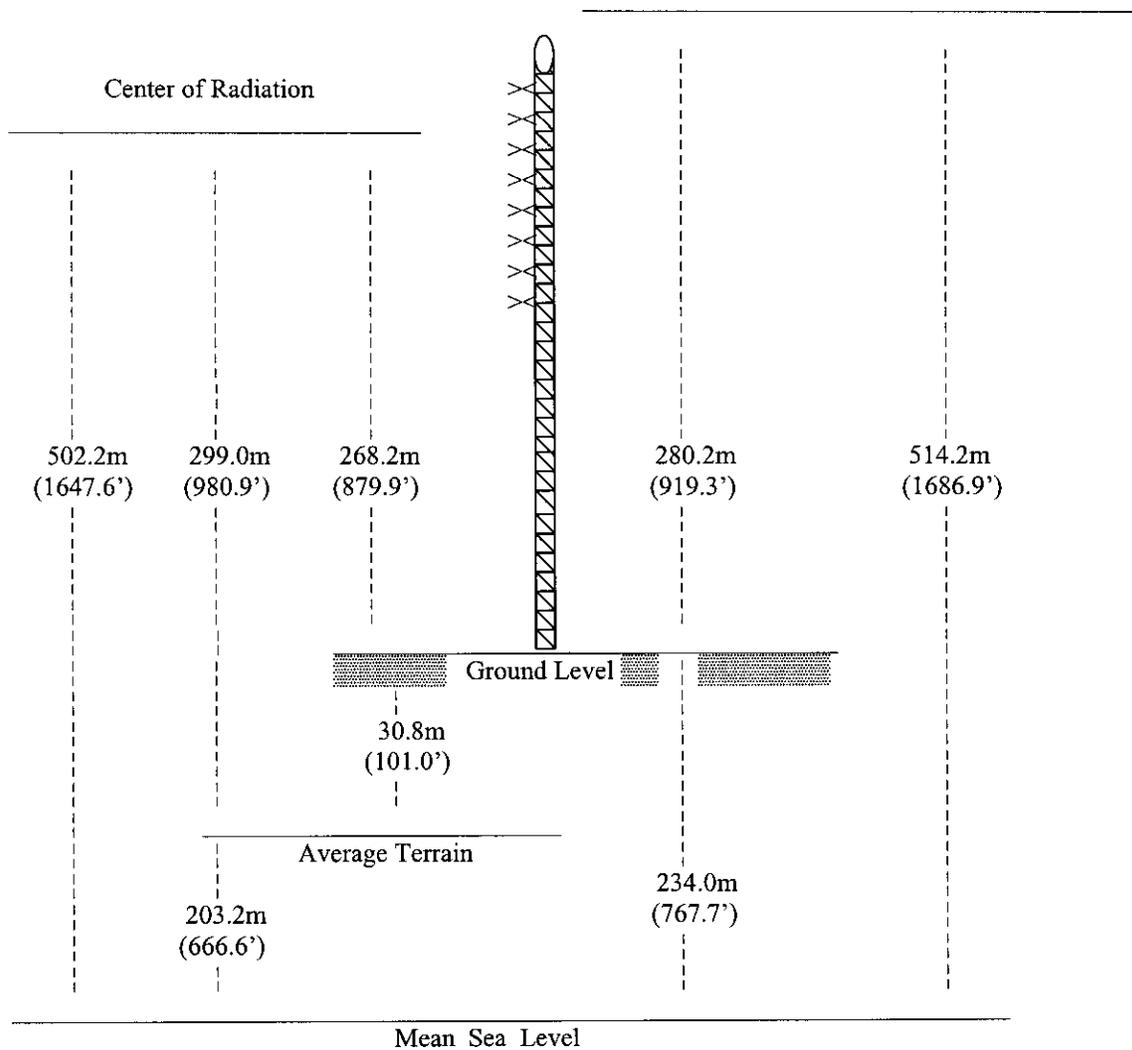
And

ITM 70 dBu Contours

Channel 260C1, Bellaire, Michigan

<b>Azimuth</b>	<b>Distance to F(50,50) 70 dBu</b>	<b>Distance to ITM 70 dBu</b>
185.0	49.0	55.2
186.0	49.1	51.0
187.0	49.2	58.1
188.0	49.4	58.8
189.0	49.5	53.7
190.0	49.6	61.4
191.0	49.7	59.8
192.0	49.7	55.8
193.0	49.6	61.5
194.0	49.5	53.4





Proposed Location - 45° 20' 48" N. Lat.

85° 07' 46" W. Long. [NAD 27]

NOT DRAWN TO SCALE

Proposed antenna - 8 element.

<p><b>Exhibit E, Figure 3</b>  <b>Vertical Sketch of</b>  <b>Supporting Structure</b></p>
<p>Bellaire, Michigan  Channel 260C1 - 99.9 mHz.  July, 2001</p>

Terrain Averaging Study

Channel 260C1, Bellaire, MI

Coordinates: 45-20-48  
85-07-46

Elevation: 234m

Azimuth	Terrain Average	HAAT
0	176.8m	325.4m
45	187.0m	315.2m
90	237.5m	264.8m
135	239.4m	262.8m
180	221.0m	281.3m
225	202.8m	299.5m
270	184.2m	318.0m
315	177.2m	325.0m
<b>Average</b>	<b>203.2m</b>	<b>299.0m</b>

# **EXHIBIT I**

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## Fort Bend Broadcasting Company



# GPS Project Report

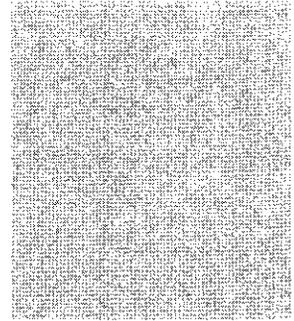
Manistee Township, Manistee Co., Mi.  
Section 8, T22N., R16W.

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JULY 1, 2002  
PREPARED FOR: FORT BEND Broadcasting Company  
CONTRACT NO. 021242  
PREPARED BY: GOURDIE FRASER  
123 WEST FRONT STREET  
TRAVERSE CITY MI., 49684

PROJECT MANAGER: GARTH D. STOWE, P.S.  
PHONE: (231) 946-5874

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## Introduction

This Report details GPS Survey work completed by Gourdie Fraser for Fort Bend Broadcasting Company.

Gourdie Fraser under the direction of Garth D. Stowe P.S., provided results on (1) control point, in Part of the NE ¼ Section 8, T.22N., R.16W. Manistee Township, Manistee County, Michigan. Horizontal control was established using Global Positioning System (GPS) technology.

Precise horizontal coordinates were established in the project area by differential GPS positioning. This was achieved by propagating the known positions of MDOT Cors stations NOR1 and MPLE to a point set by Gourdie Fraser in the NE ¼ of Section 8, T22N., R.16W. Manistee Township, Manistee County, Michigan. The Cooperative CORS (continuously operating reference station) system provided access to GPS data for Stations NOR1 and MPLE. For every simultaneous observation logged by two receivers there exists a potential baseline. For the static session, baselines were observed for 1.5 hrs and processed as a traverse from MPLE to NOR1 and to the newly set point named Point 101 in said Section 8, Misclosures were calculated and the required accuracy of 1:20,000 was met in all cases. All baselines were processed independently.

The network was then combined into a minimally constrained adjustment, initially NOR1 held fixed. Once the internal consistency of the network is verified, through the minimally constrained adjustment, the network was constrained to the remaining COR points. All COR points were held fixed in the latitude, longitude and ellipsoidal heights.

As a result of the GPS Survey Gourdie Fraser confirms that the position 44°19'41" N, 86°16'14" W is located in the NE ¼ Section 8, T22N., R.16W, Manistee Township, Manistee County, Michigan. The precise location of Point 101 (an Iron Rebar set by Gourdie Fraser) is listed in Table "A"

The site is generally level and is located in a large open grassy area. The site is open to the south, east and west; approximately 150' north of the site is a mature woods line and an improved east-west trail. There are numerous oil well sites in the area and three phase electric service is available. The site is accessed by this trail. A soil analysis and hydrology survey was not performed at this time to determine the sub-surface conditions. The property lines for the parcel were not established in the course of this survey, however it appears the owner of the parcel is Ken and Willa Berentsen, 3440 Lakeshore Road, Manistee, Michigan.

## PERSONNEL and EQUIPMENT

### a. Personnel

Garth D. Stowe .....Project Manager

Michael J. Ferens.....G.P.S. Processing/ Operator

### Equipment and Software

Gourdie Fraser used it's own receivers, computers, printers, software and miscellaneous items required during the processing phase of the project, these include:

1 – Pentium 500 MHZ computer

2 – Hewlet Packard Laser Jet III

3 – Leica SR 530 Dual Frequency G.P.S. Receivers

S/N 30675

5 - Leica Ski Pro Version 2.0

6 - Microsoft Office

TABLE A

Point Id	WGS84			MICHIGAN CENTRAL (ift)			Std Deviation	Std Deviation	Combined	Coord
	Latitude	Longitude	Ell. Height	Northing	Easting	Orth. Height	Northing	Easting	Scale Factor	Class
101	44 19 41.079118 N	86 16 13.873263 W	475.83	374578.94	19186881.89	590.77	0.01	0.01	0.99990000	ADJ
MPLE	43 36 54.249555 N	84 45 42.268659 W	661.63	109051.18	19580389.95	771.19	0.01	0.00	1.00010000	ADJ
NOR1	44 15 20.943090 N	85 26 13.745060 W	1197.97	344240.41	19404573.82	1307.28	0.00	0.00	0.99990000	CTRL



4866 Main St., P.O. Box 208 • Onkama, MI 49675  
616-889-6111 • 616-889-3461 • Fax 616-889-6111

July 1, 2002

Having been approached on June 28, 2002 by David Maxson and Mr. Henderson from the WLDR radio company (Traverse City MI) about whom might own a specific property on Lakeshore Road, Manistee Township, Michigan, I accompanied the gentlemen to the site. The property is approachable by, first, an oil well access road, and then a traversable two-track winding several acres back off of Lakeshore Road. The property appears to be mostly dry and accessible, as well as being a large wide-open field of several acres, level and dry.

I have approached the owner of the property, and he is willing to discuss the possible purchase or leasing of said property for the purpose of WLDR erecting a tower.

I have reported this information to Mr. Maxson, and have presented him with a copy of this letter.

Sincerely,

Elizabeth A. Miller, sales associate  
English & Associates, Onkama, MI 49675

LIZ MILLER, Sales Associate • Home 616-889-3367



Mark N. Lipp – Attorney  
Law Office of Shook – Hardy – Bacon  
Hamilton Square  
600 14<sup>th</sup> Street Northwest  
Suite 800  
Washington D.C. 2005-8400

Dear Sir,

Under penalty of perjury, I hereby state and declare that I, Carl David Maxson, Operations Manager for WLDR Radio in Traverse City, Michigan did accompany Mr. Roy E. Henderson, Owner of WLDR Radio and Mr. Michael Ferens, Certified Surveying Technician with Gourdie – Fraser Associates of Traverse City, Michigan to a proposed tower site in Manistee Township of Manistee County on the afternoon of June 28, 2002.

In my opinion I believe this site would serve as an excellent location for a broadcast tower. I found the location to be flat, firm ground with more than adequate drainage and is bordered by an abandoned apple orchard. The property is served by a two-track improved road that appears to be in very good condition as it is also being used to service at least two gas exploration wells in the immediate area. Three-phase electricity is also provided in the site area. I have been in the broadcast business for nearly 30 years and I recognize this property as an excellent location for a broadcast tower. I might also mention that a hunting cabin is located a few hundred feet from the proposed site.

Respectively,

A handwritten signature in blue ink, appearing to read "David Maxson", is written over a white background.

David Maxson  
Operation Manager

---

**Sunny 101.9 WLDR**  
**118 South Union Street, Traverse City, MI 49684**  
**Phone: 231-947-3220 Fax: 231-947-7201**  
**www.wldr.com**





























**CERTIFICATE OF SERVICE**

I, Shelia Wright, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 3rd day of July, 2002 caused to be hand-delivered or mailed by first class mail, postage prepaid, copies of the foregoing "PETITION FOR RECONSIDERATION" to the following:

\*John A. Karousos, Assistant Chief  
Audio Division  
Office of Broadcast License Policy  
Media Bureau  
Federal Communications Commission  
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Washington, D.C. 20554

\*Ms. Kathleen Scheuerle  
Audio Division  
Office of Broadcast License Policy  
Media Bureau  
Federal Communications Commission  
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Washington, D.C. 20554

Scott R. Flick, Esquire  
Brendan Holland, Esquire  
Shaw Pittman  
2300 N Street, N.W.  
Washington, D.C. 20037  
Counsel to Lake Michigan Broadcasting,  
Inc.

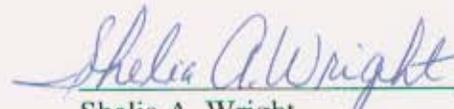
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Jerrold D. Miller, Esquire  
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Broadcasting

  
Shelia A. Wright

\* Hand Deliver