

JUN 19 2008

FCC Mail Room

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	MB Docket No. 08-26
)	
Amendment of Section 73.202(b))	
Table of Allotments)	
FM Broadcast Stations)	RM-11418
Evart, Michigan)	

To: Marlene H. Dortch, Secretary
Office of The Secretary,
Federal Communications Commission

MOTION FOR LEAVE TO FILE
MOTION TO STRIKE

By Notice of Proposed Rulemaking and Order to Show Cause (hereinafter "NPR") issued in this Docket and released on March 14, 2008 (DA 08-568), the Federal Communications Commission ("FCC" or "Commission") proposed to adopt the Petition for Rulemaking ("Petition") as filed by Roy E. Henderson (hereinafter "Henderson"), on December 12, 2007 which proposed the new allotment of channel 274A to Evart, Michigan as a first FM radio service allocated to that city, along with other changes as required by that new allotment. Among such changes was a required change of channel to an equivalent channel for station WMLQ, Manistee, Michigan, as presently licensed to Synergy Media, Inc.

As noted at paragraph 10 of the NPR, the Petitioner had agreed in its Petition to reimburse Synergy "for the reasonable costs incurred in connection with the change". It further specifically directed Synergy in paragraph 12 to indicate why its license should not be modified as described and proposed in the

No. of Copies rec'd 0+4
List A B C D E

NPR and Order to Show Cause, and that any such response by Synergy must be by "a written statement showing with particularity why its designated license should not be modified as proposed in this Order to Show Cause and to do so...no later than May 5, 2008..." (NPR at paragraph 13) and "if no written statement is filed by the date referred to above [May 5, 2008], the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause..."

Synergy did not file anything by May 5, 2008, but chose instead to wait to file 15 days later, on May 20, 2008, what it referred to as "Reply Comments", but relating directly and solely to the change of channel as proposed by the FCC in its NPR and Order to Show Cause. It is suggested that such a filing was clearly out of time and contrary to applicable FCC Rules and procedure and should therefore be rejected and stricken as proposed in the accompanying "Motion to Strike".

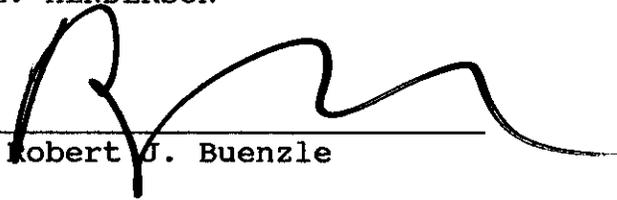
It is therefore submitted that there is good cause for the Commission to receive and consider the accompanying Motion to Strike, in furtherance of the public interest in processing of its NPR, and as also necessary to protect the integrity of its procedural rules against such unauthorized and abusive filings.

Wherefore, It is therefore respectfully requested, pursuant to Section 1.415(d) of the Commission's rules, that this Motion For Leave to File be granted, and that the accompanying "Motion to Strike", be authorized, received, and considered in this proceeding.

Respectfully submitted,

ROY E. HENDERSON

by


Robert J. Buenzle

His Counsel

Law Offices
Robert J. Buenzle
11710 Plaza America Drive
Suite 2000
Reston, Virginia 20190
(703) 430-6751

June 19, 2008

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Motion For Leave to File Motion to Strike have been served by United States mail, postage prepaid this 19th day of June, 2008, upon the following:

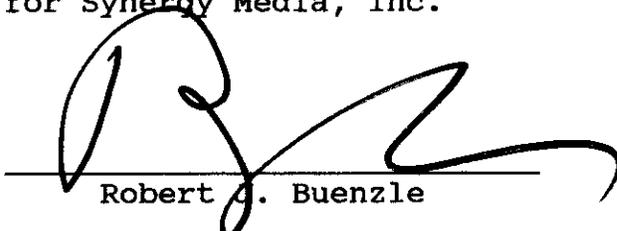
John A. Karousos, Esq., Assistant Chief
Audio Division, Media Bureau
Federal Communications Commission
Portals II, Room 2-A465
445 12th Street SW
Washington, D.C. 20554

Radio Station WMOM(FM)
Bay View Broadcasting, Inc.
4359 South Howell Avenue
Suite 106
Milwaukee, WI 53207

Dennis J. Kelly, Esquire
Law Offices of Dennis J. Kelly
Post Office Box 41177
Washington, D.C. 20018
Counsel for Bay View Broadcasting, Inc.

Radio Station WMLQ(FM)
Synergy Media, Inc.
Post office Box 855
Ludington, MI 49431

Howard M. Liberman, Esquire
Drinker, Biddle & Reath, LLP
1500 K Street, N.W.
Suite 1100
Washington, D.C. 20005-1208
Counsel for Synergy Media, Inc.



Robert J. Buenzle