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JAMES P. RILEY
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KATHLEEN VICTORY
JENNIFER DINE WAGNER*
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ATTORNEYS AT LAW

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ROBERT M. GURSS*
WRITER'S DIRECT

*NOT ADMITTED IN VIRGINIA

February 13, 2004

RECEIVED

FEB 13 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: Petition for Rule Making
FM Table of Allotments, Section 73.202(b)
Baudette, Minnesota

Dear Ms. Salas:

Transmitted herewith, on behalf of R.P. Broadcasting, Inc., are an original and four copies of its Petition for Rule Making, which seeks amendment of Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, to add Channel 233C1 at Baudette, Minnesota, as that community's first local radio transmission service.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump
Counsel for R.P. Broadcasting, Inc.

Enclosures

No. of Copies rec'd 014
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MB 04-18

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Counsel for R.P. Broadcasting, Inc.

Enclosures

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 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.)
(Baudette, Minnesota))

MM DOCKET NO. _____
RM- _____

PETITION FOR RULE MAKING

R.P. Broadcasting, Inc. ("R.P."), by counsel, hereby respectfully requests that Section 73.202(b) of the Commission's Rules, the Table of Allotments for FM Broadcast Stations, be amended to add Channel 233C1 at Baudette, Minnesota, as that community's first local transmission service. With respect thereto, the following is submitted:

1. R.P. is seeking the allotment of Channel 233C1 at Baudette, Minnesota, to provide that community with its first local broadcast transmission service. As set forth in the attached Engineering Statement, the proposed allotment can be made in compliance with the Commission's Rules and polices. See Exhibit 1. Specifically, the proposed allotment of Channel 233C1 meets all separation requirements and also complies with the Commission's city coverage requirements.

2. Further, Baudette is a thriving community in need of local radio service. Baudette is incorporated and is the county seat of Lake of the Woods County. See <http://www.co.lake-of-the-woods.mn.us/history.htm>; http://home.att.net/~Local_History/LakeoftheWoods-Co-MN.htm, as visited on January 21, 2004, printouts of which are attached hereto as Exhibit 2. The city had a 2000 U.S. Census population of 1,104 persons. Lake of the Woods County had a 2000 U.S.

Census population of 4,522. This figure represents an eleven percent increase over the county's 1990 U.S. Census population of 4,076.

3. As the county seat, Baudette is both a business and a governmental center. The county offices, including those for the county attorney, the county assessor, the county commissioners, and the sheriff's department are located in Baudette. See <http://www.co.lake-of-the-woods.mn.us/departments.htm>, as visited on January 21, 2004. The community of Baudette also has its own Post Office and zip code. Thus, the public services normally expected of a community are to be found in Baudette. In addition, an office of the U.S. Immigration and Naturalization Service is located in Baudette.

4. Baudette is home to a full range of elementary and secondary schools, as well. The schools for the Lake of the Woods County school system are located in Baudette. These schools include Lake of the Woods Elementary School, which covers grades Pre-K through 6, and Lake of the Woods Secondary School, which covers grades 7 through 12. See <http://www.schoolmatch.com>, as visited on January 20, 2004. The Lake of the Woods County Museum is also located in Baudette.

5. Baudette has a number of churches available to serve the spiritual needs of its residents. There are fifteen churches of at least eleven denominations or nondenominational affiliations located in Baudette. See www.lakeofthewoodsmn.com/community/churches.html, as visited on January 20, 2004.

6. A variety of health facilities also are available in Baudette. These include a hospital, LakeWood Health Center, as well as a clinic, a dental office, an optometrists' offices, chiropractic clinics, and massage therapists. In addition, a pharmacy is located in Baudette. See

www.lakeofthewoodsmn.com/community/directory.html, as visited on January 28, 2004.

7. Furthermore, a weekly newspaper, *The Northern Light* is published in Baudette. See www.rrv.net/page1pub/northernlight.htm, as visited on January 28, 2004. This publication covers the news events of Baudette and Lake of the Woods County.

8. The importance of Baudette as a business center is illustrated by the varied array of businesses located there. These include three banks, as well as a variety of shops and other services. These establishments range from Baudette Laundromat to florists such as Floral Expressions and Cedar Spur Creations to a formal wear shop to chain retail outlets such as Ben Franklin and a J.C. Penney Catalog Sales center. Many other establishments also are located in Baudette, including such an unusual business as Mord Sheep Wagons, along with more ordinary businesses such as antique shops, clothing stores, and grocery stores. The services available include attorneys' offices, auto repair, beauty shops, and gas stations, among many others. See www.lakeofthewoodsmn.com/community/directory.html, as visited on January 28, 2004. Further, Baudette is home to a number of restaurants and other eating establishments, including the Ranch House, Rosalie's Restaurant & Lounge, Main Mug & Bakery, and Williams Cafe.

9. Baudette offers hospitality to visitors at local motels, including AmericInn Rooms & Suites and Baudette Motel, and a number of tourist resorts and lodges located in and around Baudette. *Id.* The community also is home to Baudette International Airport.

10. In addition, the Lake of the Woods Area Industrial Development Corporation controls and is developing an Industrial Park on the south side of the city of Baudette. It owns a 4,600 square foot building in the Industrial Park, and it is in the planning stages of constructing a second building. A number of businesses are already located in the Industrial Park, including

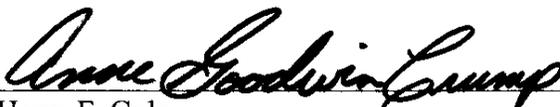
Pirk's Carpets, Erickson Electric, the Lake of the Woods Recycling Center, and Solvay Pharmaceuticals, which is a multinational pharmaceutical manufacturing corporation. See Exhibit 3. Thus, it is clear that Baudette has a thriving business and industrial community.

11. Based upon all of these factors, it is clear that Baudette is a vibrant community in need of a local broadcast outlet. Baudette not only is the county seat but also is the business center of Lake of the Woods County. It has to county offices and the accompanying local governmental services offered there. Channel 233C1 can be allotted to Baudette in accordance with the Commission's rules and policies. R.P. is eager to provide a first local radio service to Baudette. In the event that Channel 233C1 is allotted to Baudette, R.P. will apply for a construction permit for those facilities upon the opening of a filing window, and, upon grant, will expeditiously construct such facilities in accordance with its permit.

WHEREFORE, the premises considered, R.P. respectfully requests that the FM Table of Allotments be amended to add Channel 233C1 at Baudette, Minnesota.

Respectfully submitted,

R.P. BROADCASTING, INC.

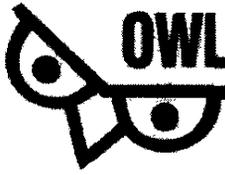
By: 
Harry F. Cole
Anne Goodwin Crump

Its Counsel

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

February 13, 2004

EXHIBIT 1



OWL ENGINEERING & EMC TEST LABS, INC.

CONSULTING COMMUNICATIONS ENGINEERS • EMC TEST LABORATORIES

MINNESOTA OFFICE
5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

800-797-1338

MICHIGAN OFFICE
27451 Everett Street, Southfield, MI 48076
248-557-7274 • Fax 248-557-7275

**ENGINEERING STATEMENT ON BEHALF OF
RP BROADCASTING
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 233 C1 BAUDETTE, MINNESOTA**

JANUARY 2, 2004



OWL ENGINEERING & EMC TEST LABS, INC.

CONSULTING COMMUNICATIONS ENGINEERS - EMC TEST LABORATORIES

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800-797-1338

Owl Engineering, Inc. has been retained by **RP Broadcasting** to prepare this engineering statement in support of a Petition to Amend the FM Table of allotments, FCC Rule Section 73.202(b) as follows:

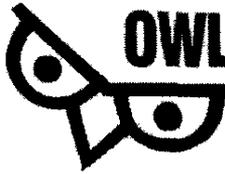
<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Baudette, Minnesota	None	233 C1

The reference coordinates for the transmitter location used in this study are:

<p>NAD 27 48° 42' 52" North Latitude 94° 35' 32" West Longitude</p>
--

These coordinates are based on the reference coordinates for the transmitter location needed to provide coverage to the community of Baudette, Minnesota. The community of Baudette has a population of 1,146 persons based on US Census data. The reference site is 1 kilometer at an azimuth of 90° from the center city coordinates of Baudette, Minnesota.

An engineering study was performed to determine compliance with FCC Rule Section 73.207 regarding the Commission's minimum mileage spacing requirements. Included as Engineering Exhibit E-1 is a channel allocation study based on the reference coordinates listed above. As can be seen from this exhibit, RP Broadcasting's proposal is in complete conformance with FCC Rule Section 73.207. There is an area to locate a transmitter site that will satisfy these minimum mileage spacing requirements and FAA obstruction concerns.



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Further analysis was performed to determine compliance with FCC Rule Section 73.315 regarding City Grade (70-dBu) service to the community of Baudette. The effective antenna height for each of the eight standard 45-degree spaced radials, along with the radial through the principal community was used in conjunction with the F(50,50) metric curves of Figure 1 of Section 73.333 of the Rules was used to determine the distances to the 70 dBu coverage contour, as required by the Rules. This analysis shows that all of Baudette will receive a signal in excess of 70 dBu, meeting the coverage requirements of the Rules. Figure 1 shows the predicted 70-dbu-signal coverage contour.

An engineering study was performed to determine the number of persons predicted to be served by a Class C1 facility located at the reference coordinates. The 60-dBu contour was calculated for a maximized Class C1 facility and it was determined that a total of 10,982 persons are encompassed within the 16,277 sq kilometer predicted signal coverage area.

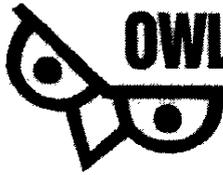
Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Baudette, Minnesota with a First local full time broadcast service.
2. The proposal meets the requirements of FCC Rule Section 73.315.
3. The proposal meets the requirements of FCC Rule Section 73.207.
4. Based on 2000 US Census data 10,982 persons will be served by a signal of 60 dBu or greater with a transmitter located at the reference coordinates.

Respectfully Submitted,

A handwritten signature in black ink that reads "Garrett G. Lysiak".

Garrett G. Lysiak, P.E.



OWL ENGINEERING & EMC TEST LABS, INC.

CONSULTING COMMUNICATIONS ENGINEERS - EMC TEST LABORATORIES

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5844 Hamline Avenue North, Shoreview, MN 55125
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MICHIGAN OFFICE
27451 Everett Street, Southfield, MI 48076
248-557-7274 • Fax 248-557-7275

800-797-1338

ENGINEERING EXHIBIT E-1

CHANNEL ALLOCATION STUDY

Job title:
Proposed latitude: N 48 42 52.00
Proposed longitude: W 94 35 32.00
Database file name: C:\FCCdata\2004\
Use pre-1989 Class A spacings?: N

Proposed channel: 233C1

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
233C3	WELY-FM	8497	ELY	MN	CP	113.3	222.1	211.0	
233A	WELY-FM	8498	ELY	MN	LIC	113.3	222.1	200.0	
232C3	KKIN-FM	9220	AITKIN	MN	LIC	161.4	237.3	144.0	
234C2	KSKK	9570	STAPLES	MN	LIC	181.1	240.4	158.0	
234C1	KNOX-FM	10813	GRAND FORKS	ND	LIC	247.6	199.9	177.0	
232C	CHIQFM	10817	WINNIPEG	MB	LIC	302.8	229.5	230.0	-0.5

***** End of channel 233 study *****

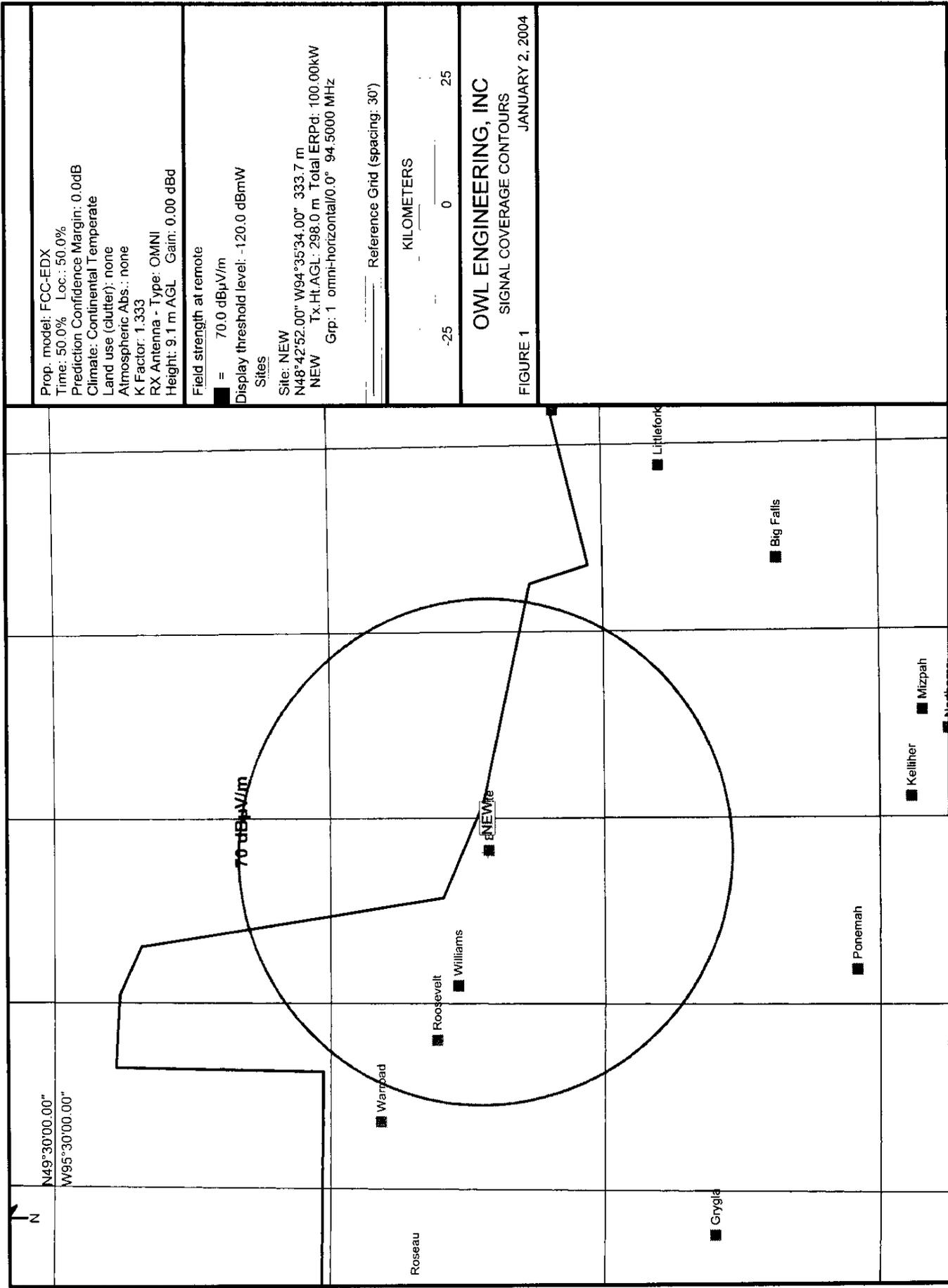
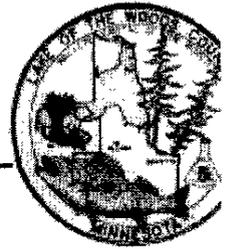


EXHIBIT 2



Lake Of The Woods County

Minnesota's Youngest County



[Home](#)

A BRIEF HISTORY OF LAKE OF THE WOODS COUNTY

[Board Minutes](#)

(Portions reprinted from A Brief History, Lake of the Woods Historical Society)

[Commissioners](#)

[Departments](#)

Lake of the Woods County was organized on November 28, 1922 when a vote by area residents separated the northern townships from Beltrami County. On January 1, 1923, the county officially began operations at its county seat in Baudette.

[FAQs](#)

The history of the Lake of the Woods region began in 1688 when Jacques De Noyon came from Three Rivers, Quebec to become the first white man to view the waters. Prehistorical evidence dates back more than 5,000 years, perhaps extending back 10,000 years to ancient people who followed the retreating glacial ice into the area.

[Forms/Documents](#)

Following Jacques De Noyon's arrival in 1688, there are no known expeditions to the Lake of the Woods area until Pierre La Verendrye came with a party of more than 50 men in 1732. La Verendrye found northern Minnesota populated by Cree, Monsonis, Assiniboine and Sioux Indians. The Ojibwe had not yet pushed as far west as Lake of the Woods. The La Verendrye party was a victim of Indian warfare when Father Aulneau and 19 other men were massacred on an island in the lake by the Sioux war party which had set out to attack a Village of Cree. Today there are two islands on the lake which are identified as Massacre Island. Each has its supporters for being the site of the Massacre. History for the next 75 to 100 years was characterized by the onset of the voyageurs and rivaling fur trading companies.

[Gov't Center](#)

[History](#)

In 1823, members of the International Joint Boundary Commission arrived on the lake. They had been appointed to establish the border between Canada and the United States as it had been designated in the treaty which ended the Revolutionary War. One of the most difficult points of contention was the establishment of the most northwesterly point on the Lake of the Woods. The Commission found a point which they claimed was the most northwesterly spot. However, the surveyors from the two nations differed on just where they had located the spot. The dispute continued for the next century and the final agreement was not signed until the 1920's. The end result was that the U.S. retained possession of the Northwest Angle. As the United States' most northerly point (before the admission of Alaska), the Northwest Angle became Lake of the Woods County's most famous piece of real estate.

[Legal Notices](#)

[Maps](#)

[Statistics](#)

[Area Links](#)

In 1885, the county area got its first permanent settler when Wilhelm Zippel settled on the south shore of the Lake of the Woods at Zippel Bay. He was a German immigrant who worked as a fisherman. Later in that same year, Alonzo Wheeler settled at Wheeler's Point at the mouth of the Rainy River. Thomas Cathcart came to the border area in 1891 and later joined Joe Beaudette, a trapper who would later give his name to the town of Baudette. In 1901 William Mason and George Williams followed the railroad track roadbed to stake claims at the site which would grow into the

community of Williams.

Baudette and Spooner became incorporated villages in 1906. Spooner, informally referred to as East Baudette, took its name from Judge Spooner of Bemidji, who had been instrumental in obtaining the incorporation papers for the town.

On October 4, 1910, a disaster struck the Lake of the Woods area. A forest fire which started east of Williams burned most of the northern half of the county and left 43 people dead. After recovering from the fire, the county experienced another settlement boom. Within the decade following, nearly every 160 acre plot was claimed. Most of these settlements have now disappeared and have been reclaimed by the wilderness.

In November of 1922, the vote for separation from Beltrami County was carried. Local residents had been dissatisfied with the services they had been receiving from Beltrami County in exchange for their tax dollars. The difficulty in making the two or three day train trip to the county seat contributed to this feeling. However, a small population, combined with the Great Depression a few years later, caused financial problems from the start.

Spooner and Baudette combined in 1954, and the courthouse was moved across the bay to the old Spooner school, ending years of squabbling over which town should be the county seat. The courthouse continues to be housed in this building today, with the addition of a new Law Enforcement Center in 1983.

The attractions of Lake of the Woods County are much the same as they were when the pioneers came to settle - fishing, hunting, forest, water, clean air and land. The pioneer spirit which enabled people to overcome the hardships of a wilderness still survives today. May we be wise enough to recognize those factors which make for the quality of life in Lake of the Woods County and prudent enough to preserve and expand them.



Lake of the Woods County History <-> Genealogy

**Lake of the Woods County was first created in 1922 from Beltrami.
The COUNTY SEAT is Baudette.**

Lake of the Woods County is located in northern Minnesota. Neighboring Minnesota counties include: Koochiching county to the east; Beltrami county to the south, and Roseau county to the west. The Canadian Province of Ontario is its northern neighbor.

Most of County is encompassed within the Red Lake Indian Reservation, the Beltrami Island State Forest and/or the Northwest Angle State Forest.

Cities, towns and communities include: Arresen, Baudette, Birch Beach, Carp, Clemenston, Graceton, Hackett, Long Point, Lovedale, Penasse, Pitt, Rako, Spooner, Wheelers Point, and Williams.

The list of towns is not necessarily complete. If you are aware of a town which is not included, whether it presently exists, or is no longer in existence, please e-mail to the [webweaver](#).

Disclaimer: Though the information on this web page is believed to be correct, the possibility of error remains. Please notify the [webmaster](#) should an error be found.

Lake of the Woods Information and Links

- U.S. Census Bureau for [Lake of the Woods County Profiles and Population Summaries](#).
- [Interactive MAP of Lake of the Woods County, Minnesota](#).
- **USGS: Maps of Lake of the Woods County, Minnesota features - including cemeteries, churches, populated places** and more. Please note that the map town listed with a feature may be used as a map reference for the site, and may not be the town where the feature is actually located...Select a map to see the location of the actual feature. This database may not be complete, and, as with any database, there may be errors.
- [Lake of the Wood Reference Map on Ballard's Resort site](#).
- [Minnesota Indian Affairs Council](#) -
 - [Red Lake - Ojibwe](#)
P.O. Box 550, Red Lake, MN 56671 Phone: (218) 679-3341.
- [Ojibwe History, by Lee Sultzman](#).
- [Red Lake Band of Chippewa Indians Minnesota Reservation - Pictures and Information](#), by Paula Giese.
- [Brief History of the Anishinnaabe - Ojibwe Indians](#)
- MNGenWeb for [Lake of the Woods County Genealogy](#), Coordinator : Mike Andrews.
- Neighboring Rainy River District, Ontario, CANADA : [Genealogy and Information](#).
- [Canada's Digital Collections](#)
- **MNDNR : State Forests Map**
 - [Beltrami Island State Forest](#)

- **Red Lake State Forest**
- **Northwest Angle State Forest**
- **Library System : Arrowhead**
- **Lake of the Woods Court Administrator (For Birth, Marriage, Divorce and Death Records)**
 Court Administrator - 206 Southeast Eighth Avenue - P.O. Box 808 - Baudette, MN 56623
 Phone: (218) 634-1451.

- **State of Minnesota - North Star, Minnesota State Government Online.**
 - **Department of Health**
 - **How to order a birth or death certificate from the Minnesota Department of Health.**
 Contact the Minnesota Department of Health for certified Birth records from 1900 and certified Death records from 1908. Certificates may be ordered by mail, phone, fax, and in person at the office. There is a fee for obtaining birth or death certificates.
 Minnesota Department of Health
 Attention: Vital Records
 717 Delaware Street Southeast
 P.O. Box 9441
 Minneapolis, MN 55440-9441
 Phone: 612-676-5120 (For birth records, press 4; For death records, press 5)
 Records prior to these years, may be requested from the County Registrar/Recorder in the county where the event occurred.
 - **Instructions on obtaining certificates of marriage or divorce decrees** and index search.
 - **MN Dept. of Health list of County Registrars/Recorders: choose county**

[**Additional Research Resources for All Minnesota Counties**]
 [**Minnesota Local History <-> Genealogy**]
 [**Research by County/County Selection**]

Professional Research

Ann McRodden Mensch, Professional Historical Genealogist

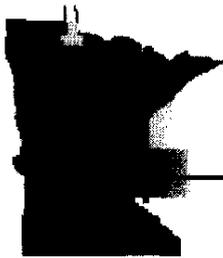
Researching onsite, and with the vast resources of The Allen County Public Library, *holding one of the largest genealogical collections in North America. Search the Library's online catalogue to see some of the printed resources available for a location or topic.*

Printed resources for this page include:

School and Library Atlas of the World. Fred W. Foster, Ph.D. (Editor). Sycamore, Illinois: School and Library Publishing Company. 1982.

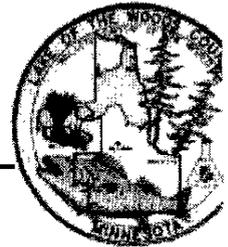
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 [Return to **Minnesota Local History <-> Genealogy**]

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Lake Of The Woods County

Minnesota's Youngest County



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[History](#)

[Legal Notices](#)

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[Statistics](#)

[Area Links](#)

<i>Department</i>	<i>Department Head</i>	<i>Address</i>
Assessor	Wayne Bendickson	P.O. Box 80 Baudette, M
Attorney	Philip Miller	P.O. Box 80 Baudette, M
Auditor/Purchasing Agent	John W. Hoscheid	P.O. Box 80 Baudette, M
Court Administrator	Carol Clauson	P.O. Box 80 Baudette, M
Engineer	Bruce Hasbargen	County High Department P.O. Box 80 Baudette, M
Extension/4H Educator	Sunny Dorrow	P.O. Box 80 Baudette, M
Information Systems	Brent Birkeland	P.O. Box 80 Baudette, M
Land Commissioner	Wayne Bendickson	P.O. Box 80 Baudette, M
Medical Examiner	Michael Clark, D.O.	P.O. Box 80 Baudette, M
Planning & Zoning Administrator/Environmental Services	Steve Sindelir	P.O. Box 80 Baudette, M
Public Health Nursing Director	Kaye Stennes	P.O. Box 80 Baudette, M
Recorder	Susan Ney	P.O. Box 80 Baudette, M
Sheriff	Dallas Block	P.O. Box 80 Baudette, M
Social Services	Nancy Wendler	P.O. Box 80 Baudette, M
Treasurer	Mark Hall	P.O. Box 80 Baudette, M
Veterans Services Officer	Rodrick Rone, Jr.	311 Third Av Baudette, M

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EXHIBIT 3



Lake of the Woods Area Industrial Development Corporation Baudette, MN

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Baudette, MN is located on the Canadian border 60 miles west of International Falls, MN. As the County Seat for Lake of the Woods (LOW) County, it is becoming the "place to be" in Minnesota for fishing, tourism, small business development and just plain quality of life.

The city features a new world-class school, affordable housing on some of the most beautiful waterfront in the U.S.; a dedicated workforce ready to take on new and innovative job opportunities; and an existing infrastructure, to include an international airport, ready and willing to provide various means of support to small and medium sized businesses willing to expand or relocate to the area.

Funding is available to new or existing businesses located anywhere within LOW County. Additionally, The LOW Industrial Development Corporation (IDC) controls over 80 acres in an Industrial Park located on the south side of the city, just minutes away from the city's main commercial district and airport. The IDC owns a 4,600 square foot industrial building in the park and is in the planning stages of constructing a second building that will be for sale or lease.

The park features 3-phase power, city sewer and water and a paved, all-weather road on two sides. This is an actively progressive project which can adapt to the specific needs of most any business.



Various business are already located in the park, including Solvay Pharmaceuticals, a multinational pharmaceutical manufacturing corporation; Pirk's Carpets, the largest residential and commercial flooring business in the business area; Erickson Electric; and the LOW Recycling Center.

Also located in Baudette and LOW County are various commercial cold weather testing facilities, to include operations by Bosch. The climate and vast expanse of the area is ideally suited for and virtually guarantees the cold weather required for such testing. The Baudette IDC is affiliated with Minnesota Cold Weather Resource Center, a government body, and coordinates with other areas conducting such research.

Funding resources for new or expanding business ventures are available through the Northwest Minnesota Foundation, Headwaters Regional Development Commission located in Bemidji, MN as well as from the IDC Revolving Fund which has in excess \$100,000 available for low interest loans for approved applicants who need assistance with financing.

For more Information about the LOW Area Industrial Development Corporation, or to inquire about business opportunities in Lake of the Woods County, contact the following individuals:

Howard Mord - 218-634-2550

Wayne Bendickson - 218-634-2536

Or write to the following address:

**Lake of the Woods IDC
P.O. Box 181
Baudette, MN 56623**



E-Mail

Wade Johannesen

Links:

Northwest Minnesota Foundation

Lake of the Woods Tourism Bureau