Indiana Community Radio Corporation
15 Wood St
Greenfield, IN 46140

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Feb 21, 2007

DOCKET FILE COPY ORIGINAL

06-77

Secretary
FCC
445 12th St SW
Washington DC 20554

Dear Sir/Madam,

Please accept an original and copies of the following items:

1) Petition To Deny WXCH BPH-20070118ADU; 2) Petition To Deny WYGB BMPH-20070118AEZ; 3) Petition To Deny WRKA BPH-20070118ACB; and 4) Supplement Petition For Reconsideration Docket 06-77.

Respectfully Submitted

Jennifer Cox-Hensley
15 Wood St
Greenfield, IN 46140
(317) 467-1062

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter Of:

Docket 06-77

and applications related to the proceeding which were not served on Petitioner

WYGB BMPH-20070118AEZ

WXCH BPH-20070118ADU

Petition For Reconsideration

Indiana Community Radio Corporation filed a Petition For Reconsideration concerning Docket 06-77 as Commission Staff did not consider specific matters, or eloqute the Decision related to the matters, which Petitioner has filed a timely Petition For Reconsideration related to the matters in the proceeding.

While the proceeding continues and is not final as Reconsideration has been requested the Parties have filed applications without serving the Petitioner.

The heart of the matter is the representation or "switching sides" of FCC Bureau Chief Mark.N. Lipp. Lipp represented the FCC or "the Federal Government..or it's subsections" by nature of the Statute.Lipp now represents
clients who propose to change allocations which were in place or made while Lipp represented the FCC.

Background

Commission Staff has not responded to the Federal Statute it violated when it allowed FCC Bureau Chief Mark N. Lipp to represent clients in private practice. It is a matter of Law that the action by Lipp, and his clients, violates the lifetime ban Lipp would have on participation in such matters. Commission Staff has presented no Defense to ICRC's evidence and accepts as fact the Federal Statute which would prevent Lipp from representing clients in private practice.

Lipp and the Parties, et. al., have failed to respond to the Federal Statute or ICRC's opposition. As such they have presented no Defense to ICRC's allegations and accept as fact the Federal Statute which would prevent Lipp from representing clients in private practice.

ICRC's Request to Change Channels

ICRC made a request to change channels and cited specific law, and previous Staff

Decisions, which allowed Non Commercial stations to Change Channel if Channel 6 television was affected. This request was supported by the Public and was the only allocation which received Public Support. The Public comment noted Channel 6 interference. Commission Staff did not eloqute the Public filings or why it denied the allocation which would be in the Public Interest.

Commission Staff ignored past decisions related to incompatible channel swaps which noted Rulemaking Petitions did not specifically require the allocations to be MXed. The Spencer Indiana and Brazil, Indiana allocation which allowed the two stations to swap frequencies was presented. Commission Staff determined the allocation would need to be "MX'ed" without considering or eloquting it's past decisions including the Spencer, Indiana and Brazil, Indiana decision which did not require the allocations to be MXed. Commission Staff did not eloqute the change in decision or the reason for the change from past practice.

It was determined FCC Bureau Chief Mark. N. Lipp had reserved the allocation requested by ICRC for future use in the allocation process. Working with Commission Staff, Lipp reserved the allocation ICRC had proprly and timely requested. It was denied because of Lipp's connections with current FCC Staff.

Commission Staff also indicated, incorrectly, that the allocation for Morristown, Indiana did not meet spacing requirements. It has been demonstrated that ICRC presented a transmitter site which was acceptable with site restriction that does meet Commission spacing requirements.

WXCH

Matters in Consideration : Mark N. Lipp switching sides reguarding the allocation.
LMA not filed with Commission. (exceeding 3 years after the LMA)
New Owner not reported to the Commission.
True party in interest not presented.
No Studio or Meaningful Management Presence.
Application Site is not located near Hope. (No City Service)

WXCH, WSCH, and properties of Columbus Radio are being sold. The true Party In Interest is not dicsclosed within the proceeding or within the application for new facilities. This would slow the process and require a hard look. The hard look has not been afforded because money talks and Commission Staff with Bureau Chief Mark N. Lipp can bypass such matters to speed this process.

The new operator is operating the station with the current owner under LMA. Currently the new owner has contributed $650,000 towards the purchase price of $3.5 million. The new owner/operator's name doesn't appear on the License or within the proceeding however.

As the new owner is at least 25% vested in the properties, and reportedly has other

broadcast properties, this matter is well settled. The purchaser and operator has failed to disclose the purchase. The current owner has failed to disclose the sale.

A Hearing on The Transfer and unauthorized pre-control are requested.

CXR Holdings had agreed to pay WXCH a specific amount ot move and the agreement was not disclosed. The agreement is not within the WXCH Public File. It is believed the agreement provided a payout to WXCH for the station to go silent to allow WRKA to move.

WXCH does not disclose the financial arrangement and CXR provides the engineering and filing of the WXCH application. This financial arrangement is not disclosed and the Party In Interest is not disclosed.

ICRC had requested the agreement which has not been made avialable to the Public in the Public File. This matter is not settled and Commission Staff has not required WRKA to provide the contents of the Public File made available to the Public.

ICRC notes despite being licensed as a Primary Station WXCH is a translator station. WXCH rebroadcasts WSCH Aurora IL. There is only as much local content as broadcast from the Main Studio at Aurora, IN.

ICRC noted WXCH had no local studio or local management. Staff has not eloquted the reason it would allow a station with no meaningful management or local Main Studio to make changes to facilities where the same Rule violations would continue. Staff has not provided a Studio Waiver.

It was represented the facilities for WXCH would be at Hope Indiana and the application for WXCH proposes facilities at Greensburg, Indiana. The new facilities will not provide City Coverage of Hope, Indiana and are in another county. The facilities are not in the location noted within the Rulemaking. The station has studios in Aurora, Indiana. The station has no plans to serve Hope, Indiana as it proposed and Commission Staff relied on the representations in the Rulemaking Proceeding.

The facilities applied for by WXCH (BPH-20070118ADU) are not MXed with the current WXCH facilities at Versailles, Indiana. The streamlining Rules adopted by the Commission are being violated by acceptance of this application outside of the finalization of a Rulemaking Proceeding.

It has been demonstrated the Versailles allocation was chosen by FCC Bureau Chief Mark. N. Lipp, and adopted by Lipp while Chief. The allocation was chosen over Brookville, Indiana as the best choice and it was ntoed the allocation would be the best possible choice by Lipp. Now Lipp is requesting the Rule and Table of Allottments be changed because it better suits a client in private practice.

WYGB

Matters in Consideration : True party in interest not presented.
Current WYGB facilities not in compliance.
Application does not consider AM stationWCSI within 600 feet of tower.
Current facilities provide prohibited overlap to WXCH.
Site Change provides no City Service to Edinburgh, Indiana.

CXR Holdings has presented various filings that allude to the financial arrangements between CXR and WYGB. Witht he filing of the application BMPH-20070118AEZ, WYGB does not provide the nature of the financial arrangement with CXR. The True Party In Interest is not disclosed.

CXR provides the engineering for WYGB and does not disclose the financial arrangement for the application or facilities move.

WYGB was licensed directional. After construction WYGB removed parasitic elements from the antenna and modified the construction significantly without notifying co-located AM station WCSI of the effects of it's changes to the WCSI radiated pattern.

Commission Staff has previously noted "any change" to an FM antenna within the near field of an AM station require the new construction to notify the AM station of changes and notify AM station to determine power by the indirect method. Following the changes the AM station would be required to re-file if parameters have changed. In this instance the licensee of the AM has been unaware of changes.

WYGB made changes to create a signal increase which created a prohibited contour overlap with WXCH Versailles. WYGB is at 102.9 and WXCH is at 103.1. WYGB did not like the signal from it's directional antenna and had a tower crew modify the parasitics to improve the signal and create a contour overlap with WXCH. This has remained unfiled with the Commission and the facilities remain at variance with the license..

WYGB proposes to use the same modified directional antenna for it's new facilities but does not disclose in it's application the effects to WCSI AM located less than a quarter mile from the tower. Commission Rules require any construction within 1 mile to notify the AM station.

At this time the Commission cannot accept the WYGB application as the current WYGB facilities are at variance from parameters related to the changes they have made. These changes affect the WCSI facilities and the licensed WXCH.

WYGB operates from Columbus Indiana and in the Rulemaking Proceeding proposed to

serve Edinburgh, Indiana but instead proposes operation from a location which will not provide City Grade coverage of Edinburgh, Indiana.

WRKA

Matters : Rulemaking is not final as a Petition For Reconsideration exists.
True Party In Interest is not disclosed.
WRKA License Issued in error

WRKA has not indicated it's financial involvement in the matters which have been disclosed. It has not provided a Public accounting of it's agreemetns with other stations and the financial arrangements or agreements.

ICRC has demonstrated the WRKA License was issued in error as the licensee did not sign the License application. The Licensee has not disputed this but argues the License issued in error is not relevant to the proceeding. The Licensee has not corrected this matter.

Conclusion

Under the new Streamlining Rule Process ICRC has been noted as the "finder" of the frequency it requested. The Rulemaking matter is not final as ICRC has Petitioned reconsideration.

ICRC has filed under the Streamlining Process for the MXed facilities it requested in this Rulemaking proceeeding, which makes it's application grantable.

The licensing for WRKA, WYGB,a nd WXCH are at question with significant legal issues remaining. Prior to making changes to the facilities these matters should be first resolved.

Sincerely,

Jennifer Cox-Hensley
ICRC
15 Wood St
Greenfield, IN 46140
317-467-1064

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RECEIVED & INSPECTED
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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter Of:

WYGB BMPH-20070118AEZ

Petition To Deny

Indiana Community Radio Corporation presents this Petitio9n To Deny related to the noted application of WYGB Edinburgh, Indiana.

WYGB

Matters in Consideration : True party in interest not presented.
Current WYGB facilities not in compliance.
Application does not consider AM stationWCSI Fac ID 72261 within 1/4 mile of WYGB tower.
Current facilities provide prohibited overlap to WXCH.
Site Change provides no City Service to Edinburgh, Indiana.

CXR Holdings has presented various filings that allude to the financial arrangements between CXR and WYGB. Witht he filing of the application BMPH-20070118AEZ, WYGB does not provide the nature of the financial arrangement with CXR. The True Party In Interest is not disclosed.

CXR provides the engineering for WYGB and does not disclose the financial arrangement for the application or facilities move.

WYGB was licensed directional. After construction WYGB removed parasitic elements from the antenna and modified the construction significantly without notifying co-located AM station WCSI of the effects of it's changes to the WCSI radiated pattern.

Commission Staff has previously noted "any change" to an FM antenna within the near field of an AM station require the new construction to notify the AM station of changes and notify AM station to determine power by the indirect method. Following the changes the AM station would be required to re-file if parameters have changed. In this instance the licensee of the AM has been unaware of changes.

WYGB made significant antenna changes to WYGB to create a signal increase which created a prohibited contour overlap with WXCH Versailles. WYGB is at 102.9 and WXCH is at 103.1. WYGB did not like the signal from it's directional antenna and had a tower crew modify the parasitics to improve the signal and create a contour overlap with WXCH. This has remained unfiled with the Commission and the facilities remain at variance with the license.

WYGB allowed a tower crew on the tower while the station antenna was radiating. WYGB instructed the tower crew to cut parasitics from the antenna (while radiating) using hacksaws to make changes to the radiated signal of WYGB. No pattern study was performed on the antenna system. It was determined after the changes that the station gained signal in locations it should have no radiated signal.

WYGB proposes to use the same modified directional antenna for it's new facilities but does not disclose in it's application the effects to WCSI AM located less than a quarter mile from the tower. Commission Rules require any construction within 1 mile to notify the AM station. Prior to the antenna modifications outlined WYGB detuned the tower for WCSI operation and performed a partial proof. The Licensee of WYGB has not performed a partial proof on the WYGB tower since the changes to the WYGB antenna which are signifcant changes that would affect the WCSI pattern.

At this time the Commission cannot accept the WYGB application as the current WYGB facilities are at variance from parameters related to the changes they have made. These changes affect the WCSI facilities and the licensed WXCH.

WYGB operates from Columbus Indiana and in the Rulemaking Proceeding proposed to serve Edinburgh, Indiana at a site that it could not construct a facility and did not disclose this to Commission Staff. WYGB now proposes operation from a location which will not provide City Grade coverage of Edinburgh, Indiana.

Indiana Community Radio Corporation filed a Petition For Reconsideration concerning Docket 06-77 as Commission Staff did not consider specific matters, or eloqute the Decision related to the matters, which Petitioner has filed a timely Petition For Reconsideration related to the matters in the proceeding.

While the proceeding continues and is not final as Reconsideration has been requested the Parties have filed applications without serving the Petitioner.

The heart of the matter is the representation or "switching sides" of FCC Bureau Chief Mark.N. Lipp. Lipp represented the FCC or "the Federal Government..or it's subsections" by nature of the Statute.Lipp now represents clients who propose to change allocations which were in place or made while Lipp represented the FCC.

Background

Commission Staff has not responded to the Federal Statute it violated when it allowed FCC Bureau Chief Mark N. Lipp to represent clients in private practice. It is a matter of Law that the action by Lipp, and his clients, violates the lifetime ban Lipp would have on participation in such matters. Commission Staff has presented no Defense to ICRC's *evidence and accepts as fact the Federal Statute which would prevent Lipp from* representing clients in private practice.

Lipp and the Parties, et. al., have failed to respond to the Federal Statute or ICRC's opposition. As such they have presented no Defense to ICRC's allegations and accept as fact the Federal Statute which would prevent Lipp from representing clients in private practice.

ICRC's Request to Change Channels

ICRC made a request to change channels and cited specific law, and previous Staff Decisions, which allowed Non Commercial stations to Change Channel if Channel 6 television was affected. This request was supported by the Public and was the only allocation which received Public Support. The Public comment noted Channel 6 interference. Commission Staff did not eloqute the Public filings or why it denied the allocation which would be in the Public Interest.

Commission Staff ignored past decisions related to incompatible channel swaps which noted Rulemaking Petitions did not specifically require the allocations to be MXed. The Spencer Indiana and Brazil, Indiana allocation which allowed the two stations to swap frequencies was presented. Commission Staff determined the allocation would need to be "MX'ed" without considering or eloquting it's past decisions including the Spencer, Indiana and Brazil, Indiana decision which did not require the allocations to be MXed. Commission Staff did not eloqute the change in decision or the reason for the change from past practice.

It was determined FCC Bureau Chief Mark. N. Lipp had reserved the allocation requested by ICRC for future use in the allocation process. Working with Commission Staff, Lipp reserved the allocation ICRC had proprly and timely requested. It was denied because of Lipp's connections with current FCC Staff.

Commission Staff also indicated, incorrectly, that the allocation for Morristown, Indiana did not meet spacing requirements. It has been demonstrated that ICRC presented a transmitter site which was acceptable with site restriction that does meet Commission spacing requirements.

Conclusion

ICRC has filed under the Streamlining Process for the MXed facilities it requested in

this Rulemaking proceeeding, which makes it's application grantable.

Under the new Streamlining Rule Process ICRC has been noted as the "finder" of the *frequency it requested. The Rulemaking matter (Docket 06-77) is not final as ICRC has* Petitioned reconsideration.

The licensing for WRKA, WYGB,and WXCH are at question with significant legal issues remaining. Prior to making changes to the facilities these matters should be first resolved.

WYGB cannot change frequency until it's licensed operation is within parameters. WRKA and WXCH cannot change facilities until WYGB modifies facilities. ICRC requests Commission Staff give the current operation the hard look and Deny the application as defective.

Sincerely,

Jennifer Cox-Hensley
ICRC
15 Wood St
Greenfield, IN 46140
317-467-1064

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter Of:

WXCH BPH-20070118ADU

Petition To Deny

Indiana Community Radio Corporation presents this Petition To Deny related to the noted application of WXCH Edinburgh, Indiana.

WXCH

Matters in Consideration : Mark N. Lipp switching sides reguarding the allocation.
LMA not filed with Commission. (exceeding 3 years after the LMA)
New Owner not reported to the Commission.
True party in interest not presented.
No Studio or Meaningful Management Presence.
Application Site is not located near Hope, Indiana. (No City Service)

WXCH, WSCH, and properties of Columbus Radio are being sold. The true Party In Interest is not dicsclosed within the proceeding or within the application for new facilities. This would slow the process and require a hard look. The hard look has not been afforded because money talks and Commission Staff with Bureau Chief Mark N. Lipp can bypass such matters to speed this process.

The new operator is operating the station with the current owner under LMA. Currently the new owner has contributed $650,000 towards the purchase price of $3.5 million. The new owner/operator's name doesn't appear on the License or within the proceeding however.

As the new owner is at least 25% vested in the properties, and reportedly has other

broadcast properties, this matter is well settled. The purchaser and operator has failed to disclose the purchase. The current owner has failed to disclose the sale.

A Hearing on The Transfer and unauthorized pre-control are requested.

CXR Holdings had agreed to pay WXCH a specific amount ot move and the agreement was not disclosed. The agreement is not within the WXCH Public File. It is believed the agreement provided a payout to WXCH for the station to go silent to allow WRKA to move.

WXCH does not disclose the financial arrangement and CXR provides the engineering and filing of the WXCH application. This financial arrangement is not disclosed and the Party In Interest is not disclosed.

ICRC had requested the agreement which has not been made avialable to the Public in the Public File. This matter is not settled and Commission Staff has not required WRKA to provide the contents of the Public File made available to the Public.

ICRC notes despite being licensed as a Primary Station WXCH is a translator station. WXCH rebroadcasts WSCH Aurora IL. There is only as much local content as broadcast from the Main Studio at Aurora, IN.

ICRC noted WXCH had no local studio or local management. Staff has not eloquted the reason it would allow a station with no meaningful management or local Main Studio to make changes to facilities where the same Rule violations would continue. Staff has not provided a Studio Waiver.

It was represented the facilities for WXCH would be at Hope Indiana and the application for WXCH proposes facilities at Greensburg, Indiana. The new facilities will not provide City Coverage of Hope, Indiana and are in another county. The facilities are not in the location noted within the Rulemaking. The station has studios in Aurora, Indiana. The station has no plans to serve Hope, Indiana as it proposed and Commission Staff relied on the representations in the Rulemaking Proceeding.

The facilities applied for by WXCH (BPH-20070118ADU) are not MXed with the current WXCH facilities at Versailles, Indiana. The streamlining Rules adopted by the Commission are being violated by acceptance of this application outside of the finalization of a Rulemaking Proceeding.

It has been demonstrated the Versailles allocation was chosen by FCC Bureau Chief Mark. N. Lipp, and adopted by Lipp while Chief. The allocation was chosen over Brookville, Indiana as the best choice and it was ntoed the allocation would be the best possible choice by Lipp. Now Lipp is requesting the Rule and Table of Allottments be changed because it better suits a client in private practice.

Background

Commission Staff has not responded to the Federal Statute it violated when it allowed *FCC Bureau Chief Mark N. Lipp to represent clients in private practice. It is a matter of* Law that the action by Lipp, and his clients, violates the lifetime ban Lipp would have on participation in such matters. Commission Staff has presented no Defense to ICRC's evidence and accepts as fact the Federal Statute which would prevent Lipp from representing clients in private practice.

Lipp and the Parties, et. al., have failed to respond to the Federal Statute or ICRC's opposition. As such they have presented no Defense to ICRC's allegations and accept as fact the Federal Statute which would prevent Lipp from representing clients in private practice.

ICRC's Request to Change Channels

ICRC made a request to change channels and cited specific law, and previous Staff Decisions, which allowed Non Commercial stations to Change Channel if Channel 6 television was affected. This request was supported by the Public and was the only allocation which received Public Support. The Public comment noted Channel 6 interference. Commission Staff did not eloqute the Public filings or why it denied the allocation which would be in the Public Interest.

Commission Staff ignored past decisions related to incompatible channel swaps which noted Rulemaking Petitions did not specifically require the allocations to be MXed. The Spencer Indiana and Brazil, Indiana allocation which allowed the two stations to swap frequencies was presented. Commission Staff determined the allocation would need to be "MX'ed" without considering or eloquting it's past decisions including the Spencer, Indiana and Brazil, Indiana decision which did not require the allocations to be MXed. Commission Staff did not eloqute the change in decision or the reason for the change from past practice.

It was determined FCC Bureau Chief Mark. N. Lipp had reserved the allocation requested by ICRC for future use in the allocation process. Working with Commission Staff, Lipp reserved the allocation ICRC had proprly and timely requested. It was denied because of Lipp's connections with current FCC Staff.

Commission Staff also indicated, incorrectly, that the allocation for Morristown, Indiana did not meet spacing requirements. It has been demonstrated that ICRC presented a transmitter site which was acceptable with site restriction that does meet Commission spacing requirements.

Conclusion

ICRC has filed under the Streamlining Process for the MXed facilities it requested in this Rulemaking proceeeding, which makes it's application grantable.

Under the new Streamlining Rule Process ICRC has been noted as the "finder" of the frequency it requested. The Rulemaking matter (Docket 06-77) is not final as ICRC has Petitioned reconsideration.

The licensing for WRKA, WYGB,and WXCH are at question with significant legal issues remaining. Prior to making changes to the facilities these matters should be first resolved.

WXCH cannot change frequency until it's licensed operation is within parameters. WRKA and WYGB cannot change facilities until WYGB and WXCH modifies facilities. ICRC requests Commission Staff give the current operation the hard look and Deny the application as defective.

Sincerely,

Jennifer Cox-Hensley
ICRC
15 Wood St
Greenfield, IN 46140
317-467-1064

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter Of:

WRKA BPH-20070118ACB

Petition To Deny

Indiana Community Radio Corporation presents this Petition To Deny related to the noted application of WRKA

WRKA

Matters in Consideration : License For WRKA Issued in error
WRKA has not disclosed financial agreements or contracts

CXR Holdings has presented various filings in Docket 06-77 that allude to the financial arrangements between CXR and WYGB Edinburgh, Indiana. WRKA does not disclose the financial agreements that are involved in this filing.

CXR provides the engineering for WYGB and WXCH but does not disclose the financial arrangement and terms of the agreement.

WRKA was licensed in error. The Licensee did not sign the application. WRKA does not argue this point but simply indicates the point should be argued elsewhere.

Indiana Community Radio Corporation filed a Petition For Reconsideration concerning Docket 06-77 as Commission Staff did not consider specific matters, or eloqute the *Decision related to the matters, which Petitioner has filed a timely Petition For* Reconsideration related to the matters in the proceeding.

While the proceeding continues and is not final as Reconsideration has been requested the Parties have filed applications without serving the Petitioner.

The heart of the matter is the representation or "switching sides" of FCC Bureau Chief Mark.N. Lipp. Lipp represented the FCC or "the Federal Government..or it's subsections" by nature of the Statute. Lipp now represents
clients who propose to change allocations which were in place or made while Lipp represented the FCC.

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Commission Staff ignored past decisions related to incompatible channel swaps which noted Rulemaking Petitions did not specifically require the allocations to be MXed. The Spencer Indiana and Brazil, Indiana allocation which allowed the two stations to swap frequencies was presented. Commission Staff determined the allocation would need to be "MX'ed" without considering or eloquting it's past decisions including the Spencer, Indiana and Brazil, Indiana decision which did not require the allocations to be MXed. Commission Staff did not eloqute the change in decision or the reason for the change from past practice.

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Commission Staff also indicated, incorrectly, that the allocation for Morristown, Indiana did not meet spacing requirements. It has been demonstrated that ICRC presented a transmitter site which was acceptable with site restriction that does meet Commission spacing requirements.

Conclusion

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The licensing for WRKA, WYGB,and WXCH are at question with significant legal issues remaining. Prior to making changes to the facilities these matters should be first resolved.

WRKA cannot change frequency until it is licensed properly. WXCH cannot change facilities until WYGB modifies facilities. ICRC requests Commission Staff give the current operation the hard look and Deny the application as defective.

Sincerely,

Jennifer Cox-Hensley
ICRC
15 Wood St
Greenfield, IN 46140
317-467-1064

Certificate Of Service

I, Jennifer Cox-Hensley, certify I placed copies of : 1) Petition to Deny WYGB; 2) *Petition to Deny WXCH; Petition To Deny WRKA; and 4) Petition For Reconsideration* (Supplement) in the United States Mail First Class to the following:

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Jennifer Cox-Hensley
February 21, 2007