

Before the
Federal Communications Commission
Washington, DC 20554

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DEC 12 2002

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations.
(Cheboygan, Rogers City, Bear Lake,
Bellaire, Rapid River, Manistique,
Ludington, Walhalla and
Onaway, Michigan)

MM Docket No. 00-69
RM-9850
RM-9945
RM-9946

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Assistant Chief, Audio Division

SUPPLEMENT

Northern Radio of Michigan, Inc. ("Northern") is submitting the attached "Determination of Presumed Hazard" (the "Determination"), issued December 11, 2002 by the Federal Aviation Administration (the "FAA") in connection with the Supplemental Comments it filed December 2, 2002 in response to the Commission's "Request for Supplemental Information," DA 02-2722, released in this proceeding on October 18, 2002 (the "Request").

The Determination

The Determination shows that the FAA will not approve a tower height above 321 feet (98 meters) above ground at the reference coordinates specified by Fort Bend Broadcasting Company ("Fort Bend") in its Bellaire, Michigan counterproposal.¹ As noted in its Petition for Reconsideration (the "Petition"), at page 6, Fort Bend contends that it could provide line of sight to Bellaire with an antenna height of 299 meters above average terrain, which would require a tower height of 280.2 meters (919.3 feet) above

¹ Due to the numerous problems presented, the FAA recommends that the proposal be abandoned. Determination, page 3.

EH

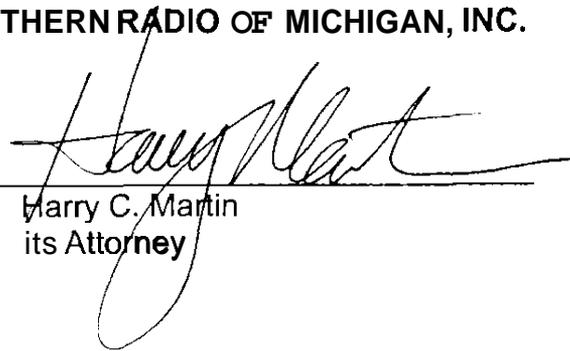
ground.' Thus, the Determination shows definitively that Fort Bend cannot construct a tower of the height it says it needs to provide line of sight to Bellaire.

Good Cause

There is good cause for acceptance of this Supplement. In the Request the Commission said, "At this juncture it is necessary to make a dispositive determination as to the maximum tower height that would receive Federal Aviation Administration approval." Request, para. 3. The Determination provides that information. Further, the Determination is being timely filed only one day after it was received by Northern, on December 11, 2002. Nor will any prejudice be suffered by any party by acceptance of this Supplement. Indeed, Fort Bend, in its Response to Request for Supplemental Information, has stated its intention to file its own supplement after the FAA considers a separately filed Form 7460-1. Acceptance of today's filing will obviate the need for Fort Bend's supplement and thereby expedite resolution of the issues raised in the Petition. Finally, no new issues are raised in this Supplement, which merely provides evidence to support the positions taken in Northern's December 2, 2002 Supplemental Comments.

NORTHERN RADIO OF MICHIGAN, INC.

By



Harry C. Martin
its Attorney

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December 12, 2002

² Petition, Engineering Statement, page 1



Federal Aviation Administration
 Great Lakes Regional Office
 2300 East Devon Avenue-AGL-520
 Des Plaines, IL 60018

AERONAUTICAL STUDY NO.
 2002-AGL-5613-OE
 PRIOR STUDY NO.

Issued Date: 12/11/2002

RICHARD DILLS
 NORTHERN RADIO OF MICHIGAN, INC
 2215 OAK INDUSTRIAL DRIVE, NE
 GRAND RAPIDS, MI 49505

**** DETERMINATION OF PRESUMED HAZARD ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C. Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower
 Location: EAY SHORE. MI
 Latitude: 45-20-48 NAD83
 Longitude: 85-7-46.22
 Heights: 1700 feet above ground level (AGL)
 2478 feet above mean sea level (AMSL)

The initial findings of this study indicated that the structure as described above would exceed obstruction standards and/or would have an adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities. Therefore, pending resolution of the issues described below, it is hereby determined that the structure is presumed to be a hazard to air navigation.

Any height exceeding 321 feet above ground level (1099 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

See attachment for additional information

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

NOTE: PENDING RESOLUTION OF THE ISSUES DESCRIBED ABOVE, THE STRUCTURE IS PRESUMED TO BE A HAZARD TO AIR NAVIGATION. THIS DETERMINATION DOES NOT AUTHORIZE CONSTRUCTION OF THE STRUCTURE EVEN AT A REDUCED HEIGHT. ANY RESOLUTION OF THE ISSUES DESCRIBED ABOVE MUST BE COMMUNICATED TO THE FAA SO THAT A FAVORABLE DETERMINATION CAN SUBSEQUENTLY BE ISSUED.

IF MORE THAN 60 DAYS FROM THE DATE OF THIS LETTER HAS ELAPSED WITHOUT ATTEMPTED RESOLUTION, IT WILL BE NECESSARY FOR YOU TO REACTIVATE THE STUDY BY FILING A NEW FAA FORM 7460-1, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION.

If we can be of further assistance, please contact our office at (847)294
7478. Or any future correspondence concerning this matter, please refer to
Aeronautical Study Number 2002-AGL-5613-OE.

Georgene A. Hawkins

Georgene A. Hawkins
Specialist

(DPH)

Attachment(s)

Attachment

Our study **has** determined that the above referenced **proposal** is within an instrument flight rule (IFR) surface. **Any height greater than 321'AGL/1099'AMSL** will have an adverse impact to many IFR approach and departure procedures at Charlevoix Muni Airport, Charlevoix, MI.

In order to reduce TFR impact, please provide, certified engineering/survey data from a professional engineer, architect or surveyor, on the certifier's letterhead regarding the proposed site location and height in the following exact format:

"For aeronautical study no. _____ I certify that the latitude _____ and longitude _____ are within + 50 feet horizontally: and the site elevation _____ 'AMSL, are **within** + 20 feet vertically. With a planned structure height of _____ 'AGL, the overall height would be _____ 'AMSL. The horizontal datum (coordinates) are in terms of the North American Datum of 1983 (NAD 83) and expressed **as** degrees, **minutes** and seconds. The vertical datum (heights) are in terms of the National Geodetic 'Vertical Datum of 1988, and **are** determined to the nearest foot."

"SIGNED":

(Professional Engineering Title - REQUIRED)

(with seal imprint)

"PRINTED": _____

With the preceding accuracy certification, the proposal **will still** have an **adverse impact** on IFR/VFR procedures, AND **will still be** objectionable due to height. Since there are numerous Part 77 impacts, FAA recommends abandonment of **this** proposal.

After your reply to the certification and the HEIGHT REDUCTION is received, we will **complete** our study.

Aeronautical Study No. 02-AGL-5613-OE

CERTIFICATE OF SERVICE

I, Joan P. George, a secretary with the law firm of Fletcher, Heald & Hildreth, PLC, do hereby certify that on this 12th day of December, 2002, true copies of the foregoing *Supplemental* were hand-delivered or mailed first-class, postage prepaid, to the following:

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Washington, D.C. 20554

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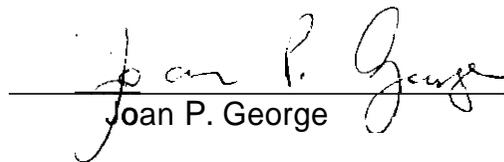
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Counsel for Todd Stuart Noordyk
Counsel for MacDonald Garber Broadcasting


Joan P. George

* By hand delivery.