[redacted]

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments	)	
FM Broadcast Stations	)	
(Presque Isle, Michigan)	)	MB Docket No. 02-106
	)	RM-10416
	)	
(Harrisville, Michigan)	)	MB Docket No. 02-108
	)	RM-10418
	)	

To: Assistant Chief, Audio Division

COUNTERPROPOSAL

Northern Michigan Radio, Inc. ("WBYC"), licensee of Station WBYC, Channel 223C1, Atlanta, Michigan (Facility ID No. 49573), hereby submits its counterproposal to the *Notice of Proposed Rule Making* in MB Docket Nos. 02-106 and 02-108, DA No. 02-1159 (released May 17, 2002) (the "*NPRM*").[1]

The proposals in the *NPRM,* and WBYC's counterproposal for the affected Michigan communities, are as follows:

NPRM

Community	Present	Proposed
Harrisville	–	226A
Presque Isle	–	227A

[1] The *NPRM* suggests changes to the FM Table of Allotments in the following communities: Presque Isle (MB Docket No. 02-106), Alpena (MB Docket No. 02-107) and Harrisville (MB Docket No. 02-108), all Michigan, and Morgan, Georgia (MB Docket No. 02-109). WBYC's counterproposal implicates only the proposals for Presque Isle and Harrisville, Michigan.

Counterproposal

Community	Present	Proposed
Harrisville	--	232A
Presque Isle	--	279A
Ossineke	--	226C3
East Tawas	--	224A
Atlanta	223C1	282C3
Vanderbilt	--	223C1

In connection with this proposal, WBYC requests that its license be modified to specify operations at Vanderbilt instead of Atlanta, Michigan.

Technical Showings

The engineering statement attached as Exhibit 1 shows that WBYC's proposals comply with minimum spacing requirements to all existing stations, applications and allotments, including those in Canada.

This counterproposal can be accepted as such because (i) the Channel 226C3 proposal for Ossineke conflicts with both the *NPRM*'s Channel 227A proposal for Presque Isle and the proposal to assign Channel 226A to Harrisville, (ii) the reallotment of Channel 223C1from Atlanta to Vanderbilt is needed to facilitate the allotment of Channel 226C3 to Ossineke and the allotment of Channel 224A to EastTawas; and (iii) the allotment of Channel 282C3 to Atlanta as a "backfill" channel will assure that Atlanta continues to have a local service.

The engineering statement also shows that while the proposed allocations will create a small loss area, the area and population affected are relatively small and are well served with five

(5) or more aural services. Moreover, the overall *gain* in area and population that would receive new aural services through adoption of the counterproposal (3863 square km/56,208 persons) offsets the loss of service to well-served areas. Engineering Statement, pp. 10-12.

The Counterproposal Presents a Preferential Allotment Scheme

WBYC's counterproposal accommodates each of the allotment requests which gave rise to the *NPRM; i.e,* both Harrisville and Presque Isle would receive new stations as proposed in the *NPRM.* Additionally, significant public interest benefits will result from the reallotment of Channel 223C1 from Atlanta to Vanderbilt, which will provide the latter community with its first local service, and from the allotment of Channels 226C3 and 224A to Ossineke and East Tawas, respectively, as first local services for those communities. Thus, this counterproposal should be preferred because (i) its adoption would result in the initiation of *four* first local services instead of one, as well as a second local service (to Harrisville)[2]; (ii) no community would lose a service,[3] or an opportunity for a first local service; and (iii) as shown below, the additional communities added through this counterproposal, Vanderbilt, Ossineke and East Tawas, need and deserve first local services.

Vanderbilt Is Deserving of a First Local Service

Vanderbilt is located in Corwith Township (2000 population 1,719) and Ostego County (population 23,301), in an important recreational area in northern Michigan's "lower peninsula." Vanderbilt, population 587, is incorporated as a general law village. The community's website,

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[2] NCE-FM Station WJOJ, 89.7 MHz, also is assigned to Harrisville.

[3] Channel 282C3 would be substituted as a "backfill" channel for Channel 223C1 at Atlanta.

portions of which are attached as Exhibit 2,[4] shows that Vanderbilt has a president, a mayor *pro tem*, a five-member village council, a village clerk, a treasurer, a fire chief, a fire and rescue department, a public school system, a village attorney and zoning administrator, a street administrator and a webmaster. The village is considering installation of a water and sewer system. Vanderbilt has its own zip code (49795). The Corwith Township Hall, located in Vanderbilt, seats 300 persons as is a branch of the Ostego County Library. The Township Hall accommodates the township supervisor, a deputy supervisor, three township trustees and the Township Hall administrator. The township includes the 33,280-acre Pigeon River Country Forest, which has streams for fishing as well as camp sites and nature trails. Local businesses include an Internet newspaper (*Our Home Town News*), Regan Consulting (workers compensation, employment safety and training services), the Cyber Café (Internet access plus computer sales and service) Sturgeon Valley Wildlife and Taxidermy, Five-H Industries and a branch of the First National Bank of Gaylord. The Black Bear Golf Resort at Vanderbilt provides 18 holes of golf, a restaurant, and townhouse condominiums and homesites.

The village of Vanderbilt is larger than the proposed allotment community of Harrisville, which had a 2000 population of 514. Similarly, Corwith Township (population 1719) is larger than Presque Isle Township, which had a 2000 population of 1691.[5]

Although television channel 45 is assigned to Vanderbilt, in 1998 the Commission authorized that facility to operate as a satellite of Station WGKI, Channel 33 (Fox), Cadillac,

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[4] Except for population data, which was obtained from the Bureau of the Census web site, (footnote continued from previous page) all information in this paragraph was derived from the Village of Vanderbilt's website.

[5] The Bureau of the Census does not list a population for a village or town of Presque Isle.

Michigan, and Channel 45 has no local studios. *See GRK Productions Joint Venture,* 13 FCC Rcd 12168 (MM Bur. 1998). Vanderbilt has no AM or FM radio stations and no unoccupied FM allotment.

Ossineke Is Deserving of a First Local Service

Ossineke is an unincorporated village located in Ossineke Township, Alpena County, Michigan. The village is recognized as a census-designated place ("CDP") with a population of 1,059 persons (Census 2000). Ossineke has its own post office and zip code (49766), and many local businesses that provide valuable services to the community and surrounding area. For example, there are six (6) churches located in Ossineke, two (2) restaurants, a local office of the main area credit union, and five (5) bed and breakfasts and motels. Both the Ossineke Township Hall, and the Sanborn Township Hall are located in the village of Ossineke, lending support to the conclusion that the village is seen as the social, economic and political center of this largely-rural area. *See* Exhibit 3 (prints from Census 2000, US Postal Service website, Yahoo Yellow Pages, Alpena County Schools' website and Enchanted Forest website).

Alpena County was the first countywide school district in Michigan, and runs one of the largest geographic school districts in the state. The district serves more than 5,600 students with ten elementary schools, one junior high school, and one high school. One of the elementary schools, Sanborn Elementary, is located in the heart of Ossineke and serves 195 students from Ossineke and the surrounding area. Alpena County also provides fire and police service to the entire county, including Ossineke. *Id.*

Given the Bureau of the Census' recognition of Ossineke as a CDP; the presence of a number of local businesses, including motels and a credit union; the existence of a local

elementary school, post office and township government offices; and the accessibility of municipal services from Alpena County; it is clear that Ossineke is a "community" for allotment purposes. Moreover, the attached engineering study demonstrates that Channel 226C3 can be allotted to Ossineke in accordance with applicable domestic and international spacing requirements, thus providing the community its first local service.

East Tawas Is Deserving of a First Local Service

East Tawas is an incorporated city located in Iosco County. With a population of 2,951 persons (Census 2000), East Tawas has its own mayor, Robert Elliot, its own six-person town council, its own police and fire departments, library, parks and recreation department, and a housing commission. East Tawas also has its own post office and zip code (48730). Moreover, East Tawas has a substantial number of local business and organizations serving the local community, including 16 restaurants, 12 churches, and eight (8) bed and breakfasts and motels. *See* Exhibit 4 (prints from Census 2000, US Postal Service website, City of East Tawas website and YahooYellow Pages).

Under all applicable Commission precedent, therefore, East Tawas is a "community" for allotment purposes. As the attached engineering shows, Channel 224A can be allotted to East Tawas in accordance with both domestic and international spacing requirements, thus providing East Tawas its first local transmission service.

Summary and Statement of Interest

Based on the foregoing, Vanderbilt, Ossineke and East Tawas qualify as communities for allotment purposes and are otherwise eligible for assignment of FM stations. Moreover, the public interest would be served through adoption of WBYC's counterproposal because (i) new

allotments for Harrisville and Presque Isle still can be accommodated as proposed in the *NPRM;* (ii) additional new first aural services can be added to Vanderbilt, Ossineke and East Tawas ; (iii) Atlanta will not lose its sole aural service if the counterproposal is adopted because a Class C3 backfill channel is available; and (iv) no underserved areas will be created or abandoned through the proposed reallocations.

Should WBYC's license be modified to specify operations on Channel 223C1 at Vanderbilt, WBYC will promptly file an application for the new facility and will, upon approval if its application, construct and operate Station WBYC at Vanderbilt, Michigan. Additionally, should the Commission make new allotments to Ossineke and East Tawas, WBYC will file an application for each of those facilities and, if successful in the follow-up auctions, will construct and operate new FM stations at Ossineke and East Tawas, Michigan.

WHEREFORE, These Matters Considered, It is respectfully requested that the Commission amend the FM Table of Allotments, Section 73.202(b) of the rules, in accordance with the allocation scheme set forth above.

Respectfully submitted,

NORTHERN MICHIGAN RADIO, INC.

By_____
Harry C. Martin
Lee Petro
Its Attorneys

Fletcher, Heald & Hildreth, P.LC.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209
703-812-0400

July 8, 2002

Exhibit 1

Engineering Statement

CARL T. JONES
CORPORATION

STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF A COUNTERPROPOSAL
IN MB DOCKET NO. 02-106, RM-10416, AND
MB DOCKET NO. 02-108, RM-10418

Petitioner: Northern Michigan Radio, 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 Michigan Radio, Inc. ("Northern Radio"), licensee of WBYC(FM), Atlanta, Michigan, to prepare this statement and the supporting technical exhibit in support of a counterproposal in MB Docket Nos. 02-106 and 02-108. On May 1, 2002, the Audio Division adopted a *Notice of Proposed Rulemaking* ("NPRM") in response to two Petitions for Rulemaking filed by Northern Paul Bunyan Radio Company ("lead petitioner"). The NPRM set forth the lead petitioner's requests to modify Section 73.202(b) of the FCC Rules by adding Channel 227A at Presque Isle, Michigan (MB Docket No. 02-106) and Channel 226A at Harrisville, Michigan (MB Docket No. 02-108). The NPRM established a Comment date of July 8, 2002, in both proceedings.

Northern Radio herein submits an alternate allotment plan which will accommodate the new first local service at Presque Isle and the new second local service at Harrisville

which were advanced in the NPRMs *in addition to* three more new first local services at Vanderbilt, Michigan (587 persons)[1], Ossineke, Michigan (1,059 persons), and East Tawas, Michigan (2,951 persons).

Radio station WBYC(FM), Atlanta, MI, is currently licensed to operate on Channel 223C1 (FCC File No. BLH-19881107KA). Northern Radio herein proposes the relocation and reallocation of Channel 223C1 from Atlanta, Michigan, to Vanderbilt, Michigan. Because Channel 223C1 is the only local service currently assigned to Atlanta, Michigan, Northern Radio proposes herein to add Channel 282C3 at Atlanta in lieu of Channel 223C1.

The proposed relocation of Channel 223C1 allows for the addition of Channel 226C3 at Ossineke, Michigan, which is in direct conflict with the lead petitioner's proposed Channel 226A at Harrisville and the lead petitioner's proposed Channel 227A at Presque Isle. Further, the proposed relocation of Channel 223C1 allows for the addition of Channel 224A to provide a new first local service at East Tawas, Michigan.

Finally, Northern Radio has identified two alternate channels which would allow the two new first local services at Presque Isle and Harrisville as advanced in the NPRMs.

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[1] All of the population figures contained herein are based on the 2000 U.S. Census of Population.

Accordingly, the instant counterproposal requests that Section 73.202(b) of the FCC Rules be modified in the following manner:

	Present	Proposed
Atlanta, MI	223C1	282C3
Vanderbilt, MI	----	223C1
Ossineke, MI	----	226C3
East Tawas, MI	----	224A
Presque Isle, MI	----	279A
Harrisville, MI	----	232A

WBYC(FM), Atlanta, MI, Channel 223C1 to Vanderbilt, MI, Channel 223C1

As stated above, the proposed arrangement of allotments will allow WBYC(FM) to relocate as a fully-spaced maximum Class C1 facility in order to provide a new first local service to Vanderbilt, Michigan. An engineering study of all pertinent allotments, assignments and applications revealed that Channel 223C1 can be reallotted to Vanderbilt, Michigan with a site restriction of 10.2 kilometers northeast. The allotment reference coordinates for Channel 223C1 at Vanderbilt, Michigan, are **45° 13' 24" N.L. and 84° 35' 59" W.L.** [2] The Vanderbilt allotment reference site meets allotment standards, the

[2] These are the coordinates of an existing tower, FCC registration number 1056682.

minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC Rules.

Because the Vanderbilt, Michigan, allotment reference site is within 320 kilometers of common border between Canada and the United States of America, the instant proposal must satisfy the terms and conditions of the September, 1984, *Working Agreement For Allotment and Assignment of FM Broadcasting Channels 201-300 Under the Canadian-U.S.A. FM Broadcasting Agreement of 1947* (hereinafter, "Canadian Agreement"). The Channel 223C1 allotment reference site is fully-spaced with respect to all Canadian Allotments and Assignments considering the minimum distance separations contained in Section 2.4 of the Canadian Agreement.

Radio station WBYC(FM) is presently the only local aural service assigned to Atlanta, Michigan (757 persons). To permit the proposed WBYC(FM) relocation and reallocation, Northern Radio requests that Channel 282C3 be added at Atlanta, Michigan, in lieu of Channel 223C1, as described below.

Channel 282C3 at Atlanta, Michigan, in lieu of Channel 223C1

An engineering study of all pertinent allotments, assignments and applications revealed that Channel 282C3 can be allotted to Atlanta, Michigan (757 persons) with a site restriction of 18.0 kilometers southwest. The allotment reference coordinates for Channel 282C3 at Atlanta, Michigan, are **44° 51' 15" N.L. and 84° 13' 43" W.L.** The Atlanta

allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC Rules.[3]

Because the Atlanta, Michigan, allotment reference site is within 320 kilometers of common border between Canada and the United States of America, the instant proposal must satisfy the terms and conditions of the Canadian Agreement. Considering the minimum distance separations contained in Section 2.4 of the Agreement, the proposed Atlanta allotment reference site is fully spaced with respect to all Canadian allotments and assignments with the exception of a 65.39 kilometers short-spacing to an unrestricted Canadian allotment for CJQM-FM, Sault Ste. Marie, Ontario, on Channel 282C.

According to Section 5.1.2.1 of the Canadian Agreement the Canadian Class C allotment is protected within Canada to its 58 dBu F(50,50) contour. According to Section 5.1.2.3 of the Canadian Agreement, the domestic Class C3 interfering contour to the cochannel Canadian Class C assignment is the 38 dBu F(50,10) contour. Based on maximum Class C3 parameters (25 kW ERP @ 100 m HAAT), the maximum 38 dBu F(50,10) interfering contour distance is 125.1 kilometers. The nearest Canadian land is the shore of Cockburn Island in Lake Huron, located 127 kilometers from the Atlanta allotment reference site. Because the maximum Class C3 interfering contour from the proposed allotment reference site does not reach Canadian land, the proposed domestic allotment

[3] It should be noted that the proposed Channel 282C3 at Atlanta is 39.16 kilometers short-spaced to the FCC database coordinates for the proposed addition of Channel 281A at Ossineke, Michigan. At this time, the rulemaking proposal to add Channel 281A at Ossineke has not been the subject of an NPRM or otherwise cutoff. Although the proposed Channel 282C3 at Atlanta is mutually exclusive with the previously filed proposal to add channel 281A at Ossineke, the instant counterproposal offers an upgraded class channel (Channel 226C3) for the first new local service at Ossineke.

will cause no interference to Canadian channel 282C within Canada. Accordingly, consistent with FCC precedent, Northern Radio requests Canadian concurrence for Channel 282C3 as a specially negotiated, short-spaced allotment.[4]

Add Channel 226C3 at Ossineke, Michigan

An engineering study of all pertinent allotments, assignments and applications revealed that Channel 226C3 can be added to Ossineke, Michigan (Ossineke is a Census Designated Place with a 2000 population of 1,059 persons) with a site restriction of 1.9 kilometers northeast. The allotment reference coordinates for Channel 226C3 at Ossineke, Michigan, are **44° 54' 49" N.L. and 83° 25' 39" W.L.** The Ossineke allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 (except as noted below) and the city-grade coverage requirements of §73.315 of the FCC Rules.

The proposed Ossineke allotment reference site is 111.52 km short-spaced to the allotment reference site for Channel 226A, at Harrisville, Michigan, and 45.42 km short-spaced to the allotment reference site for Channel 227A, at Presque Isle, Michigan. As stated earlier, the instant proposal is considered a counterproposal in the both the Harrisville and Presque Isle proceedings.

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[4] See Report and Order, *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Canton and Morristown, New York)*, MM Docket No. 99-362, Adopted December 8, 1999, Released December 17, 1999; and Report and Order, *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Saranac Lake and Westport, New York)*, MM Docket No. 99-83, Adopted April 19, 2000, Released April 28, 2000.

In addition, the proposed Ossineke allotment reference site is 2.11 km short-spaced to the currently licensed transmitter site for the WBYC(FM), Atlanta, Michigan (Channel 223C1). The WBYC(FM), Vanderbilt, Michigan, (Channel 223C1) reference coordinates proposed herein are fully-spaced to the proposed allotment reference site at Ossineke (Channel 226C3).

Because the Ossineke, Michigan, allotment reference site is within 320 kilometers of common border between Canada and the United States of America, the instant proposal must satisfy the terms and conditions of the Canadian Agreement. The Channel 226C3 allotment reference site is fully-spaced with respect to all Canadian Allotments and Assignments considering the minimum distance separations contained in Section 2.4 of the Canadian Agreement.

Add Channel 224A at East Tawas, Michigan

With the proposed reallocation and relocation of WBYC(FM), an engineering study of all pertinent allotments, assignments and applications revealed that Channel 224A can be added to East Tawas, Michigan (2,951 persons) with no site restriction. The allotment reference coordinates for Channel 224A at East Tawas, Michigan, are **44° 16' 46" N.L. and 83° 29' 25" W.L.** The East Tawas allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 (except as noted below) and the city-grade coverage requirements of §73.315 of the FCC Rules.

Because the East Tawas, Michigan, allotment reference site is within 320 kilometers of common border between Canada and the United States of America, the instant proposal

must satisfy the terms and conditions of the Canadian Agreement. The Channel 224A allotment reference site is fully-spaced with respect to all Canadian Allotments and Assignments considering the minimum distance separations contained in Section 2.4 of the Canadian Agreement.

Add Channel 279A at Presque Isle, Michigan

In order to accommodate the lead petitioner's request for a new first local service at Presque Isle, an engineering study of all pertinent allotments, assignments and applications revealed that Channel 279A can be added to Presque Isle, Michigan with no site restriction. The allotment reference coordinates for Channel 279A at Presque Isle, Michigan, are **45° 18' 15" N.L. and 83° 28' 37" W.L.** The Presque Isle allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 (except as noted below) and the city-grade coverage requirements of §73.315 of the FCC Rules.

The proposed Presque Isle allotment reference site is 14.07 kilometers short-spaced to the FCC database coordinates for a vacant allotment on Channel 279C2 at Harbor Beach, Michigan. However, the Channel 279C2, Harbor Beach allotment is no longer vacant as there is a outstanding construction permit authorized to WCZE(FM), Harbor Beach, MI, on Channel 279C2 (FCC File No. BPH-19950223MC).[5] The proposed Presque Isle Channel 279A allotment reference site is fully-spaced to the transmitter site authorized in the outstanding WCZE(FM) Construction Permit. Consequently, consistent with Media

[5] The WCZE(FM) construction permit was granted on March 18, 2002, and does not expire until March 18, 2005.

Bureau precedent, the proposed Presque Isle allotment reference site satisfies allocation considerations with respect to the Harbor Beach allotment and construction permit.[6]

Because the Presque Isle, Michigan, allotment reference site is within 320 kilometers of common border between Canada and the United States of America, the instant proposal must satisfy the terms and conditions of the Canadian Agreement. The Channel 279A allotment reference site is fully-spaced with respect to all Canadian Allotments and Assignments considering the minimum distance separations contained in Section 2.4 of the Canadian Agreement.

Add Channel 232A at Harrisville, Michigan

In order to accommodate the lead petitioner's request for a new second local service at Harrisville, an engineering study of all pertinent allotments, assignments and applications revealed that Channel 232A can be added to Harrisville with no site restriction. The allotment reference coordinates for Channel 232A at Harrisville, Michigan, are **44° 39' 22" N.L. and 83° 17' 41" W.L.** The Harrisville allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC Rules.

Because the Harrisville, Michigan, allotment reference site is within 320 kilometers of common border between Canada and the United States of America, the instant proposal

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[6] See Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sibley, Iowa, and Brandon, South Dakota), *Report and Order*, MM Docket No. 96-66, paragraph 4, 63 FR 64876 (1998).

must satisfy the terms and conditions of the Canadian Agreement. Considering the minimum distance separations contained in Section 2.4 of the Agreement, the proposed Harrisville allotment reference site is fully spaced with respect to all Canadian allotments and assignments with the exception of a 6.11 kilometer short-spacing to a vacant, unrestricted, specially negotiated, short-spaced Canadian allotment at Little Current, Ontario (Channel 231C1).

According to Section 5.1.2.1 of the Canadian Agreement the Canadian Class C1 allotment is protected within Canada to its 54 dBu F(50,50) contour. According to Section 5.1.2.3 of the Canadian Agreement, the domestic Class A interfering contour to the first-adjacent channel Canadian Class C1 allotment is the 48 dBu F(50,10) contour. Based on maximum Class A parameters (6 kW ERP @ 100 m HAAT), the maximum 48 dBu F(50,10) interfering contour distance is 59.6 kilometers. The Harrisville maximum interfering contour does not overlap the Little Current protected contour nor does it cover any portion of Canadian land. Accordingly, consistent with FCC precedent, Northern Radio requests Canadian concurrence for Channel 232A as a specially negotiated, short-spaced allotment.[7]

Public Interest Benefits

Exhibit 1 shows the present and proposed primary service circles using uniform terrain and assuming omnidirectional signals operating at maximum facilities for all classes

[7] See note 4.

of stations (there are no Class C stations in the Northern Radio counterproposal).[8] For the WBYC(FM) Class C1 allotments, 72 km radius circles are shown on Exhibit 1. For the Class C3 allotments at Ossineke and Atlanta, Michigan, a 39 km circles are shown and, for the Class A allotments, 28 km circles are shown. The primary service circles for other FM services, and gain and loss areas are also shown on Exhibit 1.

A population of 182,282 persons (in a land area of 13,030 km²) is within the proposed Vanderbilt, Michigan, Channel 223C1 primary service circle. The present Atlanta, Michigan, Channel 223C1 primary service circle contains 198,471 persons within a land area of 15,650 km².

The Channel 223C1 loss area (a land area of 4,203 km²) contains a population of 44,558 persons. Of these 44,558 persons within the Channel 223C1 loss area, 15,522 persons would be served by the proposed allotments at Atlanta, Presque Isle and Harrisville. Thus, the coverage area of these three allotments would reduce the Channel 223C1 loss area to 1,620 km² and would reduce the population within the Channel 223C1 loss area to 15,522 persons. The entire Channel 223C1 loss area is served by a minimum of 5 FM services. Consequently, this area is considered "well-served".

The Channel 223C1 gain area (a land area of 1,507 km²) contains a population of 28,665 persons. Consequently, the proposed relocation and reallocation of the Atlanta, Michigan, assignment will result in a Channel 223C1 net loss area of only 183 km² while a net of 13,143 persons would gain service as a result of the relocation and reallocation of

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[8] See Report and Order, *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kuna, Idaho)*, MM Docket No. 99-207, March 1, 2000, Released March 17, 2000.

WBYC. The entire Channel 223C1 gain area is served by a minimum of 5 FM services. Consequently, this area is considered "well-served".

Further, the proposed allotments at Presque Isle, Ossineke, Harrisville and East Tawas will provide an additional 43,065 persons (in a land area of 2,539 km²) with new a new aural service (this entire population and area is outside the present WBYC (Channel 223C1) 60 dBu circle). The entire gain area created by the proposed new services at Presque Isle, Ossineke and Harrisville is also well-served. The proposed addition of Channel 224A at East Tawas will provide a presently underserved 7 square kilometer area (population 57 persons) with a fifth aural service.[9]

Public Interest Summary

The proposed arrangement of allotments would allow for a new first local aural service at four communities: Vanderbilt, Ossineke, East Tawas, and Presque Isle and a new second local service at Harrisville, Michigan.[10] New primary service coverage will be extended to 56,208 persons within a land area of 3,863 km². Any loss area created by the proposed arrangement of allotments will remain well-served by at least five aural services. A fifth aural service will be provided to a small underserved area and population near East Tawas.

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[9] The only AM service which serves this area is Class A station WJR [760 kHz] which covers a portion of the East Tawas gain area with daytime 0.5 mV/m groundwave coverage (see dashed Black contour on Exhibit 1). No other AM station was identified which provides nighttime interference free coverage to the East Tawas gain area.

[10] East Tawas currently has applications pending for new noncommercial educational FM facility in the reserved frequency band.

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

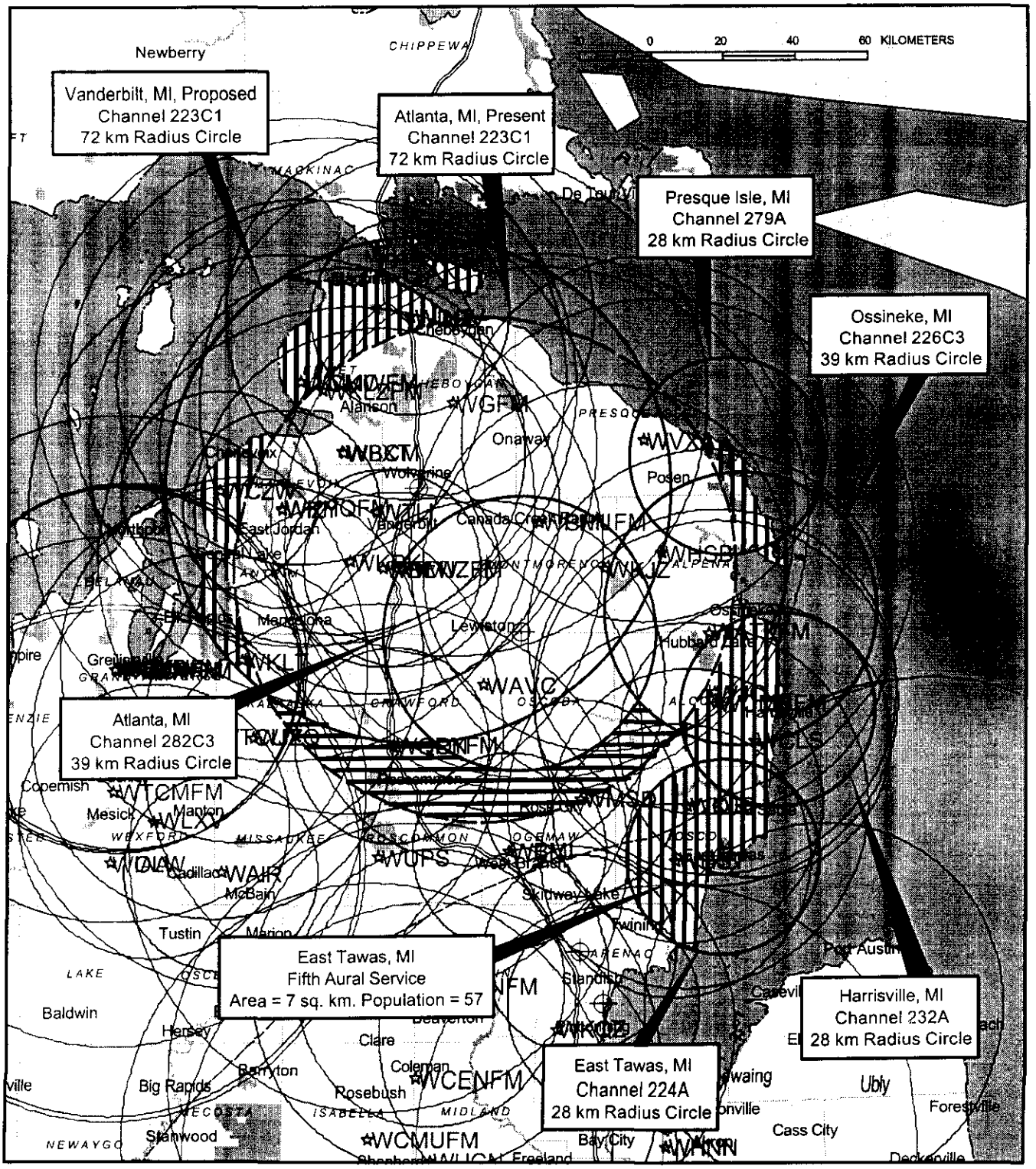
DATED: June 25, 2002

William J. Getz

EXHIBIT 1

Other FM Services (Key to 60 dBu Circles and Class Radius)

Class A: Black, 28 km	Class C1: Green, 72 km
Class C3: Purple, 39 km	Class C0: (none)
Class C2: Blue, 52 km	Class C: Magenta (based on ERP & HAAT)



Channel 223C1 Loss Area

Channel 223C1 Gain Area (Black)
Additional Gain Area (Green)

CARL T. JONES CORPORATION

NORTHERN RADIO COUNTERPROPOSAL
GAIN AND LOSS AREA STUDY
ASSUMING UNIFORM TERRAIN
JUNE, 2002

Exhibit 2

Community Data for Vanderbilt, Michigan

Welcome to Vanderbilt!!

Gateway to the Pigeon River Country State Forest

News *Village of Vanderbilt* *Corwith Township*

Vanderbilt-Corwith Fire & Rescue

Questions?/Comments: Email us! *Vanderbilt Weather* *Business*

Counter By Bizcat
You are Visitor No:
1317372
View Counter Stats

Calendar of Events *Community Resources/Health* *More News!!*

Around Town - Chat Vandy Style

Airview of the Village of Vanderbilt by Tom Serino (circa 1989)P51 Pilot Frank Bennett Ret. DNR

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Vanderbilt, Michigan

Gateway to the Pigeon River Country State Forest

Phone (517) 983-4244
Address: 606 Garfield St
Vanderbilt, Michigan 49795

GOVERNMENT INFORMATION	
Population	675
Sq. Miles	1.1
Form Govt.	General Law Village
Meeting	1st Monday of the month, 7:00p.m.
County	Otsego
Township	Corwith
U.S. Rep	Bart Stupak (1)
State Sen	George McManus, Jr (36)
State Rep	Allen Lowe (105)
President	Elizabeth Haus
Mayor Pro Tem	Kathleen Carrick
Council	Ron Bush, Kathleen Carrick, Charles Hawley, Stuart Bates, Ernie Schuster
Clerk	Sharon Duff
Attorney	Jim Young of Young, Graham and Elsenheimer, PC - Bellaire
Treasurer	Beverley Brado
Fire Chief	Gerald Watkins
Code Enforcement Offficer	vacant
Zoning Administrator	Elizabeth Haus
Street Administrator	Ron Bush
Webmaster	Tom Serino - OUR HOME TOWN News (517) 983-2233

Did you know?? The population of Vanderbilt is approximately 635. The approximate number of families is 281. The amount of land area in Vanderbilt is 2.868 sq. kilometers. The amount of surface water is 0 sq kilometers:. The distance from Vanderbilt to Washington DC is 590 statute miles. The distance to the Michigan state capital is 168 statute miles. (Statute miles are "as the crow flies") Vanderbilt is positioned 45.14 degrees north of the equator and 84.66 degrees west of the prime meridian.

If you have any comments or suggestions, please take a minute to write ourhometown@hotmail.com