

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

**MOTION FOR LEAVE TO FILE**

Northern Michigan Radio, Inc. ("Northern"), hereby submits this "Motion for Leave to File" the attached Supplement. The Supplement provides additional information relating to Northern's Counterproposal (the "Counterproposal") filed with the Commission on July 8, 2002. The Counterproposal was submitted in response 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").

On July 23, 2002, Northern Paul Bunyan Radio Company (NPBRC), the proponent of the NPRM, filed its Reply Comments, arguing that the Counterproposal was "technically deficient" as filed. *NPBRC Reply Comments*, pg. 1. Specifically, NPBRC claims that the failure of Northern to include an expression of interest relating to the allotment of Channel 223C3 at Atlanta, Michigan renders the Counterproposal technically deficient, and not substantially complete.

However, as discussed in the attached Supplement, NPBRC has misstated the standard for determining whether a counterproposal is "technically correct and substantially complete." So that the Counterproposal may be processed without further delay, the Supplement provides

Northern's expression of interest relating to the Atlanta, Michigan allotment.

The Commission will accept supplemental information where the inclusion of the information serves to provide the Commission a complete record.<sup>2</sup> This is especially true where the submission of the supplemental information will not delay the proceeding. *Id.* Since the Commission has yet to release a public notice relating to the Counterproposal, the submission of the Supplement can not be found to delay this proceeding in any way.

Thus, the public interest would be served by the acceptance and consideration of the attached Supplement. The Supplement provides additional information regarding an on-going allotment proceeding, it will not delay the proceeding, nor will the Petitioners be prejudiced by its acceptance.

Respectfully submitted,

**NORTHERN MICHIGAN RADIO, INC.**

By 

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July 25, 2002

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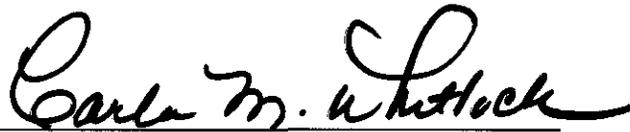
<sup>2</sup> See *Anamosa and Asbury, Iowa*, 12 FCC Rcd 20275, ¶ 6 (1997)(accepting the Supplement so to consider “the public interest benefits of all possible resolutions”); See also *Hartford, Vermont*, 8 FCC Rcd 4920, nt. 1 (1993)(accepting a late filed supplement “in the interest of compiling a complete record in this proceeding.”); *Perry, Florida et. al.*, 7 FCC Rcd 2557, nt. 2 (1992)(accepting a late-filed Supplement to have a complete record and where acceptance would not delay resolution of the proceeding.).

**CERTIFICATE OF SERVICE**

I, Carla Whitlock, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the *Motion for Leave* was sent this 25<sup>th</sup> day of July, 2002, by hand where indicated and via United States First Class Mail, postage prepaid, to the following:

Ms. Sharon P. McDonald \*  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, SW, Room 3-A226  
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\* By hand