

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

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Glen Arbor, Michigan) )

MB Docket No. 03-142  
RM-10539

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MAR 9 - 2007

REPORT AND ORDER  
(Proceeding Terminated)

Adopted: March 7, 2007

Released: March 9, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making* in this proceeding.<sup>1</sup> George S. Flinn, Jr. ("George Flinn") filed Comments. WKJF Radio, Inc. ("WKJF Radio") filed Comments and Reply Comments. For the reasons discussed below, we are deleting the Channel 227A allotment at Glen Arbor, Michigan.

Background

2. At the request of WKJF Radio, licensee of Station WJZQ (formerly WKFJ-FM), Channel 225C, Cadillac, Michigan, the *Notice* in this proceeding proposed the deletion of vacant Channel 227A at Glen Arbor, Michigan. WKJF Radio filed this request in order to permit grant of its pending application to relocate the Station WJZQ transmitter site and downgrade the allotment to Class C1 (BMLH-20020517AAG). This application was necessitated by the fact that Station WJZQ antenna is currently side-mounted on the television Station WWTW tower. The owner of the tower has requested WKJF Radio to relocate its antenna in order that the tower could be used by Station WWTW-DT for digital television. In order to accommodate the relocation and downgrade to Class C1, WKJF Radio requests deletion of vacant Channel 227A at Glen Arbor. In regard to this allotment, we noted that the Audio Division had dismissed the application for this allotment (File No. BPH-19970724M4) filed by George Flinn and subsequently denied a Petition for Reconsideration filed by George Flinn directed against that dismissal.

3. Channel 227A was allotted to Glen Arbor, Michigan, in response to a Petition for Rule Making filed by Arborland Broadcasting Company.<sup>2</sup> George Flinn was the sole applicant for this allotment (File No. BPH-19970724M4). This application was dismissed.<sup>3</sup> The basis for that dismissal was that any rule-compliant transmitter site would be located in the Sleeping Bear Dunes National

<sup>1</sup> *Glen Arbor, Michigan*, Notice of Proposed Rule Making, 18 FCC Rcd 12686 (MB 2003).

<sup>2</sup> *Glen Arbor, Michigan*, Report and Order, 12 FCC Rcd 5939 (MMB 1997).

<sup>3</sup> At the request of George Flinn, an Application for Review directed to the dismissal of that application was dismissed on March 30, 2006. Public Notice released April 4, 2006 (Report No. 26026).

Lakeshore Park which is unavailable for a transmitter site. In the *Notice*, we stated our tentative conclusion that this allotment could never be utilized and that the public interest would be served by the deletion of this allotment in order to permit Station WJZQ to modify its facilities. In doing so, we also stated that any party filing comments supporting the retention of the Channel 227A allotment at Glen Arbor would be required to provide evidence that the National Park Service would allow construction of a commercial transmitter within the boundaries of the Sleeping Bear Dunes National Lakeshore Park or that there is an available site outside the Park that would be comply with our technical rules. Except for George Flinn filing Comments referring to his then pending application for the Glen Arbor allotment, no other party filed comments supporting the retention of this allotment. As such, we believe that the public interest would be served by deletion of this allotment and permitting Station WJZQ to modify its facilities.

4. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

5. Accordingly, pursuant to authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective April 24, 2007, the FM Table of Allotments, Section 73.202(b) of the Commission's rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Glen Arbor, Michigan	238C2, 251C2

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau