

original

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)
(Ewart and Ludington, Michigan))
)
Stations WMLQ (FM), Manistee,)
Michigan (Facility ID 39787))
and WMOM (FM), Pentwater,)
Michigan (Facility ID 76507))

MB Docket No. 13-284
RM-11704

Accepted/Files

JAN 10 2014

Federal Communications Commission
Office of the Secretary

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: Assistant Chief, Audio Division, Media Bureau

COMMENTS OF
BAY VIEW BROADCASTING, INC.

Bay View Broadcasting, Inc. (BVB), licensee of FM Broadcast Station WMOM, Channel 274A, Pentwater, Michigan, hereby respectfully submits Comments in response to the "Notice of Proposed Rulemaking and Order to Show Cause" in the above-captioned proceeding, DA 13-2241, released November 22, 2013. Specifically, BVB supports the proposal to delete the allocation of Channel 274A at Ewart, Michigan and to reinstate the allocation of Channel 274A at Pentwater, Michigan (in lieu of Channel 242A). In so doing, the following is shown:

No. of Copies rec'd 0 + 4
List ABCDE

1. The FCC allocated Channel 274A to Evert, and ordered WMOM(FM) to move to 96.3 MHz, Channel 242A, on February 26, 2009 in MB Docket No. 08-26, DA 09-412, 24 FCC Rcd 2584. Since that time, FM Auction #94 was conducted; it included the Evert allocation among the frequencies included in the auction inventory. The Evert allocation was not bid on in this auction, despite a pledge by its proponent, Roy E. Henderson, in Docket 08-26 to bid on the channel and then build the resulting station were he to be the successful bidder.

2. Since no auction winner for Evert, Michigan has emerged in the 47 months since the FCC allocated Channel 274A to Evert, WMOM(FM) has not yet changed frequency. The reason for this is simple; no one has emerged who is willing and able to provide funding to WMOM(FM) for its compensable expenses under the FCC's policy and case law in the area. Since no such party has emerged, WMOM(FM) must not be required to change channels.

3. Therefore, BVB does not oppose the "Order to Show Cause" which is a part of DA 13-2241, and in fact BVB urges the Commission to restore the status quo ante Docket 08-26, delete all channel assignments made therein, and to reinstate WMOM(FM)'s allotment of Channel 274A at Pentwater, Michigan in the FM Table of Assignments.

WHEREFORE, Bay View Broadcasting, Inc. urges the Commission **TO ADOPT THE CHANGES** to the FM Table of Allotments proposed in DA 13-2241, including the deletion of Channel 274A at Ewart, Michigan and the reinstatement of Channel 274A in lieu of Channel 242A at Pentwater, Michigan.

Respectfully submitted,

BAY VIEW BROADCASTING, INC.



By _____

Dennis J. Kelly
Its Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 41177
Washington, DC 20018
Telephone: 888-322-5291
dkellyfcclaw1@comcast.net

DATED AND FILED: January 10, 2014

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing "Comments" were served by first-class mail, postage prepaid, on this 10th day of January, 2014 upon the following:

David D. Oxenford, Esquire
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037-1128
Counsel for Synergy Lakeshore Licenses, LLC

David Tillotson, Esquire
4606 Charleston Terrace, NW
Washington, DC 20007
Counsel for WGHN, Inc.

John C. Trent, Esquire
Putbrese, Hunsaker & Trent
200 S. Church Street
Woodstock, VA 22664
Counsel for Roy E. Henderson



Dennis J. Kelly