Before the

Federal Communications Commission

Washington, D.C. 20554

In the Matter of	)	
	)	
SAGA COMMUNICATIONS OF NEW ENGLAND, LLC	)	File No. File No. BLFT-20080915AEO
	)	
	)	Facility No. 18057
For License to Cover BMPFT-20080910AAI	)	
For Modification of Construction Permit	)	
FM Translator W238AA (now W240CB)	)	
Ithaca, New York	)	

To: Office of the Secretary
Attention: Chief, Audio Services
Division, Media Bureau

OPPOSITION TO INFORMAL OBJECTION (LICENSE APPLICATION)

Saga Communications of New England, LLC ("Saga"), by its counsel, hereby opposes the Informal Objection filed October 14, 2008, by The Fingerlakes Radio Group, Inc. ("Fingerlakes"), against the above captioned application (File No. File No. BLFT-20080915AEO) for license to cover BMPFT-20080910AAI.

Saga does not oppose dismissal of the captioned application; in fact, Saga on October 22, 2008, requested that the application be dismissed. Notwithstanding Saga's request for dismissal, the application remains pending. Saga strongly disputes the allegations made in the several intemperate pleadings filed by Fingerlakes with respect to the captioned application and Saga's pending application to modify W238AA, File No.

BMPFT-20081030ACM, which is the subject of a separate Opposition to Informal Objection being filed today.[1]

In light of the foregoing, Saga respectfully requests the Commission to (1) deny Fingerlakes' Informal Objection as moot; (2) and dismiss the license application BLFT-20080915AEO as Saga requested on October 22.

Respectfully submitted,

SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

By_____
Gary S. Smithwick
Its Attorney

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(202) 363-4050

December 5, 2008

[1] A copy of the Opposition to Informal Objection and Request for Expedited Action is attached hereto and incorporated herein by reference.

ATTACHMENT

COPY OF OPPOSITION TO INFORMAL OBJECTION

AND

REQUEST FOR EXPEDITED ACTION

Before the

Federal Communications Commission

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SAGA COMMUNICATIONS	)	File No. BMPFT-20081030ACM
OF NEW ENGLAND, LLC	)	Facility No. 18057
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To: Office of the Secretary
Attention: Chief, Audio Services
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OPPOSITION TO INFORMAL OBJECTION
and
REQUEST FOR EXPEDITED ACTION

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Counsel for
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December 5, 2008

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To: Office of the Secretary
Attention: Chief, Audio Services
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OPPOSITION TO INFORMAL OBJECTION
and
REQUEST FOR EXPEDITED ACTION

Saga Communications of New England, LLC ("Saga"), by its counsel, hereby opposes the Informal Objection filed October 31, 2008, by The Fingerlakes Radio Group, Inc. ("Fingerlakes"), against the above captioned application (File No. BMPFT-20081030ACM)[1] for modification of the license of FM Translator W238AA, Ithaca, New York (referred to in Fingerlakes' Informal Objection as "W238AA Modification Application.")[2] As shown herein, there is no basis for the further delay of action on the W238AA Modification Application. **It should be promptly granted on an expedited**

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[1] There is also pending an Informal Objection against an application (BLFT-20080915AEO) (referred to as "W238AA License Application") for license to cover a previous construction permit. On October 22, 2008, Saga requested dismissal of that application, but the application is still pending. In a separate pleading directed to the license application, Saga is once again requesting that the pending application be dismissed so that Fingerlakes' Informal Objection to the W238AA License Application may be dismissed as moot.

[2] Saga has filed statements for the record indicating that it would respond to Fingerlakes' allegations by December 5, 2008.

basis since the translator is silent,[3] and grant will permit the resumption of operations of W238AA. In order to resume operations more promptly, Saga will accept a grant conditioned on the outcome of this proceeding.

Summary of Pleading

While one of two antennas used by W238AA was located lower on a shared tower than depicted in the application for emergency 2-watt facilities, the height of the antenna had been reported to the FCC over 20 years ago and has not changed from its location on the tower since then. Saga did not move the antenna. Both persons who certified the application, Saga vice president Susan Johnston and independent engineering consultant Justin Asher, submit herewith declarations under penalty of perjury that Saga's local chief engineer did not verify to them the position of the lower antenna until October 21, 2008, and that their certifications were made in good faith based on their information and belief at the time. Further, Saga shows that Fingerlakes embarked on a pattern of questionable conduct in connection with its investigation of W238AA, making unfounded and extremely serious allegations before conducting even the most cursory due diligence investigation or contacting Saga so that W238AA could be turned off.

Fingerlakes requests the Commission to "not take action on the W238AA Modification Application until the issues surrounding that authorization are resolved, and if such issues are resolved adversely, to revoke the W238AA license."[4] Fingerlakes then calls for the disqualification of Saga as a Commission licensee on the grounds that Saga's

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[3] See BLSTA - 20081022ABB.

[4] This exposes the true purpose of Fingerlakes' Informal Objection against the W238AA Modification Application: to delay and obstruct grant of the application.

vice president and its third-party consulting engineer made allegedly willful false certifications in an application for license to cover construction permit File No. BMPFT-20080910AAI. Despite Fingerlakes' unwarranted histrionics, no disqualifying conduct has occurred. All of Fingerlakes' allegations are based on a false premise; i.e., that willful false certifications were made in the license application (which Saga requested the Commission to dismiss) and that admissions against interest were made that "confirmed" the allegations. Fingerlakes' allegations are preposterous and unsubstantiated.

Notwithstanding its lack of merit, the sound and fury of Fingerlakes' pleading has created enough noise to warrant an explanation of the admitted confusion over the location of one of two antennas for off-the-air 2-watt FM translator W238AA. It should be remembered that Saga voluntarily and promptly took W238AA off the air on the same day Saga's counsel was told that there was a variance between the apparatus to be licensed in the W238AA License Application and the physical equipment on the tower and before Saga or its counsel were aware of the existence of Fingerlakes' Informal Objection.[5] As Saga voluntarily terminated operations by W238AA and requested dismissal of the W238AA License Application, the whole basis of Fingerlakes' petition is moot. Dismissal would normally end the matter except Fingerlakes filed an Informal Objection against the W238AA Modification Application (only one day after it was filed!) in a successful effort to block W238AA from operating. The sole basis of that objection was the allegation that Fingerlakes made against the W238AA License

[5] The first indication counsel or Saga had that Fingerlakes had filed its pleading came at 3:38 PM on October 22, 2008, when a Commission staff member responded to counsel's email transmitting a copy of his letter requesting dismissal of the W238AA License Application. At 3:38 PM the same day, the staff member emailed counsel: "I'm assuming that this also moots the Informal Objection by Fingerlakes, but I'll check it out." Counsel then checked CDBS and learned that Fingerlakes had filed an Informal Objection on October 14, 2008.

Application which Saga requested the Commission to dismiss. The Commission should not be fooled by Fingerlakes' over-the-top ravings, even calling for criminal prosecution of Saga's vice president and independent third-party consulting engineer. On the other hand, the Commission should promptly grant (subject to appropriate conditions) the W238AA Modification Application so that W238AA can resume operations.

Section I

Information Incorrectly Certified on FCC Form 350

Fingerlakes' case is based on a false premise that is described in its Informal Objection as follows:

> Simply put, the information submitted in the W238AA License Application was submitted willfully by Saga **in an effort to quickly commence operations** from the facility specified in the underlying W238AA construction permit. Transmitting antennas cannot simply attach themselves to a tower by themselves [sic] without human intervention, and it is not credible to believe [sic] that someone unassociated with Saga on a lark, or intent on malfeasance, somehow between the time that the W238AA License Application was filed and the time of the filing of the Objection to License Application, **moved the antennas from the authorized location to the wholly unauthorized location**. (Informal Objection ¶2) [Emphasis added.]

Fingerlakes raves on in this vein:

> It is difficult to imagine however what extenuating circumstances or excuse Saga will conjure as to how it came to be that **transmitting antennas were so horribly and wrongfully installed** as shown in the Objection to License Application, but at the same time Susan Johnston, the Vice President of Saga and Justin Asher, its consulting engineer, were able to certify that the W238AA antennas were where the W238AA construction permit specified they should be. (Informal Objection ¶7) [Emphasis added.]

In essence, Fingerlakes alleges that Saga "moved the antennas" "in an effort to quickly commence operations," and that Saga willfully concealed from the FCC the fact that it moved the antenna. This did not happen. The linchpin of Fingerlakes' pleading falls out when it is understood that the antennas have not been moved from their current

locations for more than 20 years. The antennas were in place on the current tower at their current locations when Saga acquired W238AA as of May 31, 2005.[6] Saga has made no change to them. That destroys Fingerlakes' theory that Saga moved the antennas in an effort to quickly commence operations. No move was necessary. It should be noted that in the construction permit application underlying the W238AA License Application, File No. BMPFT-20080910AAI, Saga stated (See **Attachment 1, Exhibit Eye**, FCC Form 349, Section I, Exhibit 1):

> THE APPLICANT HAS BEEN INFORMED THAT WFLR-FM, DUNDEE, NY, WILL COMMENCE OPERATION ON SEPTEMBER 15 OR 16 ON CHANNEL 238 (BPH-20071001AGJ). AT THAT TIME THE APPLICANT WILL HAVE TO DISCONTINUE THE W238AA OPERATION BECAUSE OF PREDICTED FCC CONTOUR OVERLAP.
>
> THIS APPLICATION PROPOSES AN EMERGENCY FACILITY **(SAME SITE, HEIGHT AND ANTENNA**, BUT AT A REDUCED POWER AND MINOR CHANGE OF CHANNELS) TO ADDRESS THE POTENTIAL OVERLAP PROBLEM. EXPEDITED CONSIDERATION IS REQUESTED IN ORDER TO PERMIT W238AA TO CONTINUE TO PROVIDE SERVICE TO ITS AUDIENCE. [Emphasis added.]

Neither engineering consultant Justin Asher, nor Saga, proposed to move the antennas, and they were not moved. Mr. Asher simply explained that Saga would use what was installed albeit at lower power and on Channel 240 to accommodate WFLR-FM (now WFIZ), which is licensed to Fingerlakes. As soon as practicable, Saga planned to move to another site which would clear WFIZ and where Saga could operate W238AA with more power. That is the apparatus described in the W238AA Modification Application (BMPFT-20081030ACM) which permit the Commission granted and then

[6] File No. BALFT-20040603AAM.

rescinded.[7] Saga had no motive to move an antenna down the tower as alleged by Fingerlakes. The W238AA License Application site was merely a temporary facility to be used until the W238AA Modification Application could be granted and operations could commence from the new site.

In contrast, Fingerlakes' motive in filing its intemperate unsupported Informal Objection is clear. Fingerlakes wanted to delay or obstruct operation of W238AA even at its new site because the translator is on a second-adjacent channel to WFIZ. So Fingerlakes was watching CDBS like a hawk and when the W238AA Modification Application was filed on October 30, 2008, Fingerlakes pounced. It filed its Informal Objection the very next day, October 31, 2008. But, in doing so, Fingerlakes rushed to judgment and failed to do even the basic due diligence necessary to support making such a serious charge against a publicly-traded stock company as Saga.[8]

Saga took W238AA off the air before it learned of Fingerlakes' Informal Objection. On October 22, 2008, undersigned counsel was informed by Mr. Asher that

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[7] It appears that there was nothing technically amiss in the W238AA Modification Application that precluded its grant since it was granted, and quickly. The grant was rescinded, Saga presumes, because the FCC has not yet addressed Fingerlakes' Informal Objection.

[8] One of the reasons Fingerlakes filed its Informal Objection is retaliation for pleadings Saga filed against a defective application (BPFT-20080714ADP) for FM translator W245BL, Dundee-Penn Yan, New York, which is licensed to Fingerlakes' affiliate Lake Country Broadcasting, Inc. (Fingerlakes vice president Alan Bishop certified the W245BL application.) There, it appeared that Lake Country did not construct some interim "hops" when it moved its translator in order to avoid rendering the application a "major change" which could not be processed outside a special filing window. (There are still outstanding issues concerning the potential for interference to the reception of WYXL, licensed to Saga – See "Supplement to Informal Objection and Request for Order to Cease and Desist" filed September 18, 2008.) Mindful of the gravity of making unsupported character allegations, Saga was careful to state its concern as an allegation and awaited Lake Country's response to determine whether there was a rational explanation for the absolute inability to find any evidence that a radio station had ever been constructed in the High Tor Game Management Area. Saga's concerns were genuine and well documented and the allegation was withdrawn after Lake Country explained itself.

he had been advised that one of the antennas for W238AA was lower than shown on the application for construction permit. This revelation was triggered by the visit of Fingerlakes' vice president, Alan Bishop, to the W238AA transmitter site on the pretense that Fingerlakes wanted to lease space on the tower. When Mr. Asher confirmed with Saga's local chief engineer, Jason Gorodetzer, that one of the two antennas was lower on the tower than shown on the FCC's database and on an antenna sketch submitted with BMPFT-20080910AAI, Mr. Asher, on October 22, 2008, called undersigned counsel, and reported the matter. Counsel advised Saga to terminate operation of the translator and dismiss the pending license application since it contained inaccurate information. This was done via counsel's letter which Fingerlakes claims is an "admission against interest." It is nothing of the kind. The letter is merely an acknowledgment of the facts that the antenna was "located lower on the antenna structure than authorized in the construction permit." It turned out that one of the two antennas was close to the correct height, but because one of the antennas was determined to be lower than specified in the construction permit, prudence dictated that the station be turned off. This was the right thing to do; and it was in no way an admission against interest.

How Incorrect Information on the FCC's Database Was Carried into BMPFT-20080910AAI

The Commission is owed an explanation, so Saga (in an attempt to resolve the questions surrounding the placement of the W238AA antenna and the description of its configuration on FCC Application No. BMPFT-20080910AAI and its resultant certification on File No. BLFT-20080915AEO) obtained from the Commission's files copies of all the applications and authorizations for W238AA. Saga and its counsel reviewed FCC licensing records for W238AA going back to 1980 when the translator

was owned by Cornell University and located on the Cornell campus. The records show that in 1984, the transmitting antennas for W238AA were moved from the campus to the current location on a multi-use tower located at Southside Fuel Company near the intersection of State Highway 96B and Coddington Road, Ithaca, New York.[9]

When Saga acquired W238AA in 2005, the antennas were in the same configuration as when they were installed on the tower. Saga has never moved them up or down the tower as alleged by Fingerlakes. The antenna configuration for W238AA was not changed when Saga, in September 2008, filed an application to change channels and lower power of W238AA to accommodate co-channel WFIZ.

In 1985, nearly 20 years before Saga acquired the translator, W238AA was authorized to operate using two transmit antennas. The license, FCC File No. BLFT-19850611TB (**Attachment 1, Exhibit A**), showed the overall height above ground to be 142 feet. The antenna is described on the license as "SCALA HDCA-10 10 ELEMENT YAGIS, SIDE-MOUNTED ON A STEEL TOWER" with main radiation lobe oriented at "06 AND 295 DEGREES TRUE." The transmitter was described as a "TTC, XL-1 FM 2, DUAL OUTPUT" with 1 Watt transmitter power output, "EACH OUTPUT." There is no indication on the license of the height of the center of radiation of either of the antennas.

Attachment 1, Exhibit B is a copy of a "Vertical Plan Sketch of Antenna System" prepared by Cornell University dated May 1984 which was submitted with an application (FCC File No. BPFT-19840608MS) that requested a construction permit to move W238AA from its former site on the Cornell University campus to Southside Fuel

[9] The tower is owned by Dutch Hill Tower Antenna Systems, Inc., the stock of which is, on information and belief, owned by Ted Fish. The tower is managed by David A. Stevenson.

Co. That Sketch shows two transmitting antennas for W238AA close together near the top of the tower oriented at 6 degrees True and 295 degrees True.[10] The center of radiation of the top antenna is 120 feet above ground level ("AGL") and the center of radiation of the lower antenna is 115 feet AGL. The center of radiation from the two combined antennas would be approximately 118 feet or 36 meters AGL. Counsel is informed that the antennas would normally be installed in this manner pointing at different azimuths to achieve a directional radiation pattern.[11] There are a number of other transmitting and receiving antennas depicted on the Sketch. **Attachment 1, Exhibit C** is a copy of the construction permit granted June 20, 1984, based on the application. That permit shows the center of radiation of the antennas at 280 meters above mean sea level which converts to 118 feet (36 meters) AGL.

The confusion over the antenna placement had its genesis in an application (BLFT-19850611TB) (**Attachment 1, Exhibit D**), filed June 11, 1985, wherein Cornell University applied for a license to cover the permit. In that application, Cornell University reported that the **"Overall height above ground of the two antennas has been altered,"** (Emphasis added) and at Question 8 referred the Commission to Exhibit #1A. **That exhibit shows that the antenna oriented at 6 degrees True remained at 120 feet AGL (approximately 36.5 meters) while the second antenna was located lower on the tower at 50 feet AGL (approximately 15 meters).** The license (**Attachment 1, Exhibit A**) erroneously showed the overall height above ground at 142

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[10] The W238AA antennas are referred to on the sketch as "WHCU-FM Proposed Translator Antennas."

[11] License No. BLFT-19850611TB (Exhibit A) at Item 15 specifies "main radiation lobe oriented" at "06 AND 295 DEGREES, TRUE."

feet, but contained no indication of the height of the center of radiation of the antennas. On September 27, 1985, Cornell University's attorney wrote the Commission a letter, copy attached as **Attachment 1, Exhibit E**, advising that the height was incorrect and providing the correct heights, and requesting a corrected license. None was forthcoming. However, since 1985, the Commission (and Fingerlakes, if it cared to investigate) was on notice that one of the W238AA antennas was mounted about 50 feet AGL.[12]

The FCC's engineering database as of October 25, 2008 (See **Attachment 1, Exhibit F**) for that 20+ year old license (BLFT-19850611TB) shows the ERP at 8 watts horizontal and radiation center above mean sea level of 280 meters. This elevation corresponds to a center of radiation of approximately 36 meters above ground level (AGL). This information was picked up by Mr. Asher and carried through on the applications he prepared.

Saga decided to relocate W238AA to a new site[13] after co-channel Station WFIZ was authorized to operate on Channel 238. Saga filed an application (BMPFT-20080910AAI) to change the channel of W238AA from 238 to 240 and lower power. This was strictly an emergency facility designed to keep the translator on the air and avoid predicted interference to WFIZ while a permanent site could be authorized. Susan

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[12] The "Vertical Sketch Plan as Constructed" depicts the W238AA antennas as "WHCU-FM(NE)" and "WHCU-FM (NW)." Saga is informed that at some point in the past, the tower owner moved the tower from one side of his building to the other side and increased the overall height of the tower. Because the ground elevation of the tower base rose about 10 or 12 feet[12] (between 3 and 4 meters), Saga is informed that the antennas were lowered on the tower to keep the centers of radiation above mean sea level at approximately the same heights. So the lower of the two W238AA antennas is now approximately 11 meters above the ground whereas it was previously approximately 15 meters above the ground.

[13] Saga held a construction permit (File No. BPFT-20071226AAP) for a different site, but could not construct the station due to zoning issues.

Johnston[14], Saga vice president and general manager of Cayuga Radio Group, has never visited the site except to drive by. She never examined the tower or made any measurement of the height of the antennas. She relied on Justin Asher's work as the basis of her certification of the W238AA License Application.

Mr. Asher[15] prepared the engineering portion of FCC Form 349. He never visited the tower site and relied on the FCC's engineering database for the antenna height he entered on the form.

Mr. Asher did his due diligence with respect to preparation of the W238AA applications to assure himself that the certifications in the application were correct to the best of his knowledge. When Mr. Asher was preparing the application for construction permit for W238AA, Mr. Asher spoke with and exchanged emails with Saga's local engineer, Jason Gorodetzer. On September 8, 2008, Mr. Asher sent Mr. Gorodetzer, an email **(Attachment 1, Exhibit G)** asking him to review his files for information describing the present W238AA antenna. Mr. Asher asked Mr. Gorodetzer to look for License No. BLFT-19850611TB which was too old to be in CDBS. Mr. Asher wanted to know the vertical radiation characteristics of the antenna, including the antenna make and model for purposes of additional allocation protection requirements for operation on Channel 240D. Mr. Gorodetzer emailed him back that "The current antenna system for W238AA is 2 horizontally polarized Scala HDCA-5 FM Yagis. One is pointed at roughly

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[14] See Declaration of Susan Johnston, Attachment 2.

[15] See Declaration of Justin Asher, Attachment 3.

45 degrees and the other at about 270 degrees."[16] Mr. Asher states that he was not supplied a paper or electronic copy of License No. BLFT-19850611TB. Mr. Asher says that the data he utilized for purposes of preparing the application was taken (1) directly from the existing FCC CDBS database; (2) emailed to him by Mr. Gorodetzer; or (3) in instances where data was missing or did not correspond to CDBS information, represented by Mr. Gorodetzer to Mr. Asher as reflective of the actual construction which was not to be altered by the Form 349 filing. Mr. Asher says he asked Mr. Gorodetzer to provide the information that was not on CDBS from BLFT-19850611TB, but he learned later that Mr. Gorodetzer did not provide correct information.

In a September 9, 2008, email **(Attachment 1, Exhibit H)**, Mr. Asher asked Mr. Gorodetzer for the overall height of the tower since it was not on any of the FCC's data online. Mr. Asher noted that CDBS only indicates that the present antenna was located about 118 feet AGL. Mr. Gorodetzer emailed him back on the same day, "According to an old license I have, the overall height of the structure is listed as 52 meters. That height sounds about correct." Mr. Asher also indicated that CDBS indicates "you are presently horizontal only polarization, but non-directional, not directional. This should not be an issue, but I just want to verify W238AA is actually using the Scala duel [sic] antenna unit and not presently running NDA." In his responsive email, Mr. Gorodetzer confirmed "Yes, we are using the Scala 2 antenna setup. I have no idea as to why the license was changed to specify NON DA operation. The original license had the correct antennas

[16] This was incorrect as the license information discussed above shows that one antenna was authorized to be pointed at 6 degrees and the other was authorized to be pointed at 295 degrees and the antennas were 10 element, not 5 element, Yagi antennas. Mr. Gorodetzer did not indicate in his email to Mr. Asher the heights of the antennas, the correct orientation or that the antennas were in fact 10-element Yagis, not 5-element Yagis.

specified on it, but our latest one was changed for some reason." Mr. Gorodetzer did not inform Mr. Asher that while one of the antennas was at approximately 36 meters AGL, one of the antennas was mounted at about 11 meters AGL.

Based on the information from Mr. Gorodetzer, Mr. Asher then completed the preparation of FCC Form 349 that became BMPFT-20080910AAI. Mr. Gorodetzer was provided with a draft of the FCC Form 349 **(Attachment 1, Exhibit I)** for the emergency facility prior to its being filed. The Engineering Report, which includes a Vertical Plan of Antenna System (Exhibit 12.2) prepared by Mr. Asher depicted the two antennas at the same level based on Mr. Gorodetzer's emails to Mr. Asher, but Mr. Gorodetzer did not catch the error. Mr. Gorodetzer told Mr. Asher that "The height sounds about correct." Mr. Asher accepted this as verification of the height of the center of radiation of the antennas.

Shortly after receipt of Construction Permit BMPFT-20080910AAI, Saga changed the output channel of W238AA to Channel 240 and reduced the power output to the lowest power level the transmitter would produce. No changes to the antenna configuration, including height, were made.

Mr. Asher completed the technical portion of FCC Form 350 and Mr. Gorodetzer was provided a copy of a draft of the application before it was filed with the FCC. He reviewed the application, but did not alert Mr. Asher to the existence of the lower antenna.

On October 20, 2008, the owner[17] of the site where W238AA was located, Ted Fish, came in to see Saga general manager Susan Johnston. Mr. Fish reported that

[17] Through a corporation.

representatives of The Fingerlakes Radio Group, Inc., had represented to him that they might want to rent space on his tower and Saga's antenna might be at the incorrect height. Later on October 20, 2008, Mr. Gorodetzer contacted Mr. Asher and informed him that an error in the antenna height "might" exist, that Mr. Gorodetzer would be visiting the site with measurement equipment the next day, and that Mr. Gorodetzer would contact Mr. Asher with the results. On October 21, 2008, Mr. Gorodetzer supplied Mr. Asher with his measurement results indicating a potential error in one of the antenna heights. Mr. Asher then reviewed these heights against his email records and FCC filings and requested that Mr. Gorodetzer do the same. On the morning of October 22, 2008, Mr. Gorodetzer confirmed the error through his records. Mr. Asher then immediately contacted undersigned counsel who requested dismissal of the W238AA License Application.

Later that day, Saga's counsel learned from an FCC staff member's email[18] that an Informal Objection had been filed against the license application. Because counsel did not have a copy of the pleading, counsel contacted Fingerlakes' counsel, who emailed a copy of the Informal Objection which alleged that Saga's vice president and Saga's consulting engineer had willfully falsely certified Saga's license application. The persons who certified the application, Ms. Johnston (**Attachment 2**) declares that Mr. Gorodetzer never informed her of the height of the lower antenna until after Fingerlakes' activities at the tower site were reported by Mr. Fish to Ms. Johnston. Mr. Asher (**Attachment 3**) flatly denies the allegation, explaining that Mr. Gorodetzer never advised or informed Mr. Asher of the height of the lower antenna until after The Fingerlakes Radio Group, Inc., contacted Mr. Fish about the antenna height.

Section II
Argument

While the height of the antennas as depicted on the tower sketch in File No. BMPFT-20080910AAI is incorrect, the application clearly stated that "this application proposes an emergency facility **(same site, height and antenna**, but at a reduced power and minor change of channels) to address the potential overlap problem" (emphasis added). The 1985 letter from Cornell University's attorney accurately described the apparatus. One of the two antennas was located near the height specified in the FCC's database. Neither that antenna, nor the lower antenna has been moved from their current positions by Saga. When counsel was advised that there was a question concerning the location of the lower antenna, Saga promptly terminated operations of the translator until it could resolve the issue before Saga or its counsel knew that Fingerlakes had filed its objection. Saga, the same day, requested dismissal of the application, affording exactly the relief requested by Fingerlakes. Although the FCC Form 349 did not describe the lower antenna location and the antenna sketch was inaccurate, Saga made no **willful** misrepresentation. The error was corrected by dismissing the application and suspending operations by W238AA. So far as Saga, or its counsel know, there was never any interference to the reception of WFIZ caused by W238AA.

There was no motive for Saga to make a willful false certification. The antenna was not moved down on the tower; it remained where it had been for over 20 years. As described in its construction permit application, Saga merely reduced power and changed the channel to avoid interference to WFIZ. Such errors do not constitute misrepresentation because there has been no "*prima facie* demonstration of deception and

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[18] See footnote 3, *supra.*

of a desire, motive or logical reason to mislead" that is the crux of misrepresentation. See *Garrett, Andrews, & Letizia, Inc., Decision, 86 FCC 2d 1172,1180 (Rev. Bd. 1981), mod. on other grounds,* Memorandum Opinion and Order, 88 FCC 2d 620 (1991) (burden on petitioner to demonstrate motive to deceive or conceal because Commission will not infer improper motive from errors, inconsistencies or omissions accompanied by speculation that lacks factual support). *See also Liberty Productions, A Limited Partnership,* Memorandum Opinion and Order, 16 FCC Rcd 12061, 12079-80 (2001) (substantial evidence of an intent to deceive necessary to support finding of misrepresentation).

If Fingerlakes were genuinely concerned about interference to WFIZ, Fingerlakes could have called Saga instead of visiting the tower and alarming Mr. Stevenson as discussed *infra.* Saga would have done exactly what it did without prompting from Fingerlakes: Saga would have turned off the translator and sought dismissal of the W238AA License Application. Fingerlakes did not need to burden the Commission in this manner. But, Fingerlakes needed to concoct a basis for an informal objection to delay the initiation of operations by W238AA from its new site, and Fingerlakes used the pendency of its prior informal objection to support its Informal Objection against the W238AA Modification Application. Fingerlakes has failed to provide any independent first-hand corroboration of its hysterical claims.

Section 309(d)(1)[19] of the Communications Act of 1934, as amended, requires a two-step analysis for judging the sufficiency of a petition to deny which carries over in analyzing the merits of an informal objection.[20] First, the Commission determines

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[19] Title 47 U. S. C. § 309(d)(1).

[20] *See Rocky Mountain Radio Co.*, 15 FCC Rcd 7166, 7167-68 (1999) (citing *Beaumont Branch of NAACP v. FCC*, 854 F.2d 501, 507 (D.C. Cir. 1988)).

whether the petition and its supporting affidavits contain specific allegations of fact sufficient to show that a grant of the application would be prima facie inconsistent with the public interest. Allegations that consist of "ultimate, conclusory facts or more general affidavits . . . are not sufficient."[21] If the Commission determines that the petition satisfies the threshold standard to make a prima facie case, the Commission determines whether, on the basis of the application, the pleadings, and other matters which it may officially notice, a substantial and material question of fact is presented. If there are no substantial and material questions, and the Commission is able to find that the application would be in the public interest, the application is granted. In this case, Fingerlakes' declaration from Alan Bishop merely reported that one of the antennas was lower on the tower than 118 feet. It does not make out a *prima facie* case as it contains no facts to support the core allegation that Saga's application was **willfully** falsely certified. That allegation is based on Fingerlakes speculation, which Saga has shown to be without foundation.

The Commission has never credited such flimsy allegations. As the Commission has said, deciding otherwise would result in "numerous proceedings in which the staff would need to consider in depth, and applicants would need to defend against, completely unsubstantiated attacks on the applicant's qualifications."[22] Such is the case at bar.

Section III

Fingerlakes' Overreached in Investigating W238AA

Having disposed of the specious allegations against Saga, it is time to turn our attention to Fingerlakes and its vendetta. In its phantom quest to find a site for a booster

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[21] *Gencom, Inc. v. FCC*, 832 F.2d 171, n. 11 (D.C. Cir. 1987).

[22] *Rocky Mountain Radio Co., supra.*

for WFIZ, if Fingerlakes had discovered that the W238AA antenna was lower than specified in Saga's emergency construction permit, one might ask the question, why didn't Fingerlakes simply call Saga's local engineer or Ms. Johnston and inquire as to the placement of the lower antenna and request that the translator be turned off? That is because Fingerlakes' goal (successfully achieved) was to manipulate the Commission's processes so that action on the pending W238AA Modification Application will be delayed until the Informal Objection can be processed and dismissed, thereby keeping W238AA off the air. Fingerlakes' vice president, Alan Bishop, apparently concocted a cock and bull story in order to get close to the tower on which W238AA's antennas were mounted and take the photos that were submitted with the Informal Objection. Bishop claims in his Declaration that he wanted to lease space on the tower for "a booster that we are contemplating,"[23] This story is highly suspect. Although WFIZ is licensed to Odessa, NY, Fingerlakes is positioning WFIZ as an Ithaca radio station. See its website, www.z955.net, copy of home page attached as **Attachment 4**, whereon WFIZ bills itself as "Ithaca's Hit Music Channel."[24] Ithaca is without doubt the market where WFIZ hopes to be heard clearly, so Saga was skeptical about Bishop's claim that WFIZ was interested in Mr. Fish's tower for a booster since it didn't seem to make good technical sense.

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[23] See Bishop's Declaration Under Penalty of Perjury dated October 14, 2008, submitted with Fingerlakes' October 31, 2008, Informal Objection.

[24] One might wonder how much service WFIZ is rendering to Odessa, its community of license. Odessa is approximately 15 miles from Ithaca. Saga can find no reference to Odessa on www.z955.net. The address for WFIZ is shown as:

Mailing Address:
950 Danby St.
Suite 230
Ithaca, NY 14850

Attachment 5 is a Technical Statement from Wayne Reese, president of Munn-Reese, Inc., who opines that:

> [P]lacement of a booster operation at this site makes no sense either from the standpoint of outgoing interference to WFIZ(FM) or with regard to placement of the interference free booster service area. In fact, the interference free service area would lie completely outside of any populated area, and the interference area to WFIZ(FM) would lie over Ithaca itself. In layman's terms, listeners in and around Ithaca who would have normally heard an acceptable WFIZ(FM) signal would now receive interference due to the placement of the booster operation at this unobstructed site location. Thus, this location is actually detrimental to the operation of Finger Lakes.
>
> Instead of improving reception of WFIZ(FM) in Ithaca, New York, listeners' radio receivers in much of Ithaca would not be able to discriminate between the main WFIZ(FM) signal and the signal from the booster. Listeners instead would hear an unintelligible mixture of the two. **No prudent broadcaster seeking to serve Ithaca would ever install a booster on the tower previously used by W238AA.** (Emphasis supplied.)

So, a serious question is raised as to whether Alan Bishop was candid with the Commission in his Declaration. Attached is a copy of two emails (**Attachment 6**) that lead credence to this observation. One is an email dated October 16, 2008, from Bishop to Dave Stevenson, manager of the tower, in which he points out that Fingerlakes' engineer noted "the antennas for one of [Cayuga Radio Group's] translators are nowhere near their licensed height possibly causing interference to our new station on 95.5.[25] Our attorney suggested we file an informal objection to have them turn it off. I provided the FCC documentation as to what Cayuga's Chief represented to you. This should not effect [sic] you or Ted Fish is [sic] any way. I just wanted you to be aware of it."

Mr. Stevenson responded:

> First of all, both I and Mr. Fish strongly object to you and or your attorney filing any objections with anyone, let along [sic] the FCC. If there has been a discovery or issue that needs to be addressed, we would expect that in a

[25] The translator operated from September 15 to October 22, 2008, and Fingerlakes did not complain to Saga about interference during that period.

> gentlemanly way, opportunity be given to the licensee, and that the tower owner be notified and given an opportunity to address this with his client(s). As I read this I find you and your attorney's actions heavy handed and unreasonable. Perhaps you might share with us just what the issue is, so if such be the case a correction can be made.
>
> ***
>
> So as a prospective client I am not impressed with you at all Mr. Bishop. I would suggest that your engineer, attorney and you might have been better off to confirm just what licensee, at what frequency was or is operational before making any complaints. Information was supplied to you in good faith as a potential client, not for you or your attorney to become self styled enforcer's.

In its retaliation plot, Fingerlakes and its counsel engaged in conduct that, if not disqualifying, is reprehensible. It appears that Alan Bishop pretended to be interested in leasing space on an unusable tower in order to get information to be used for Fingerlakes' Informal Objections.[26] Saga has no dispute with the notion that Fingerlakes had some right to investigate Saga's application for license for W238AA. However, Fingerlakes' conduct bordered on harassment if Fingerlakes visited the W238AA tower site under what appear to be false pretenses. Saga still leases space on that tower for its other FM translators that serve the Ithaca market. Aspersions cast on Saga by Fingerlakes culminated in Mr. Fish's visit with Ms Johnston.[27]

As stated *supra*, if Fingerlakes were genuinely concerned about interference from W238AA, all it had to do was call Saga[28] and the translator would have been turned off

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[26] The first Informal Objection to the W238AA License Application was a procedural mess, listing the incorrect file number in the caption which was the subject of an Erratum. Also, undersigned counsel has no record of ever receiving a copy of the Informal Objection despite the certificate of service signed by another attorney employed at Womble, Carlyle, Sandridge and Rice, PLLC.

[27] In *Chronicle Broadcasting Co. San Francisco, Calif.*, 19 FCC 2d 240 (Rev. Bd., 1969), the Commission's Review Board condemned unreasonable and abusive investigation.

[28] Or Fingerlakes' counsel could have called undersigned counsel as he did before WFIZ went on

(as it was, voluntarily). Fingerlakes could have reviewed the FCC's files on W238AA and learned that Saga had not moved the antenna as alleged. But, that would not advance Fingerlakes' grand plan. Saga has been required to respond and the case must now be analyzed and disposed of by FCC staff members whose time and resources are limited. But, simply by filing the Informal Objection, Fingerlakes has achieved its goal of delaying action on the W238AA Modification Application despite the cost to the government.

It is axiomatic that filing a pleading with the FCC for the purpose of delaying action on an application is an abuse of process. In *Commission Taking Tough Measures against Frivolous Pleadings*, 11 FCC Rcd 3030 (1996) 1996 FCC LEXIS 668, the Commission said "A pleading may be deemed frivolous under 47 C.F.R. § 1.52 if there is no 'good ground to support it' or it is 'interposed for delay.'" The Commission went on to describe the fate that would befall those who abuse its processes,[29] yet, so far as Saga can determine, "tough measures" are rarely taken. Fingerlakes asked the Commission not to take action on the W238AA Modification Application,[30] even though it was grantable

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the air to coordinate operations in mid-September.

[29] "[A]ll Bureaus and Offices are encouraged to fully utilize the Commission's sanctions powers, which include the authority to strike such pleadings pursuant to 47 C.F.R. § 1.52 or other applicable rules and to issue forfeitures under 47 U.S.C. § 503 for violations of 47 C.F.R. § 1.52 or other applicable rules. In addition, all Bureaus and Offices are encouraged to refer under seal incidents of attorneys who are found to have filed frivolous pleadings in violation of 47 C.F.R. § 1.52 to the Office of General Counsel pursuant to our decision in *Opal Chadwell,* 2 FCC Rcd 3458 (1987). See *Order,* 10 FCC Rcd 10330 (1995) (codifying the procedures concerning attorney misconduct previously announced in *Opal Chadwell*). The General Counsel will determine the appropriate action to be taken. Such action might include initiation of a proceeding under 47 C.F.R. § 1.24 (censure, suspension or disbarment of attorneys practicing before the Commission), referring the matter to the appropriate state bar, or consulting with the Department of Justice. See *Opal Chadwell,* 2 FCC Rcd at 3458."

[30] See footnote 4, where it is noted that Fingerlakes requested the Commission to "**not take action** on the W238AA Modification Application until the issues surrounding that authorization are

(and was granted but rescinded), thus delaying action on the W238AA Modification Application. There was no good ground to support the original Informal Objection against the W238AA License Application which made unfounded character allegations against Saga since Saga did not move the antenna as alleged.

That the Commission has not routinely imposed serious sanctions on those who abuse its processes opens the door to just the kind of conduct exhibited here. This encourages a party to file a pleading knowing that it will delay action on an otherwise grantable application; and if it can do with impunity, it might as well take a shot. But, if the Commission is reluctant to directly sanction Fingerlakes and its counsel for apparent violation of Section 1.52 of the Rules, it can frustrate Fingerlakes' plan by proceeding as requested in Section IV: All the Commission need do is grant the W238AA Modification application subject to a condition.

That would deny Fingerlakes the delaying benefit of its Informal Objection against the W238AA Modification Application while preserving any "rights" Fingerlakes might have.[31] If there ever were an opportunity for the Commission to take a tough measure against a frivolous pleading to prevent future abuse, this is it.

Section IV

Request for Expedited Consideration and Conditional Grant

Saga has spent considerable time and resources in the development of this Opposition to demonstrate that there is no basis for Fingerlakes' Informal Objections

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resolved, and if such issues are resolved adversely, to revoke the W238AA license." [emphasis added.]

[31] Since the W238AA modification application was previously granted, it can be assumed that there was no technical reason not to re-issue the permit.

either to the W238AA License Application (which Saga has requested be dismissed); or to the W238AA Modification Application which was granted and then rescinded. However, Saga is well aware that it will take some time for the Media Bureau's staff to review the Informal Objections, this Opposition (and the inevitable Reply that Fingerlakes will file) and prepare a letter disposing of the Informal Objections. W238AA has been silent since October 22, 2008, when it was voluntarily taken off the air. Saga cannot operate from its new site until the Commission acts on the W238AA Modification Application. In the meantime, members of the listening public of Ithaca, New York, are being deprived of service that W238AA has provided since 1980 when Cornell University owned it. Saga would like to restore service as quickly as possible and is willing to complete construction at its risk. **Saga therefore requests that the Commission immediately reinstate the rescinded construction permit, conditioned on the outcome of this proceeding, with construction at Saga's sole risk.**[32]

Conclusion

In light of the foregoing, Saga respectfully requests the Commission to (1) deny Fingerlakes' Informal Objection, (2) dismiss the license application BLFT-20080915AEO as Saga requested on October 22; and (3) re-grant, on an expedited basis, BMPFT-20081030ACM so that Saga can resume operations of W238AA which has been silent since October 22.

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[32] Fingerlakes could not in good faith object to such a proposal since it would preserve Fingerlakes' procedural rights but would not deprive Ithaca of service by W238AA. Such conditions are routinely included on permits. See File No. BPH-20060607AAL:

> "This construction permit is granted subject to the final outcome of MB Docket 02-352. Any construction pursuant to this construction permit before Docket 02-352 becomes final is at the permittee's sole risk."

Respectfully submitted,

SAGA COMMUNICATIONS OF NEW ENGLAND, LLC

By _____
Gary S. Smithwick
Its Attorney

Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
Suite 301
Washington, D.C. 20016
(202) 363-4050

December 5, 2008

ATTACHMENT 1

ATTACHMENT 1

EXHIBIT A

Copy of BLFT-19850611TB

United States of America
Federal Communications Commission

File No.: BLFT-850611TB

License For a Broadcast Translator Station

FM

Call Sign: W238AA

Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus hereinafter described.

RECEIVED
SEP 27 1985
FCC
Office of the Secretary

REC'D MASS MED BUR
OCT 01 1985
Auxiliary Services

1. Name of Licensee	CORNELL UNIVERSITY
2. License term ending 3 a.m. Local Time	JUNE 1, 1990
3. Principal community to be served	ITHACA, NY
4. Primary station	WHCU-FM, CH-247, ITHACA, NY
5. Via	DIRECT
6. Operating assignment	Channel #238B, 95.5 MHz
7. Hours of operation	Unlimited.
8. Transmitter	TTC, XL-1FM2 DUAL OUTPUT
9. Transmitter power output	1 watts EACH OUTPUT
10. Transmitting antenna location	AT SOUTHSIDE FUEL CO., INTERSECTION STATE HWY. 96 AND CODDINGTON ROAD, ITHACA, NY
11. North Latitude	42° 25' 37"
West Longitude	76° 29' 55"
12. Transmitting Antenna	SCALA HDCA-10 10 ELEMENT YAGIS,
13. Antenna supporting structure	SIDE-MOUNTED ON A STEEL TOWER
14. Overall height above ground	142 FEET
15. Main radiation lobe oriented	06 AND 295 DEGREES, TRUE
16. Obstruction marking specifications	In accordance with the following paragraphs of FCC Form 715 (attached): NONE REQUIRED
17. Conditions	

The Commission reserves the right during said license period of terminating this license or making effective any changes or modification of this license which may be necessary to comply with any decision of the Commission rendered as a result of any hearing held under the rules of the Commission prior to the commencement of this license period or any decision rendered as a result of any such hearing which has been designated but not held, prior to the commencement of this license period.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained, so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the terms of this license, render such service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the rights herein granted shall be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of the licensee, if a corporation, to any person without the written consent of the Commission. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Dated:
June 21, 1985

KJ

Federal
Communications
Commission

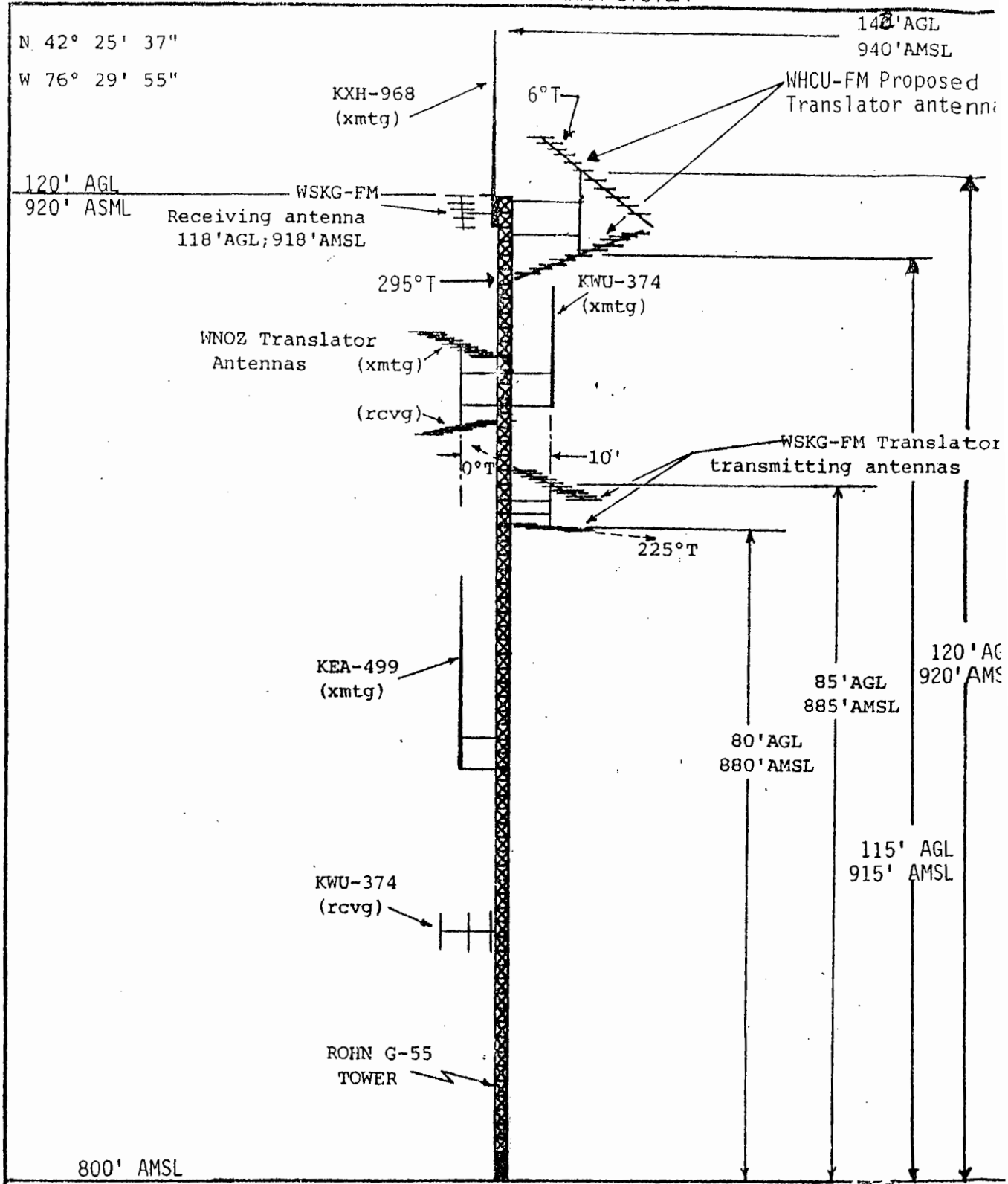
FCC Form 385
September 1980

ATTACHMENT 1

EXHIBIT B

Copy of
Vertical Plan Sketch of Antenna System
From BPFT-19840608MS
Showing Antennas at 118 feet (36 meters) AGL
Center of Radiation

VERTICAL PLAN SKETCH OF ANTENNA SYSTEM



CORNELL UNIVERSITY
RADIO STATION WHCU- FM
ITHACA, N. Y.
CHANNEL 238
MAY 1984

ATTACHMENT 1

EXHIBIT C

Copy of BPFT-(19)840608MS

Form BC-336
FCC 1-12-82

FILE NO. BPFT-840608 M

CALL SIGN 238 AA

CONSTRUCTION PERMIT

SPECIFICATIONS FOR BROADCAST TRANSLATOR STATION

(FM)

1. Name of Applicant.....: CORNELL UNIVERSITY

2. Principal Community(ies) To Be Served.: Ithaca, NY

3. Primary Station.....: WHCU-FM 247 Ithaca NY
Call Ch. # City Stat

4. Via or Direct.....: Direct

5. Operating Assignment.....: Channel 238B Frequency 95.5 Mhz

6. Hours of Operation.....: Unlimited

7. Transmitter (Type Accepted).....: TTC, XL-1FM2 dual output

8. Transmitter Power Output.....: One Wattx each output

9. Effective Radiated Power.....: 0.008 Kilowatts

10. Transmitting Antenna Location.....: At Southside Fuel Co., intersection State Hwy. 96B and Coddington Road, Ithaca, NY

11. North Latitude.....: 42° 25' 37"

West Longitude.....: 76° 29' 55"

12. Transmitting Antenna.....: Make: Scala Type: HDCA-10

13. Antenna Supporting Structure.....: 10 element yagis, side-mounted on a steel tower

14. Radiation Center Above Mean Sea Level.: 280 Meters

15. Overall Height Above Ground Level: 142 Feet (to Tip of Tower or Pole)
(Includes Beacon, If Applicable

16. Main Radiation Lobe(s) Oriented.....: 06 and 295 Degrees, True

17. Obstruction Marking Specifications....: None Required

18. Conditions.....: N/A

T J ENGLISH
Engineer

6-20-84
Date

ATTACHMENT 1

EXHIBIT D

Copy of Application BLFT-19850611TB
Filed June 11, 1985
By Cornell University

BARAFF, KOERNER, OLENDER & HOCHBERG, P. C.
ATTORNEYS AT LAW
2033 M STREET N.W., SUITE 203
WASHINGTON, D.C. 20036-3355
(202) 452-8200

B. JAY BARAFF
ROBERT L. OLENDER
JAMES A. KOERNER
PHILIP R. HOCHBERG
AARON SHAINIS
LEE J. PELTZMAN
JAMES E. MEYERS
MARC G. H. GIATTINI

OF COUNSEL
ROBERT BENNETT LUBIC

June 11, 1985

Mr. William J. Tricarico
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: BPFT-840608MS

Dear Mr. Tricarico:

Transmitted herewith, in triplicate, on behalf of Cornell University, permittee of Translator W238AA, is an application (FCC Form 347) for license to cover the above-referenced construction permit.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours,

Robert L. Olender
Counsel for
Cornell University

RLO/jds

Enclosures

Approved by OMB
3060-0017
Expires 5-31-83

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR TV OR FM BROADCAST TRANSLATOR STATION LICENSE

(For Commission Use Only)
File No. BLFT-850611TB

RECEIVED
JUN 11 1985
FCC
Office of the Secretary

1. Name of applicant (See Instruction D)

Cornell University

Street Address: 212 The Commons East
P.O. Box 69

City	State	ZIP Code
Ithaca	NY	14850

Telephone (include Area Code): (607) 272-2345

2. Call Sign of Translator: W238AA

3. Construction permit covered by this application

File number	Date of Construction Permit
BPFT-840608MS	June 20, 1984
Construction begun	**Construction completed**
October 15, 1984	May 17, 1985

Is the station now in satisfactory operating condition and ready for regular operation? If not, explain. [X] YES [ ] NO

RCV'D MASS MED BUR
JUN 12 1985
DIVISION SERVICE

Apart from the apparatus construction of the above-described construction permit been fully met? If "No", state exceptions. [ ] YES [X] NO

Overall height above ground of the two antennas has been altered

4. Station Identification

Indicate how station identification will be made:
[ ] FSK [ ] Amplitude Modulation of FM Aural Carrier
[X] by Primary Station [ ] Not Required

If by primary station, is current information on file with the primary station as to your call letters, exact location of your station, and the name, address, and telephone number of the person to be contacted in an emergency to suspend operation of the translator? [X] YES [ ] NO

INSTRUCTIONS

A. This form is to be used in all cases when applying for a TV or FM Broadcast Translator Station License.

B. Prepare and file three copies of this form and all exhibits with the Federal Communications Commission, Washington, D. C. 20554.

C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page two of this form.

D. The name of the applicant must be stated exactly as it appears on the construction permit which is being covered.

E. Information called for by this application which is already on file with the Commission need not be refiled in this application provided (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference the applicant states: "No change since date of filing". Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public.

F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall, in the event he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

G. *BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.*

H. NO PUBLIC NOTICE IS REQUIRED FOR A LICENSE APPLICATION.

FINANCIAL DATA

5. Cost of station

a. Give actual cost of construction of translator station

$

b. Have there been any substantial changes in the financial data submitted with the application for construction permit? [ ] YES [ ] NO

c. If answer to Question 5b is yes, submit as Exhibit No. a statement outlining such changes.

(All previous editions of this form are cancelled.)

FCC Form 347

ENGINEERING DATA

6. Facilities authorized in construction permit.

a. Output Channel No.	Transmitter output power	Proposed Principal Community or Communities to be served:	Primary Station:
238B Frequency: 95.5 MHz	One watt from each of two output ports	City: Ithaca, State: New York	Call: WHCU-FM Channel No. 247 City: Ithaca State: New York Frequency: 97.3 MHz
b. Input Channel No. 247 Frequency: 97.3 MHz			

7. Transmitter location

City	County	State
Ithaca	Tompkins	New York

Address or other description of location: Southside Fuel Co. Intersection of State HWY 96B and Coddington Rd. Ithaca

Geographical coordinates of transmitting antenna to nearest second
North Latitude: 42 °25 ' 37"
West Longitude: 76 °29 '55 "

8. Does the apparatus constructed, the transmitter location, or mode of operation differ from that described in the application for construction permit or in the permit issued by the Commission? [X] Yes [ ] No

If "Yes", describe in detail, by attaching Exhibit No. 1, the nature of changes, particularly with regard to type of transmitter, transmitting antenna, antenna orientation, transmission line, or increase in overall height above ground of either the transmitting or receiving antenna structure. Show recomputation of effective radiated power resulting from any such changes. See Exhibit # 1A

9. If antenna obstruction painting and lighting specifications were made a part of the construction permit, have same been installed as prescribed and in proper working order? [ ] Yes [ ] No

If "No", explain in Exhibit No. , attached. [X] Not Required

10. Give name, address, ZIP Code, and telephone number of person(s) to contact if transmitter must be turned off in event of emergency:
Robert F. Denison, C.O.
37 Etna Road
Ithaca, N.Y. 14850
(607) 347-4324

The APPLICANT hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934.)

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 21 day of MAY 19 81.

Telephone (607) 272-2345
(Include Area Code)

Cornell University
(Name of Applicant)

By William O'Herlocker
(Signature)

Title Senior Vice-President

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

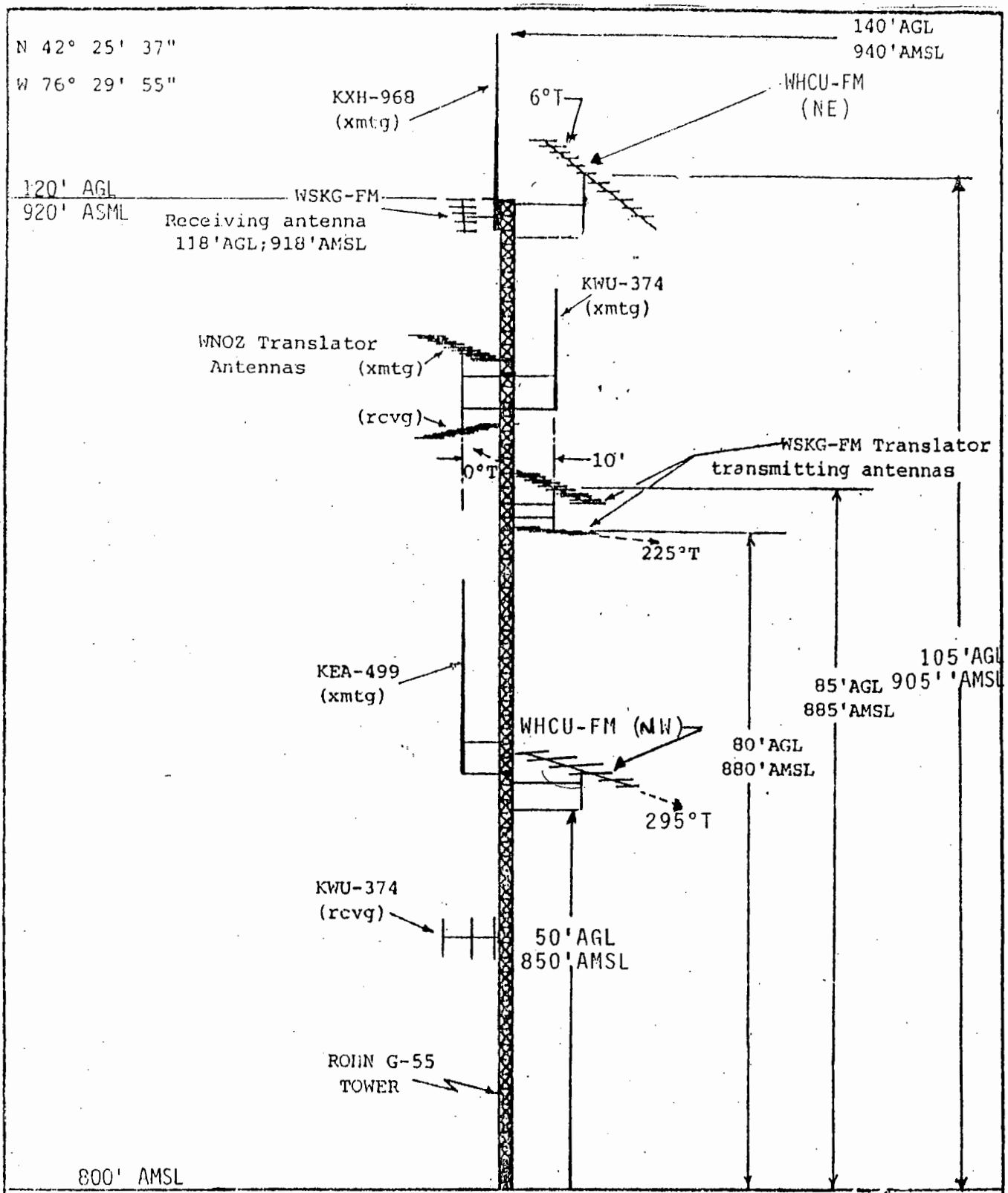
The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U. S. C. 552a(e) (3).

EXHIBITS furnished as required by this form:

EXHIBIT NO.	PARA. NO. OF FORM	NAME OF OFFICER OR EMPLOYEE (1) BY WHOM OR (2) UNDER WHOSE DIRECTION EXHIBIT WAS PREPARED (SHOW WHICH)	OFFICIAL TITLE
1	8	Robert F. Denison	Chief Operator
1A	8	Robert F. Denison	Chief Operator

VERTICAL SKETCH PLAN AS CONSTRUCTED -- MAY 1985 FIGURE #1



CORNELL UNIVERSITY
RADIO STATION WHCU- FM
ITHACA, N. Y.
CHANNEL 238

FIGURE #1A - RADIO STATION WHCU-FM TRANSLATOR - CORNELL UNIVERSITY

RECALCULATION OF TRANSMISSION LINE LENGTHS AND LOSSES

PROPOSED (AS PER CONSTRUCTION PERMIT)

TRANSMISSION LINE: ANDREWS

TYPE # LDF4-75

LENGTH: 175' NE AND 175' NW

RATED EFFICIENCY E FOR LENGTH GIVEN: .869

EFFECTIVE RADIATED POWER: .00826 (NE & NW)

ACTUAL (AS CONSTRUCTED)

TRANSMISSION LINE: ANDREWS

TYPE: LDF4-75

LENGTH: NE ANTENNA (6°T) 160'

NW ANTENNA (295°T) 120'

RATED EFFICIENCY E FOR LENGTH GIVEN: NE (6°T) = 77.7%

NW (295°T) = 82.6%

EFFECTIVE RADIATED POWER: NE (6°T) = 7.38 WATTS

NW (295°T) = 7.85 WATTS

LOSS PER 100' OF ANDREW LDF4-75 AT 95.5mHZ = .69DB

ATTACHMENT 1

EXHIBIT E

Letter dated September 27, 1985, from Cornell University Counsel Requesting Corrected License

BARAFF, KOERNER, OLENDER & HOCHBERG, P. C.
ATTORNEYS AT LAW
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WASHINGTON, D.C. 20036-3355
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ROBERT L. OLENDER
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PHILIP R. HOCHBERG
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LEE J. PELTZMAN
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MARC G. H. GIATTINI

OF COUNSEL
ROBERT BENNETT LUBIC

September 27, 1985

Mr. William J. Tricarico
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: BLFT-850611TB

Dear Mr. Tricarico:

Pleased be advised on behalf of Cornell University, holder of a broadcast translator license for W238AA, Ithaca, New York, that its license issued June 21, 1985, is in error. Specifically, Item 14 incorrectly indicates that licensee has two antennas at 142 feet overall height above ground. According to the tower sketch submitted with Figure 1 with the application Form 347, the overall height above ground of the structures should read as follows: 6°T (NE) 105 feet AGL and 295°T (SW) 50 feet AGL.

Accordingly, it is hereby requested on behalf of Cornell University that the attached license be corrected to reflect the information submitted herein.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours,

Robert L. Olender
Counsel for
Cornell University

RLO/jds
Enclosure

United States of America
Federal Communications Commission

File No.: BLFT-850611TB

License For a Broadcast Translator Station

FM

Call Sign: W238AA

Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus hereinafter described.

RECEIVED
SEP 27 1985
FCC
Office of the Secretary

1. Name of Licensee	CORNELL UNIVERSITY
2. License term ending 3 a.m. Local Time	JUNE 1, 1990
3. Principal community to be served	ITHACA, NY
4. Primary station	WHCU-FM, CH-247, ITHACA, NY
5. Via	DIRECT
6. Operating assignment	Channel #238B, 95.5 MHz
7. Hours of operation	Unlimited.
8. Transmitter	TTC, XL-1FM2 DUAL OUTPUT
9. Transmitter power output	1 watts EACH OUTPUT
10. Transmitting antenna location	AT SOUTHSIDE FUEL CO., INTERSECTION STATE HWY. 96 AND CODDINGTON ROAD, ITHACA, NY
11. North Latitude	42° 25' 37"
West Longitude	76° 29' 55"
12. Transmitting Antenna	SCALA HDCA-10 10 ELEMENT YAGIS,
13. Antenna supporting structure	SIDE-MOUNTED ON A STEEL TOWER
14. Overall height above ground	142 FEET
15. Main radiation lobe oriented	06 AND 295 DEGREES, TRUE
16. Obstruction marking specifications	In accordance with the following paragraphs of FCC Form 715 (attached):
17. Conditions	NONE REQUIRED

REC'D MASS MED BUR
OCT 01 1985
Auxiliary Services

The Commission reserves the right during said license period of terminating this license or making effective any changes or modification of this license which may be necessary to comply with any decision of the Commission rendered as a result of any hearing held under the rules of the Commission prior to the commencement of this license period or any decision rendered as a result of any such hearing which has been designated but not held, prior to the commencement of this license period.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained, so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the terms of this license, render such service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the rights herein granted shall be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of the licensee, if a corporation, to any person without the written consent of the Commission. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

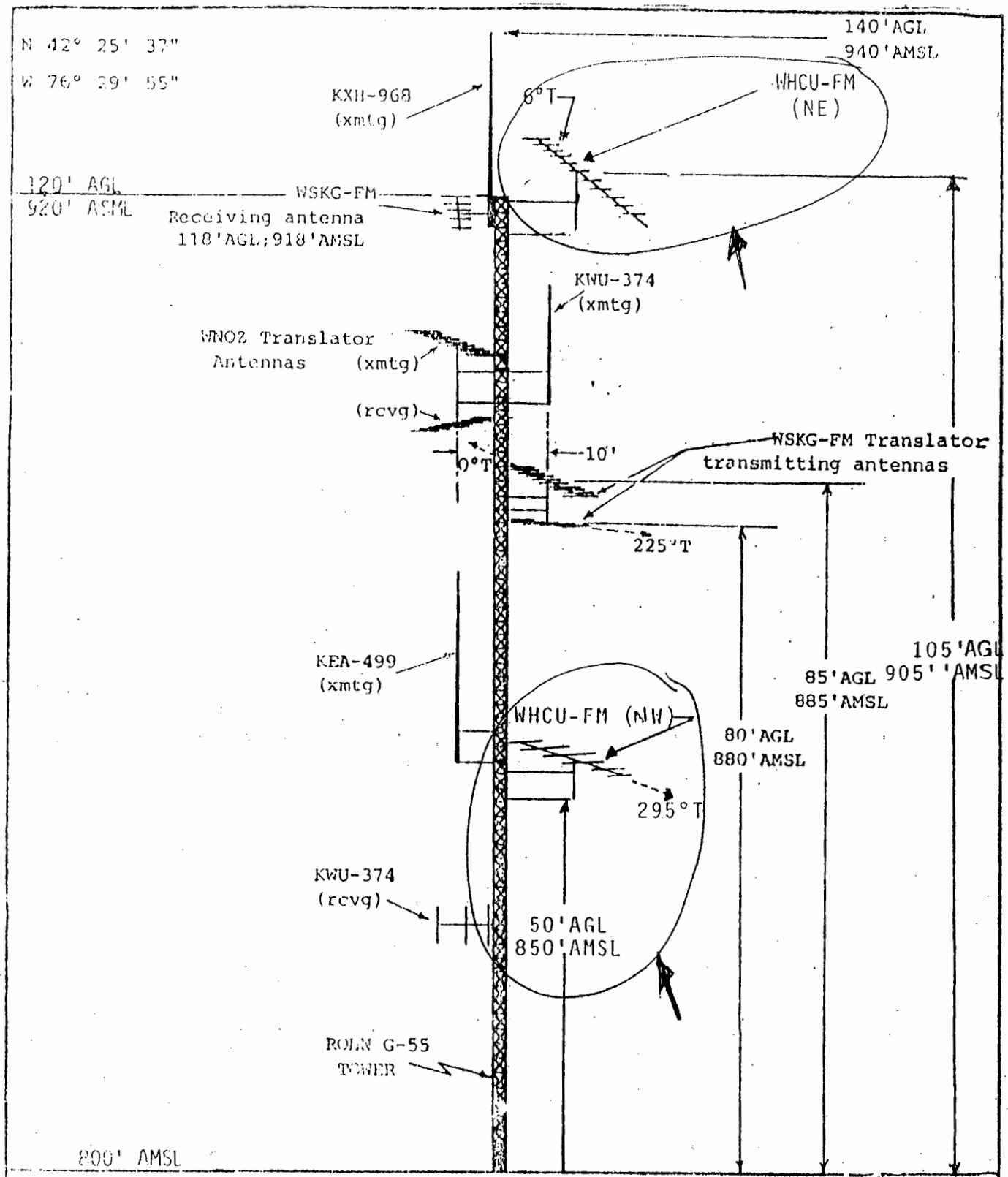
Dated:
June 21, 1985

KJ

Federal
Communications
Commission

FCC Form 385
September 1980

VERTICAL SKETCH PLAN AS CONSTRUCTED -- MAY 1985 FIGURE #1



CORNELL UNIVERSITY
RADIO STATION WHCU- FM
ITHACA, N. Y.
CHANNEL 238

ATTACHMENT 1

EXHIBIT F

FCC Engineering Database
Showing BLFT-19850611TB
With 8 Watts horizontal and COR at 280 m AMSL
(36 m AMSL)

FCC FM database file, File Date: 10-25-08

V-Soft Comm. Key #: 23695
Call Letters: W238AA
License Type: LIC
Channel/Class: 238D
Frequency (MHz): 95.5
Principal City: Ithaca
State: NY
Latitude : 42 25 37.0
Longitude: 76 29 55.0
Border: C
Border Distance: 136
Pattern:
Rotation:
Polarity: H
Service: X
Country: U
Beam Tilt: N
E.R.P. (kW): 0.008
H.A.A.T. (M): -69
C.O.R. A.M.S.L. (M): 280
Licensee Name: Saga Communications Of New En
File Number: BLFT19850611TB
Facility I.D.: 18057
Application I.D.: 78970
H.A.A.T. Horizontal (M): -69
H.A.A.T. Vertical (M): 0
Height Above Ground Horizontal (M): 0
Height Above Ground Vertical (M): 0
Height Above Mean Sea Level Horizontal (M): 280
Height Above Mean Sea Level Vertical (M): 0
E.R.P. Horizontal (kW): 0.008
E.R.P. Vertical (kW): 0
Maximum HAAT (M): 152
Maximum E.R.P. Horizontal (kW): 0
Maximum E.R.P. Vertical (kW): 0
Power Output (kW): 0
Station is NOT 73.215
Antenna Make:
Antenna Model:
Action Date: 10/04/92
TRANSLATOR FOR WHCUFM, ITHACA, NY.

ATTACHMENT 1

EXHIBIT G

Emails dated September 8, 2008
Between Justin Asher and Jason Gorodetzer

To: "Jason M. Gorodetzer" <jgorodetzer@cyradiogroup.com>
From: Justin Asher <justin@munn-reese.com>
Subject: RE: W238AA -Ithaca, NY
Cc: SJohnston@cyradiogroup.com, Urbiel-Greg, Christian-Ed
Bcc:
Attached:

Perfect!!,

This is exactly what I was looking for.

Justin Asher
Munn-Reese, Inc.At 02:53 PM 9/8/2008 -0400, you wrote:
>Justin,
>
>The current antenna system for w238AA is 2 horizontally polarized Scala HDCA-5 FM Yagis. One is pointed at roughly 45 degrees and the other at about 270 degrees.
>
>Jason M. Gorodetzer
>
>Chief Engineer / IT Manager
>Cayuga Radio Group
>WHCU/WNYY/WYXL/WQNY/WIII
>1751 Hanshaw Rd
>Ithaca, NY 14850
>Phone: 607-257-6400 (office) 607-280-5956 (cell)
>Fax: 607-257-6497
>
>Email disclaimer:
>
>This email message, including attachments, may contain confidential and/or privileged material specific to Saga Communications, Inc. Any unauthorized use, disclosure or distribution is prohibited. If you have received this in error, please delete it.
>
>
>
>-----Original Message-----
>From: Justin Asher [mailto:justin@munn-reese.com]
>Sent: Monday, September 08, 2008 1:03 PM
>To: jgorodetzer@cyradiogroup.com; SJohnston@cyradiogroup.com
>Cc: gurbiel@sagacom.com; EdRadioTV@aol.com
>Subject: W238AA -Ithaca, NY
>
>Jason,
>Susan,
>
>
>Can you review your files for the make and model of the present W238AA
>antenna. We will need this for emergeny minor change modification until
>the west hill site is ready.
>
>You should be looking for license BLFT-19850611TB. This is too old to be
>on CDBS so.
>
>The purpose of this would be to used the vertical radiation characteristics
>of the antenna to show a lack of interference on the ground towards W242AB.
> Target power is about 1-3 watts, but we will need the antenna make and

ATTACHMENT 1

EXHIBIT H

Emails dated September 9, 2008
Between Justin Asher and Jason Gorodetzer

From: "Jason M. Gorodetzer" <jgorodetzer@cyradiogroup.com>
To: "'Justin Asher'" <justin@munn-reese.com>,
<gurbiel@sagacom.com>,
<SJohnston@cyradiogroup.com>
Subject: RE: W238AA - Ithaca, NY
Date: Tue, 9 Sep 2008 11:31:12 -0400
X-Mailer: Microsoft Office Outlook 11
Thread-Index: AckSgrDqU8t1hbOwTlykTyeul7WNTAADY4DQ
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.3198
X-Declude-Sender: jgorodetzer@cyradiogroup.com [206.210.66.137]
X-Declude-Spoolname: D9584027800003604.smd
X-Declude-RefID:
X-Declude-Note: Scanned by Declude 4.3.64 "http://www.declude.com/x-note.htm"
X-Declude-Scan: Incoming Score [-6] at 11:26:07 on 09 Sep 2008
X-Declude-Tests: None
X-Country-Chain: UNITED STATES->destination
X-Declude-Code: e
X-Declude-Recipcount: 1
X-Helo: smtp-auth-04.mx.pitdc1.expedient.net
X-RevDNS: smtp-auth-04.mx.pitdc1.expedient.net
X-RCPT-TO: <justin@munn-reese.com>
X-IMail-ThreadID: 9584027800003604
X-Antivirus: AVG for E-mail 7.5.523 [270.6.19/1661]

Justin,

According to an old license I have, the overall height of the structure is listed as 52 meters.

That height sounds about correct.

The current primary station at 95.5 is WYXL. The CP says WQNY. However, due to the STA, we are actually rebroadcasting WHCU on that frequency.

Yes, we are using the Scala 2 antenna setup. I have no idea as to why the license was changed to specify NON DA operation. The original license had the correct antennas specified on it, but our latest one was changed for some reason.

Jason M. Gorodetzer

Chief Engineer / IT Manager
Cayuga Radio Group
WHCU/WNYY/WYXL/WQNY/WIII
1751 Hanshaw Rd
Ithaca, NY 14850
Phone: 607-257-6400 (office) 607-280-5956 (cell)
Fax: 607-257-6497

-----Original Message-----
From: Justin Asher [mailto:justin@munn-reese.com]
Sent: Tuesday, September 09, 2008 9:44 AM

To: gurbiel@sagacom.com; jgorodetzer@cyradiogroup.com; SJohnston@cyradiogroup.com
Subject: W238AA - Ithaca, NY

Jason,
Greg,
Susan,

We're looking at 5 watts ERP for the emergency operation, but I need a little more info.

Do you know the overall tower height for the tower? This is not on any of the data online. CDBS only indicates the present antenna is about 118 feet AGL.

Also, to make the end result work, we had to swap primary stations for the three translators; but for this emergency step we can just maintain the present primary station, I have this listed as WYXL(FM) - Ithaca. Is this correct?

One last thing, CDBS indicates you are presently horizontal only polarization, but non-directional, not directional. This should not be an issue, but I just want to verify W238AA is acually using the Scala duel antenna unit and not presently running NDA.

If you get these answers to me, I should be ready to file today, which means with expidited processing we should have a grant by the end of the week...hopefully.

Justin Asher
Munn-Reese, Inc.

â"ª

ATTACHMENT 1
EXHIBIT I

Copy of FCC Form 349
BMPFT-20080910AAI

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0405 (March 2001)	FOR FCC USE ONLY
FCC 349		
APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN AN FM TRANSLATOR OR FM BOOSTER STATION Read INSTRUCTIONS Before Filling Out Form		FOR COMMISSION USE ONLY FILE NO. BMPFT - 20080910AAI

Section I - General Information

1.	Legal Name of the Applicant SAGA COMMUNICATIONS OF NEW ENGLAND, LLC			
	Mailing Address 73 KERCHEVAL AVENUE			
	City GROSSE POINTE FARMS		State or Country (if foreign address) MI	ZIP Code 48236 -
	Telephone Number (include area code) 3138867070		E-Mail Address (if available) GURBIEL@SAGACOM.COM	
	FCC Registration Number: 0009269424	Call Sign W238AA	Facility Identifier 18057	
2.	Contact Representative (if other than Applicant) GARY S. SMITHWICK, ESQ.		Firm or Company Name SMITHWICK & BELENDIUK, P.C.	
	Mailing Address 5028 WISCONSIN AVENUE, NW SUITE 301			
	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20016 -	
	Telephone Number (include area code) 2023634560		E-Mail Address (if available) GSMITHWICK@FCCWORLD.COM	

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):
○ Governmental Entity ○ Noncommercial Educational Licensee/Permittee ○ Other
○ N/A (Fee Required)

4. Facility information:
a. ◉ FM Translator ○ FM Booster
b. Community or communities to which the proposed facility will be licensed:

Community(ies)	State
ITHACA	NY

5. **Application Purpose**

○ New station
○ Major Change in licensed facility
○ Minor Change in licensed facility
○ Major Modification of construction permit
◉ Minor Modification of construction permit
○ Major Amendment to pending application
○ Minor Amendment to pending application

a. File number of original construction permit: BPFT-20071226AAP

If an amendment, **submit as an Exhibit** a listing by Section and Question Number the portions of the pending application that are being revised. [Exhibit 1]

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided. See General Instruction J.

Section II - Legal

1.	**Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	◉ Yes ○ No
2.	Applicant is:	
	○ an individual / ○ a general partnership / ○ a for-profit corporation	
	○ a limited partnership / ○ a not-for-profit corporation / ◉ a limited liability company (LLC/LC)	
	○ other	
	a. If "other", describe nature of applicant in an Exhibit.	[Exhibit 2]
3.	a. Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast? See 47 C.F.R. Section 74.1232(d).	○ Yes ○ No ◉ N/A See Explanation in [Exhibit 3]
	b. Applicant certifies that the coverage contour of the translator station will not extend beyond the protected contour of the commercial primary station being rebroadcast.	◉ Yes ○ No ○ N/A See Explanation in [Exhibit 4]
	NOTE: **If No to a. and b., and no waiver has been requested in an Exhibit, this application is unacceptable for filing.** See 47 C.F.R. Section 74.1232(d). If No to a. and Yes to b. applicant is prohibited from receiving any support, before or after construction, either directly or indirectly from the commercial primary station being rebroadcast or from any person or entity having any interest whatsoever, or any connection with the primary FM station. Interested and connected parties include group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. See 47 C.F.R. Section 74.1232(e).	
4.	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee/permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	○ Yes ○ No ◉ N/A See Explanation in [Exhibit 5]
5.	For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. **If No, this application is unacceptable for filing.**	○ Yes ○ No ◉ N/A
6.	**Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or	○ Yes ○ No See Explanation in [Exhibit 6]

	b. any pending broadcast application in which character issues have been raised.	
7.	**Adverse Findings.** Applicant certifies that, with respect to the applicant , any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and date of filing; and (ii) the disposition of the previously reported matter.	○ Yes ○ No See Explanation in [Exhibit 7]
8.	**Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	○ Yes ○ No See Explanation in [Exhibit 8]
9.	**Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	○ Yes ○ No
10.	**Local Public Notice.** Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.	○ Yes ○ No
11.	**Auction Authorization.** If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. An exhibit is required unless this question is inapplicable.	○ Yes ○ No ◉ N/A See Explanation in [Exhibit 9]
12.	**Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	◉ Yes ○ No
13.	**Equal Employment Opportunity (EEO).** If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	○ Yes ○ No ◉ N/A

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
SUSAN JOHNSTON	VICE PRESIDENT
Signature	Date
	09/10/2008

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name JUSTIN W. ASHER		Relationship to Applicant (e.g., Consulting Engineer) CONSULTING ENGINEER
Signature		Date 09/09/2008
Mailing Address MUNN-REESE, INC. PO BOX 220, 385 AIRPORT DR.		
City COLDWATER	State or Country (if foreign address) MI	Zip Code 49036 - 0220
Telephone Number (include area code) 5172787339	E-Mail Address (if available) JUSTIN@MUNN-REESE.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III-A - Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel: 240

2. Primary Station:

Facility Identifier	Call Sign	City	State	Channel
18051	WYXL	ITHACA	NY	247

3. Delivery Method (Select One):
◉ Off-air ○ Microwave ○ Satellite ○ Via ○ Other

4. Antenna Location Coordinates: (NAD 27)

Latitude:
Degrees 42 Minutes 25 Seconds 37 ◉ North ○ South

Longitude:
Degrees 76 Minutes 29 Seconds 55 ◉ West ○ East

5. Antenna Structure Registration Number:
☑ Not Applicable ☐ Notification filed with FAA

6.	Antenna Location Site Elevation Above Mean Sea Level:	244 meters
7.	Overall Tower Height Above Ground Level:	52 meters
8.	Height of Radiation Center Above Ground Level:	36 meters(H) meters(V)
9.	Effective Radiated Power:	0.002 kW(H) kW(V)

10. Transmitting Antenna:

Before selecting Directional "Off-the-Shelf", refer to "Search for Antenna Information" under CDBS Public Access (http://fjallfoss.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm). Make sure that the Standard Pattern is marked Yes and that the relative field values shown match your values. Enter the Manufacturer (Make) and Model exactly as displayed in the Antenna Search.

○ Nondirectional ○ Directional "Off-the-shelf" ◉ Directional composite

Manufacturer SCA Model HDCA-5 (TWO ELEMENT COMPOSITE)

Rotation:degrees ☑ No Rotation

Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0	0.356	10	0.522	20	0.687	30	0.858	40	0.963	50	0.995
60	0.942	70	0.806	80	0.643	90	0.472	100	0.308	110	0.184
120	0.121	130	0.093	140	0.061	150	0.037	160	0.019	170	0.047
180	0.077	190	0.107	200	0.154	210	0.231	220	0.39	230	0.558
240	0.726	250	0.879	260	0.978	270	1	280	0.917	290	0.767
300	0.607	310	0.438	320	0.27	330	0.112	340	0.089	350	0.186
Additional Azimuths											

Relative Field Polar Plot

11.	**For FM Boosters and Fill-in translators only.** Applicant certifies that the proposal is for a fill-in translator or booster station entirely within the primary station's protected contour.	◉ Yes ○ No ○ N/A See Explanation in [Exhibit 10];
12.	**Interference.** The proposed facility complies with all of the following applicable rule sections. Check all that apply:	◉ Yes ○ No See Explanation in [Exhibit 11]
	Overlap Requirements. ☑ a) 47 C.F.R. Section 74.1204 **Exhibit Required.**	[Exhibit 12]
	Television Channel 6 Protection. ☐ b) 47 C.F.R. Section 74.1205 with respect to station(s) **Exhibit Required.**	[Exhibit 13]
13.	**Unattended operation.** Applicant certifies that unattended operation is not proposed, or if this application proposes unattended operation, the applicant certifies that it will comply with the requirements of 47 C.F.R. Section 74.1234.	◉ Yes ○ No See Explanation in [Exhibit 14]
14.	**Multiple Translators.** Applicant certifies that it does not have any interest in an application or an authorization for an FM translator station that serves substantially the same area and rebroadcasts the same signal as the proposed FM translator station.	◉ Yes ○ No See Explanation in [Exhibit 15]
15.	**Environmental Protection Act.** Applicant certifies that the proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.** By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.	◉ Yes ○ No See Explanation in [Exhibit 16]

PREPARER'S CERTIFICATION ON PAGE 4 MUST BE COMPLETED AND SIGNED.

Section IV -- Noncommercial Educational Point System Factors - -New and Major Change Applications on Reserved Channels Only (used to select among mutually exclusive applications for new stations and major modifications) **NOTE:** Applicants will not received any additional points for amendments made after the close of the application filing window.

Preliminary Matter: Does this application provide fill-in service only?		○ Yes ○ No
1.	**Established Local Applicant:** Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.	○ Yes ○ No
2.	**Diversity of Ownership:** Applicant certifies that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized radio station (including AM, FM, and non-fill-in FM translator stations, commercial or noncommercial) in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity qualification in a local public inspection file and has submitted to the Commission copies of the documentation.	○ Yes ○ No
3.	**State-wide Network:** Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above: (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.	○ Yes ○ No
4.	**Technical Parameters:** Applicant certifies that the numbers in the boxes below accurately reflect the new (increased) area and population that its proposal would serve with a 60 dBu signal measured in accordance with the standard predicted contours in 47 C.F.R. Section 73.713(c) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include the area of proposed increase only (exclude the station's existing service area). (Points, if any, will be determined by FCC)	○ Yes ○ No
	New (increased) area served in square kilometers (excluding areas of water):	
	Population served based on the most recent census block data from the United States Bureau of Census using the centroid method:	
Tie Breakers		
5.	**Existing Authorizations**. a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations. (number of attributable commercial and non-commercial licenses and construction permits) b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of FM translators.	
6.	**Pending Applications**. a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, pending applications for new or major changes to the following number of relevant broadcast stations, AM and FM, commercial and non-commercial and FM translator stations other than fill-in stations. (number of attributable commercial and non-commercial applications) b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of FM translators.	

Section VI -- Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
SUSAN JOHNSTON	VICE PRESIDENT
Signature	Date
	09/10/2008

Exhibits

Exhibit 1
Description: EXPEDITED CONSIDERATION REQUESTED

THE APPLICANT HAS BEEN INFORMED THAT WFLR-FM, DUNDEE, NY, WILL COMMENCE OPERATION ON SEPTEMBER 15 OR 16 ON CHANNEL 238 (BPH-20071001AGJ), AT THAT TIME THE APPLICANT WILL HAVE TO DISCONTINUE THE W238AA OPERATION BECAUSE OF PREDICTED FCC CONTOUR OVERLAP.

THIS APPLICATION PROPOSES AN EMERGENCY FACILITY (SAME SITE, HEIGHT AND ANTENNA, BUT AT A REDUCED POWER AND MINOR CHANGE OF CHANNELS) TO ADDRESS THE POTENTIAL OVERLAP PROBLEM. EXPEDITED CONSIDERATION IS REQUESTED IN ORDER TO PERMIT W238AA TO CONTINUE TO PROVIDE SERVICE TO ITS AUDIENCE.

Attachment 1

Exhibit 12
Description: SEE DISCUSSION IN THIS EXHIBIT

THE APPLICANT WOULD LIKE TO NOTE THE EXISTENCE OF A SECOND ADJACENT CHANNEL GIVEN INTERFERENCE WAIVER REQUEST TOWARD WFLR-FM(CP) AND W242AB(LIC) AS INCLUDED IN EXHIBIT 12.6.

THE APPLICANT WOULD LIKE TO NOTE THE EXISTENCE OF WHCU(AM) STA FOR RETRANSMISSION OF WHCU(AM) ON W238AA(FM), BLSTA-20071207AAG (EXTENSION FILED BELSTA-20080905AAR). THIS PROPOSAL WILL NOT ADVERSELY AFFECT THIS STA AS NOTED IN EXHIBIT 12.4.

Attachment 12

Description
Discussion of Engineering Exhibit(s)
Exhibit(s) 12.1 to 12.7

Exhibit 16
Description: ENVIRONMENTAL COMPLIANCE

APPLICANT IS EXEMPT FROM RF COMPLIANCE AS THE PROPOSAL REQUESTS OPERATING PARAMETERS OF LESS THAN 99 WATTS ERP.

APPLICANT CERTIFIES RF COMPLIANCE WITH THE ATTACHED STUDY.

REGARDING COMPLIANCE WITH THE NATIONWIDE PROGRAMMATIC AGREEMENT AND NHPA SECTION 106 FOR TOWER CO-LOCATION, COMPLIANCE WITH THE AGREEMENT IS NOT REQUIRED WHERE NO NEW TOWER CONSTRUCTION IS BEING PROPOSED AND THE TOWER IS NOT BEING SUBSTANTIALLY ALTERED.

SPECIFICALLY, COMPLIANCE IS NOT NECESSARY WHERE ONLY AN ANTENNA AND FEED-LINE ARE BEING ATTACHED TO AN EXISTING STRUCTURE, AS HERE. HOWEVER, SHOULD THE COMMISSION DETERMINE THAT COMPLIANCE IS NECESSARY, UPON NOTIFICATION TO THE APPLICANT, THE APPLICANT WILL FILE FCC FORM 621.

Attachment 16

ENGINEERING REPORT

FM Translator Minor Construction Permit Modification Application

for

W238AA – Ithaca, NY
Frequency Change and Power Decrease Application

CP File No. BPFT-20071226AAP

September, 2008

MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

TABLE OF CONTENTS

(Exhibit numbering is in response to FCC Online Form 349, Section III-A)

Discussion

This firm has been retained to prepare the required engineering report in support of a minor change construction permit modification for FM "Fill In" translator W238AA, Ithaca, NY Construction Permit BPFT-20071226AAP. This Construction Permit authorizes operation on CH240D, 95.9 MHz with 0.250 kW of power at an antenna COR of 329 meters AMSL from an alternate site location. W238AA is presently licensed to operate on CH238D, 95.5 MHz, with 8 watts of horizontal only power at a COR of 280 meters AMSL. The facility presently operates with a horizontally only polarized Scala HDCA5 directional composite antenna, however the directional antenna pattern was noted to be missing from the FCC database. The licensed W238AA facility will be displaced due to the imminent construction and licensing of a WFLR-FM outstanding construction permit. As the W238AA authorized construction permit facilities cannot be built at this time due to local zoning issues, the applicant wishes to modify the W238AA construction permit to reduced operating parameters of 2 watts from the present site and height, however from a proposed frequency of CH240D, 95.9 MHz. These facilities may co-exist with the WFLR-FM imminent operation as documented here-in. The actual directional antenna pattern will be notified for this proposal. The translator will continue to be licensed to rebroadcast parent station WYXL(FM), Ithaca, NY, however an STA has been requested and granted for rebroadcast of WHCU(AM), Ithaca, NY, 870 kHz. This proposal will not adversely affect the WHCU(AM) STA request.

The proposed operation will remain mounted on an existing tower which does not require Antenna Structure Registration. As the proposal will not increase overall tower height, the FAA need not be notified. A copy of USGS topographic mapping showing the site has been included in ***Exhibit 12.1***. A copy of the vertical antenna system has been included in ***Exhibit 12.2***.

It has been determined the translator may be used in the area without interference to any existing FM broadcast station or translator with the exception of WFLR-FM(CP) and W242AB (Lic). Allocation details are found in ***Exhibit 12.5***. Second Adjacent Channel Waiver Requests toward WFLR-FM(CP) and W242AB(Lic) have been included in ***Exhibit 12.6***. Full Protection has been afforded both facilities through the use of a downward radiation study demonstrating the calculated interference area fails to reach the ground level, nor an artificial 7 meter plane representing a standard two story house, when taking into account the vertical radiation characteristics as supplied by the antenna manufacturer. It is believed sufficient clearance exists precluding the need for additional contour protection showings.

The translator site lies inside of the of the primary contour of WYXL(FM), and the 1 mV/m (60 dBu) contour of the proposed fill-in translator does not extend beyond the WYXL(FM) station primary contour. A map of the proposed service area in relation to the primary station service contour has been included in ***Exhibit 12.4.*** The applicant would also like to note the translator site and proposed 60 dBu contour lie inside of the of the WHCU(AM) 2.0 mV/m daytime contour and a 25 mile radius around the WHCU(AM) as shown in ***Exhibit 12.4***.

Regarding protection of Canadian concerns, the present facility is and will remain within 320 km of the common border between the United States and Canada. No Canadian allotment nor Canadian facility has been noted in the proposed allocation. In addition, the proposed 34 dBu f(50:10) contour does not enter Canadian soil thereby complying with §74.1235, as amended by DA 97-1595. The 34 dBu f(50:10) contour has been plotted in ***Exhibit 12.4***.

The proposed operating parameters have been changed from the licensed values, however the proposed service contour serves a portion of the present service area as seen in ***Exhibit 12.3***.

Discussion (continued)

The translator will employ a horizontally polarized composite antenna consisting of a two stock Scala HDCA5 elements mounted in the same plane but on separate orientations to achieve the desired directional effect. As stated before, the antenna will be mounted on an existing tower. FCC TOWAIR has been consulted and the FAA need not be notified.

The proposed facility meets the requirements of the Rules for operation without a licensed operator in attendance. The transmitter site may be reached promptly at all hours and in all seasons. The transmitter will be equipped with proper control and interface circuits which will place the translator in a non-radiating condition in the event the proper incoming signal is absent. The transmitter and controls will be placed in a locked area to prevent unauthorized tampering with the equipment. A person or persons will be assigned to observe the signals of the station each day, and to take corrective action if required. The equipment proposed for operation is listed in the type-approved list of the Commission.

RADIATION PROTECTION: The Commission requires an engineering study regarding compliance with the guidelines for human protection from radiofrequency radiation. This report section is in response to that provision of the Rules. The current Federal Communications Commission guidelines for RF radiation protection are set forth in OET Bulletin No. 65 (Edition 97-01), and the accompanying Supplement A, (Edition 97-01).

The facility proposed in this application is in compliance with the provisions of the FCC Rules and Guidelines concerning human exposure to radiofrequency radiation to observers located on the ground. Since the facility will operate with an ERP of less than 100 watts, §1.1307(b)(1) categorically exempts the facility from the requirement for special showings.

In the event work would be required in proximity to the antenna such that the person or persons working in the area would be potentially exposed to fields in excess of the guidelines set forth in OET Bulletin No. 65 (Edition 97-01), the transmitter power will be reduced or the station will cease operation during the critical period.

DISTANCES TO CONTOURS: The following tabulation of the distances to the proposed service contour results from calculations performed in accordance with §74.1235(b), §73.313 and §73.333 Figure 1.

N. Lat. = 422537.0 W. Lng. = 762955.0
HAAT and Distance to Contour - FCC Method - NGDC 30 SEC

Azi.	AV EL	HAAT	ERP kW	dBk	Field	60-F5
000	246.1	33.9	0.0003	-35.96	0.356	1.61
030	351.7	-71.7	0.0015	-28.32	0.858	2.00
060	333.3	-53.3	0.0018	-27.51	0.942	2.10
090	406.1	-126.1	0.0004	-33.51	0.472	1.61
120	337.7	-57.7	0.0000	-45.33	0.121	1.20
150	435.4	-155.4	0.0000	-55.63	0.037	0.37
180	413.8	-133.8	0.0000	-49.26	0.077	0.76
210	365.0	-85.0	0.0001	-39.72	0.231	1.61
240	336.5	-56.5	0.0011	-29.77	0.726	1.84
270	391.5	-111.5	0.0020	-26.99	1.000	2.17
300	361.3	-81.3	0.0007	-31.33	0.607	1.67
330	179.8	100.2	0.0000	-46.01	0.112	1.11

Ave El= 346.51 M HAAT= -66.51 M AMSL= 280.0

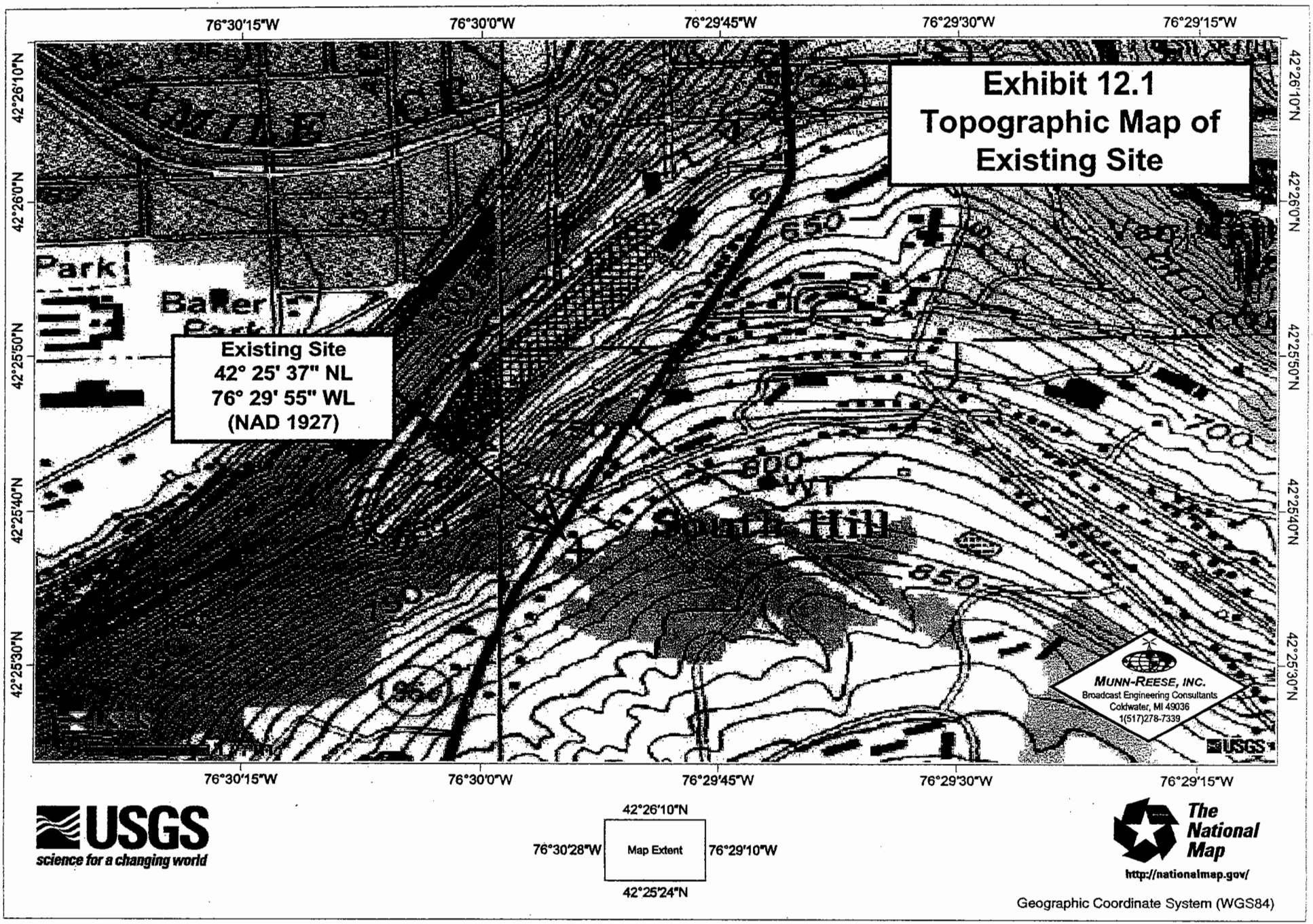
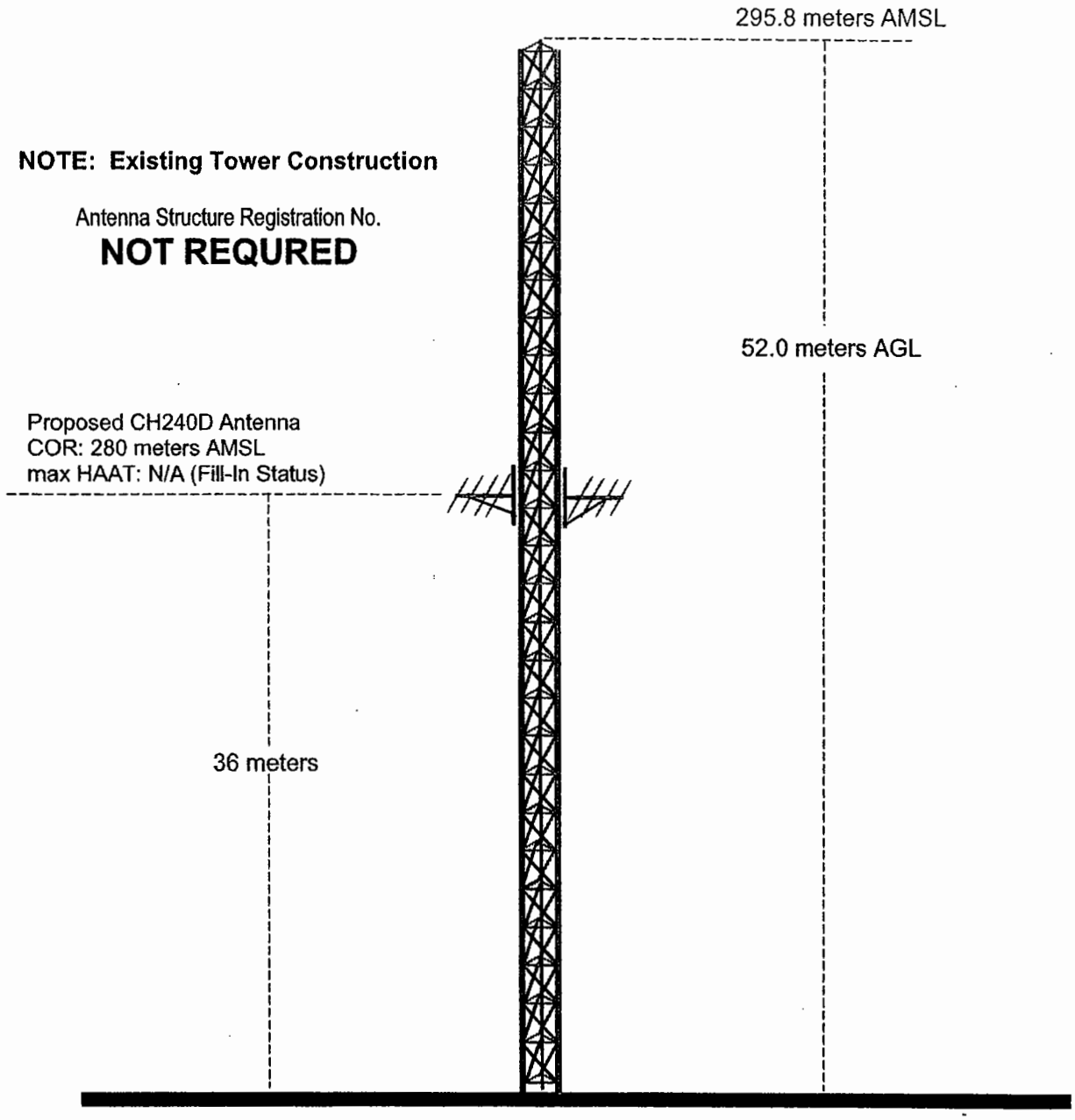


Exhibit 12.1
Topographic Map of Existing Site
Existing Site
42° 25' 37" NL
76° 29' 55" WL
(NAD 1927)
76°30'15"W
76°30'0"W
76°29'45"W
76°29'30"W
76°29'15"W
42°26'10"N
42°26'0"N
42°25'50"N
42°25'40"N
42°25'30"N
650
700
800
850
South Hill
Park
Baker
MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)278-7339
USGS
USGS
science for a changing world
42°26'10"N
76°30'28"W
Map Extent
76°29'10"W
42°25'24"N
The National Map
http://nationalmap.gov/
Geographic Coordinate System (WGS84)

Exhibit 12.2
Vertical Plan of Antenna System

The site is located south of the Intersection of Route 96B and Route 119, City of Ithaca, Tompkins County, New York.	Site Location (NAD 27) NL: 42° 25' 37" WL: 76° 29' 55"



Ground Elevation = 243.8 m AMSL
Drawing is not to Scale

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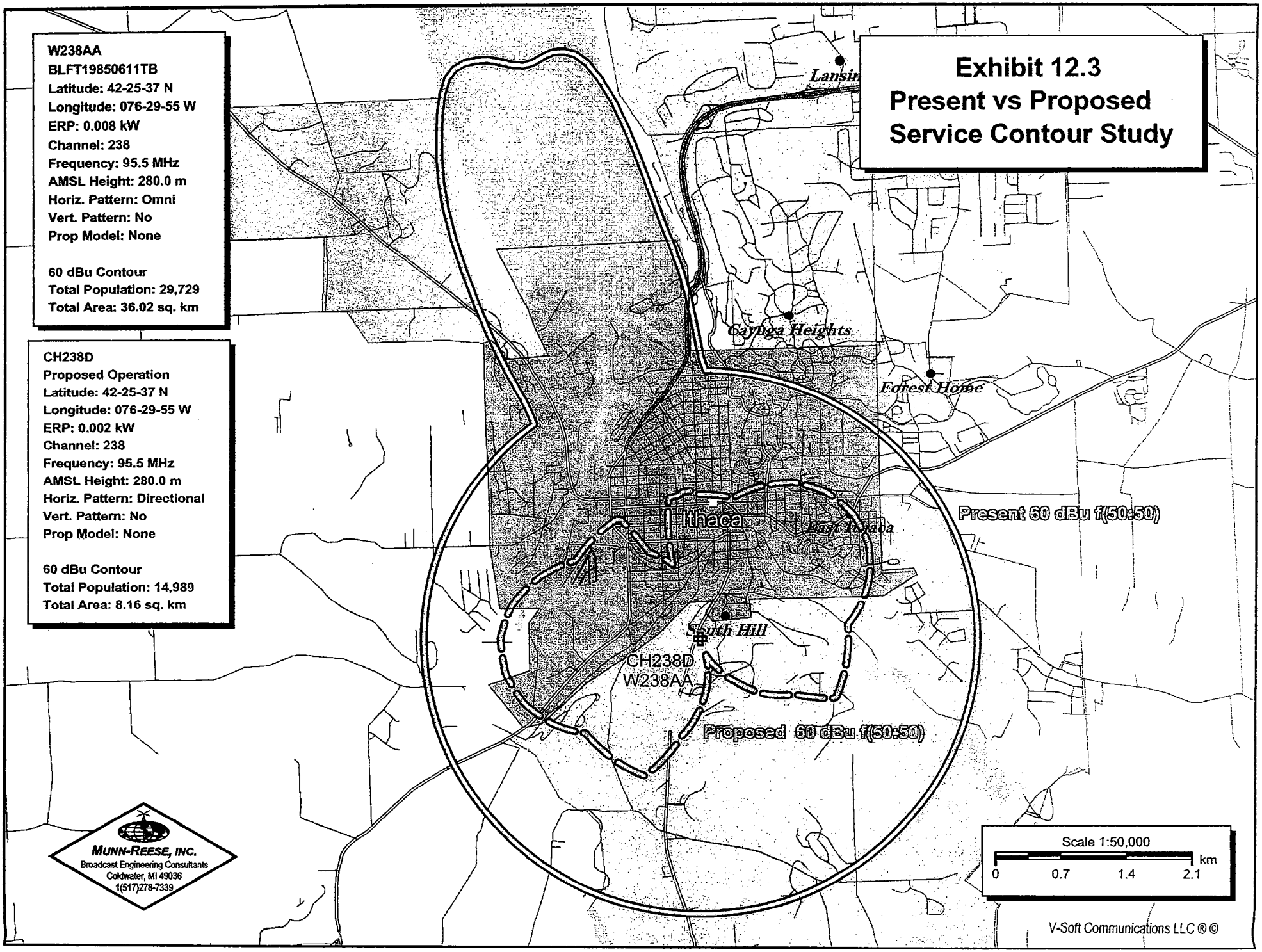
Broadcast Engineering Consultants
Coldwater, MI 49036


W238AA
BLFT19850611TB
Latitude: 42-25-37 N
Longitude: 076-29-55 W
ERP: 0.008 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 280.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None
60 dBu Contour
Total Population: 29,729
Total Area: 36.02 sq. km
CH238D
Proposed Operation
Latitude: 42-25-37 N
Longitude: 076-29-55 W
ERP: 0.002 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 280.0 m
Horiz. Pattern: Directional
Vert. Pattern: No
Prop Model: None
60 dBu Contour
Total Population: 14,989
Total Area: 8.16 sq. km
Exhibit 12.3
Present vs Proposed
Service Contour Study
Lansing
Cayuga Heights
Forest Home
Ithaca
East Ithaca
South Hill
CH238D
W238AA
Present 60 dBu f(50:50)
Proposed 60 dBu f(50:50)
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Coldwater, MI 49036
1(517)278-7339
Scale 1:50,000
km
0
0.7
1.4
2.1
V-Soft Communications LLC ® ©

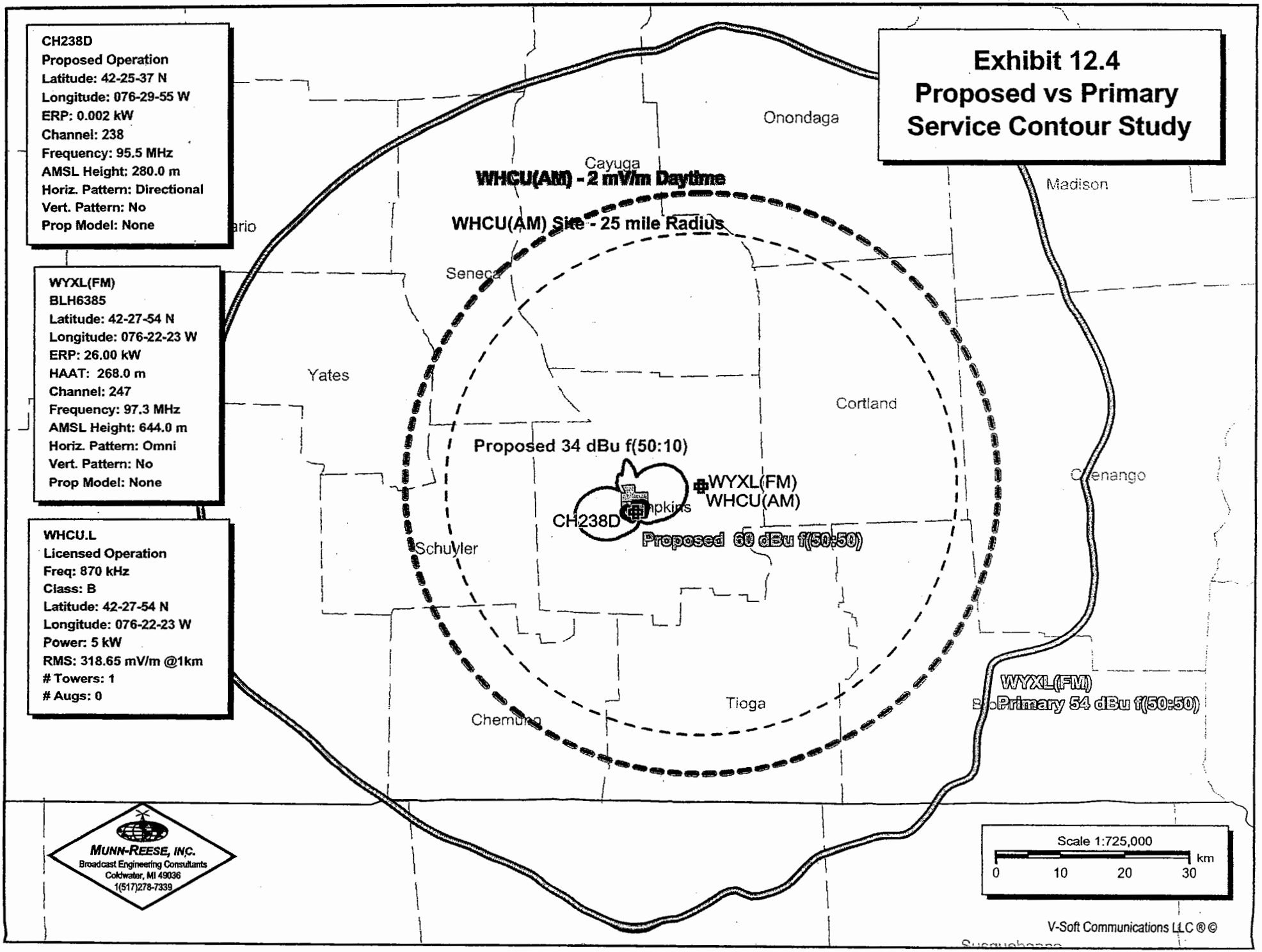

CH238D
Proposed Operation
Latitude: 42-25-37 N
Longitude: 076-29-55 W
ERP: 0.002 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 280.0 m
Horiz. Pattern: Directional
Vert. Pattern: No
Prop Model: None
WYXL(FM)
BLH6385
Latitude: 42-27-54 N
Longitude: 076-22-23 W
ERP: 26.00 kW
HAAT: 268.0 m
Channel: 247
Frequency: 97.3 MHz
AMSL Height: 644.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None
WHCU.L
Licensed Operation
Freq: 870 kHz
Class: B
Latitude: 42-27-54 N
Longitude: 076-22-23 W
Power: 5 kW
RMS: 318.65 mV/m @1km
Towers: 1
Augs: 0
Exhibit 12.4
Proposed vs Primary
Service Contour Study
Onondaga
Cayuga
WHCU(AM) - 2 mV/m Daytime
WHCU(AM) Site - 25 mile Radius
Madison
Seneca
Yates
Cortland
Proposed 34 dBu f(50:10)
WYXL(FM)
WHCU(AM)
CH238D
Tompkins
Proposed 60 dBu f(50:50)
Schuyler
Chenango
Tioga
Chemung
WYXL(FM)
Primary 54 dBu f(50:50)
MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)278-7339
Scale 1:725,000
km
0
10
20
30
V-Soft Communications LLC ® ©

Exhibit 12.5
Tabulation of Proposed Allocation

Tabulations of contours will be supplied upon request.

Saga Communications Of New England, Llc

REFERENCE CH# 240D - 95.9 MHz, Pwr= 0.002 kW, HAAT= -69.0 M, COR= 280 M DISPLAY DATES
42 25 37.0 N. Average Protected F(50-50)= 2.17 km DATA 09-05-08
76 29 55.0 W. Standard Directional SEARCH 09-09-08

CH CALL / CITY	TYPE ANT / STATE	AZI / <--	DIST / FILE #	LAT / LNG	PWR(kW) / HAAT(M)	INT(km) / COR(M)	PRO(km) / LICENSEE	*IN* / *OUT* (Overlap in km)
240A WFLR-FM Dundee Accepted by Canada 940207	LIC _CN NY	288.0 107.7	42.70 BLH19860807KB	42 32 40.0 76 59 35.0	0.780 183	73.4 498	24.8 Finger Lakes Radio Group,	-32.61*< 11.90
238A WFLR-FM Odessa One Step Application	CP ZCX NY	252.5 72.4	14.77 BPH20071001AGJ	42 23 13.0 76 40 11.0	0.850 265	1.9 682	35.1 Finger Lakes Radio Group,	10.82 -20.45*<
240D W238AA Ithaca	CP DC_ NY	303.8 123.7	3.90 BPFT20071226AAP	42 26 47.0 76 32 17.0	0.250	22.2 329	6.6 Saga Communications Of New	-19.88*< -7.65*<
238D W238AA Ithaca TRANSLATOR FOR WHCUFM, ITHACA, NY.	LIC _HN NY	0.0 0.0	0.00 BLFT19850611TB	42 25 37.0 76 29 55.0	0.008 -69	0.2 280	3.2 Saga Communications Of New	-1.81*< -3.19*<
242D W242AB Ithaca	LIC DC_ NY	304.1 124.1	5.92 BLFT20050922AAC	42 26 47.0 76 32 17.0	0.180	0.5 330	5.3 FMX Broadcasting	1.58 -4.46*<
241A WPHD South Waverly	LIC NCX PA	195.3 15.2	52.87 BMLH20050328ADN	41 58 04.0 76 40 02.0	0.920 187	40.9 583	27.0 Fitzgerald And Hawras, Par	10.70 24.26
240D W240AH Cortland TRANSLATOR FOR WMHR, SYRACUSE, NY.	LIC DCN NY	57.3 237.6	30.31 BLFT19840917MU	42 34 24.0 76 11 15.0	0.004 43	4.8 485	1.5 Cortland-homer Christian R	23.37 22.28
243B WPEL-FM Montrose GRANDFATHERED AT 57KW @ 140M HAAT.	LIC _CN PA	140.4 320.8	82.44 BLH4542	41 51 16.0 75 51 50.0	57.000 140	4.8 594	56.4 Montrose Broadcasting Corp	77.04 26.08
242D 629609 Cortlandville	APP _C_ NY	54.6 234.8	38.29 BNPFT20030310AZI	42 37 32.0 76 07 04.0	0.010	0.2 542	7.7 State University Of New Yo	35.93 30.48
242D 644758 Cortland	APP _C_ NY	40.3 220.5	37.90 BNPFT20030317KGL	42 41 11.0 76 11 56.0	0.010	0.2 587	6.9 Calvary Chapel Of The Fing	35.55 30.95
239B1 WAQX-FM Manlius	LIC _CN NY	27.0 207.3	72.46 BLH19880913KC	43 00 25.0 76 05 38.0	25.000 91	35.6 317	26.5 Citadel Broadcasting Compa	34.93 42.78
240D W240AJ Endicott, Etc. TRANSLATOR FOR WMHR, SYRACUSE, NY.	LIC DCN NY	135.2 315.5	43.74 BLFT19871221TB	42 08 50.0 76 07 31.0	0.008 117	7.1 479	2.2 John W. Pike	35.93 39.70
237A WTTC-FM Towanda	LIC _C_ PA	179.2 359.2	73.50 BMLH20060906AAU	41 45 55.0 76 29 10.0	5.400 38	2.8 399	28.7 Cantroair Communications,	70.00 44.83
238D W238AI Elmira	LIC DH_ NY	208.2 28.0	49.80 BLFT20000901AIS	42 01 55.0 76 47 02.0	0.052 181	0.0 584	1.6 Europa Communications, Inc	48.17 48.17

Terrain database is NGDC 30 SEC , R= 73.215 qualifying spacings or FCC minimum Spacings in KM, M= Margin in KM
Contour distances are on direct line to and from reference station. Reference zone = 1, Co to 3rd adjacent.
Ant Column: (D= DA Standard, Z= DA 73.215, N= Not DA 73.215, _= Omni), Polarization (C,H,V,E), Beamtilt(Y,N,X)
"*"affixed to 'IN' or 'OUT' values = site inside protected contour.

Denotes a Second Adjacent Channel Waiver Request toward WFLR-FM C, Odessa, NY and W242AB, Ithaca, NY as included in *Exhibit 12.6*. Full Protection has been afforded both facilities through the use of a downward radiation study demonstrating the calculated interference area fails to reach the ground level, nor an artificial 7 meter plane representing a standard two story house when taking into account the vertical radiation characteristics as supplied by the antenna manufacturer.

Exhibit 12.6a
2nd Adjacent Channel given Interference Waiver Request Toward

WFLR-FM(CP) - Odessa, NY - CH240A - BPH-20071001AGJ

W242AB - Ithaca, NY - CH242D - BLFT-20050922AAL

Further protection towards WFLR-FM(CP) and W242AB has been demonstrated though the use of this downward radiation study. The actual proposed interference contour has been calculated to be no less than the 115 dBu F(50:10) contour which corresponds to the WFLR-FM, 75 dBu F(50:50) contour. This represents the proposed interference contour which falls wholly within the 40:1 dBu ratio for second adjacent channel FM protection. For W242AB, the actual proposed interference contour has been calculated to be no less than the 104 dBu F(50:10)contour which corresponds to the W242AB, 64 dBu F(50:50) contour. As a result, the worst case 104 dBu F(50:10) contour has been assumed. The downward radiations have been calculated below based on the downward radiation properties for the one bay Scala HDCA horizontal antenna as supplied by Kathrein Scala and included here-in. The applicant notes the facility will operate with two HDCA elements, however both will be mounted in the same plane to achieve the desired horizontal directional effect. with both elements mounted in the same horizontal plane, the combined antenna will share the identical vertical radiation characteristics of a one element antenna.

Along no vertical depression angle from the horizon (0°) to the ground (-90°) does the vertically calculated 104 dBu f(50:10) interfering contour encounter the ground. In addition, along no vertical depression angle from the horizon (0°) to the ground (-90°) does the vertically calculated 104 dBu f(50:10) interfering contour encounter a 7 meter artificial ground plane representing a second story roof height for the area.

As a result, this proposal will not cause WFLR-FM or W242AB interference to any populated area on the ground nor 7 meters above ground. This represents the living and work area are both in the horizontal and vertical plane for the area.

This waiver request is similar to a previously granted waiver request in Construction Permit BPFT-20071218ABB for W276AO, Ithaca granted on 02/22/2008 also for the general area.

Proposed Antenna: HDCA-5 Horizontal Two Bay
Proposed Power: 0.002 kW
Antenna Height AGL: 36 meters
Interference Contour: 104 mV/m f(50:10)
Artificial Ground Plane Height: 7 meters
Distance (Free Space) Equation: =(10^((106.92-[desired dBu]+[ERP in dBk])/20))*1000
Field Strength (dBu) Equation "=106.92-(20*(LOG10[DistMeters]/1000)))+[ERPin dBk]

Depression Angle Below Horizon	Antenna Relative Field	ERP in kW	ERP in dBk	Distance from Ant. to Interference Contour	Distance from Ant. to Artificial Plane	Field Strength in dBu @ Artificial Plane	Distance from Ant. to Ground Level	Field Strength in dBu @ Ground Level
0°	1.000	0.002	-26.99	62.59 m	infinite	---	---	---
-5°	0.990	0.002	-27.08	61.97 m	332.74 m	89.40 dBu	413.05 m	87.52 dBu
-10°	0.977	0.002	-27.19	61.15 m	167.00 m	95.27 dBu	207.32 m	93.40 dBu
-15°	0.947	0.002	-27.46	59.27 m	112.05 m	98.47 dBu	139.09 m	96.59 dBu
-20°	0.900	0.002	-27.90	56.33 m	84.79 m	100.45 dBu	105.26 m	98.57 dBu
-25°	0.840	0.001	-28.50	52.58 m	68.62 m	101.69 dBu	85.18 m	99.81 dBu
-30°	0.770	0.001	-29.26	48.20 m	58.00 m	102.39 dBu	72.00 m	100.51 dBu
-35°	0.690	0.001	-30.21	43.19 m	50.56 m	102.63 dBu	62.76 m	100.75 dBu
-40°	0.600	0.001	-31.43	37.55 m	45.12 m	102.41 dBu	56.01 m	100.53 dBu
-45°	0.501	0.001	-32.99	31.36 m	41.01 m	101.67 dBu	50.91 m	99.79 dBu
-50°	0.405	0.000	-34.84	25.35 m	37.86 m	100.52 dBu	46.99 m	98.64 dBu
-55°	0.322	0.000	-36.83	20.15 m	35.40 m	99.11 dBu	43.95 m	97.23 dBu
-60°	0.250	0.000	-39.03	15.65 m	33.49 m	97.39 dBu	41.57 m	95.51 dBu
-65°	0.195	0.000	-41.19	12.21 m	32.00 m	95.63 dBu	39.72 m	93.75 dBu
-70°	0.190	0.000	-41.41	11.89 m	30.86 m	95.72 dBu	38.31 m	93.84 dBu
-75°	0.197	0.000	-41.10	12.33 m	30.02 m	96.27 dBu	37.27 m	94.39 dBu
-80°	0.207	0.000	-40.67	12.96 m	29.45 m	96.87 dBu	36.56 m	94.99 dBu
-85°	0.224	0.000	-39.98	14.02 m	29.11 m	97.65 dBu	36.14 m	95.78 dBu
-90°	0.230	0.000	-39.76	14.40 m	29.00 m	97.92 dBu	36.00 m	96.04 dBu

Munn-Reese, Inc.
Broadcast Engineering Consultants
Coldwater, MI 49036

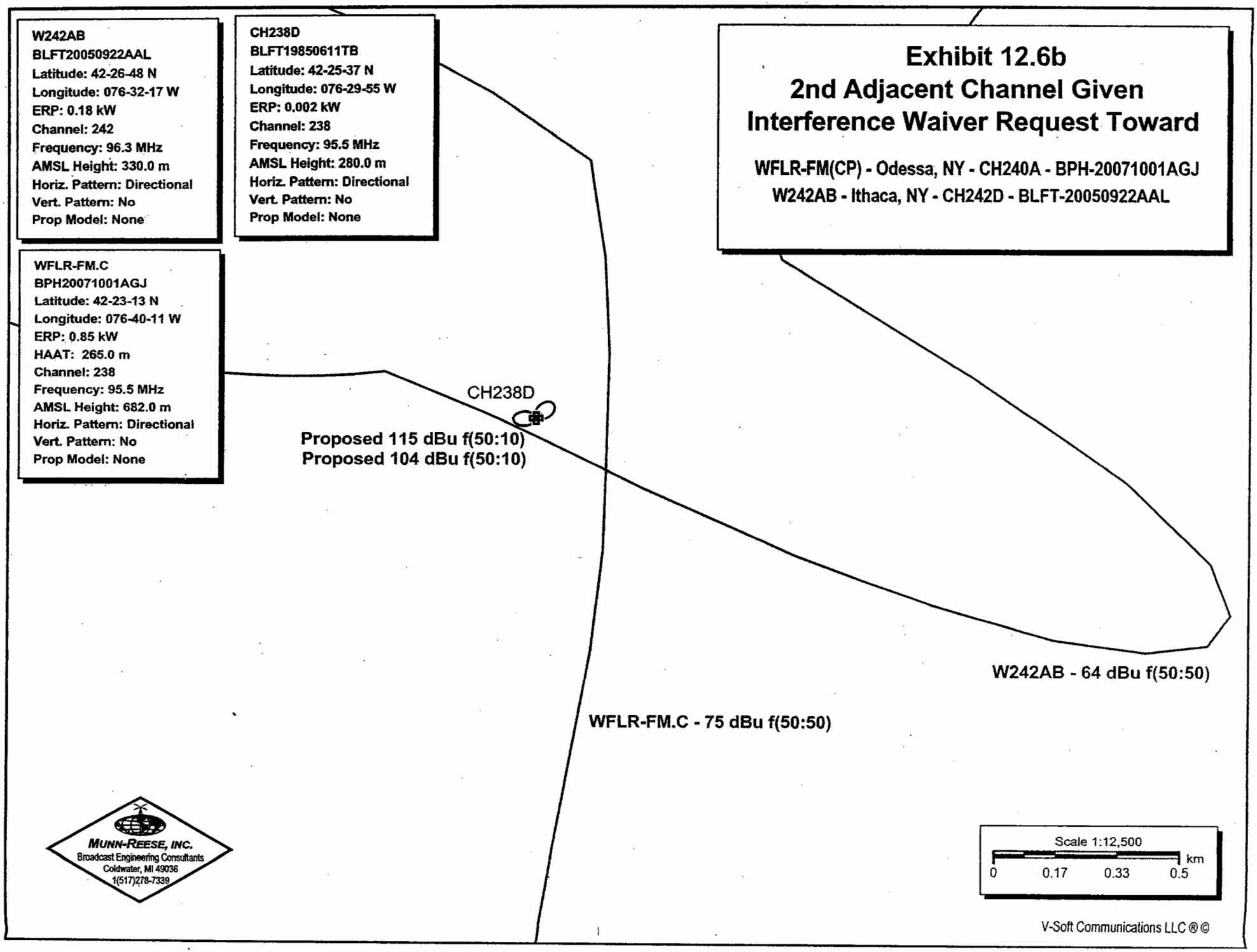
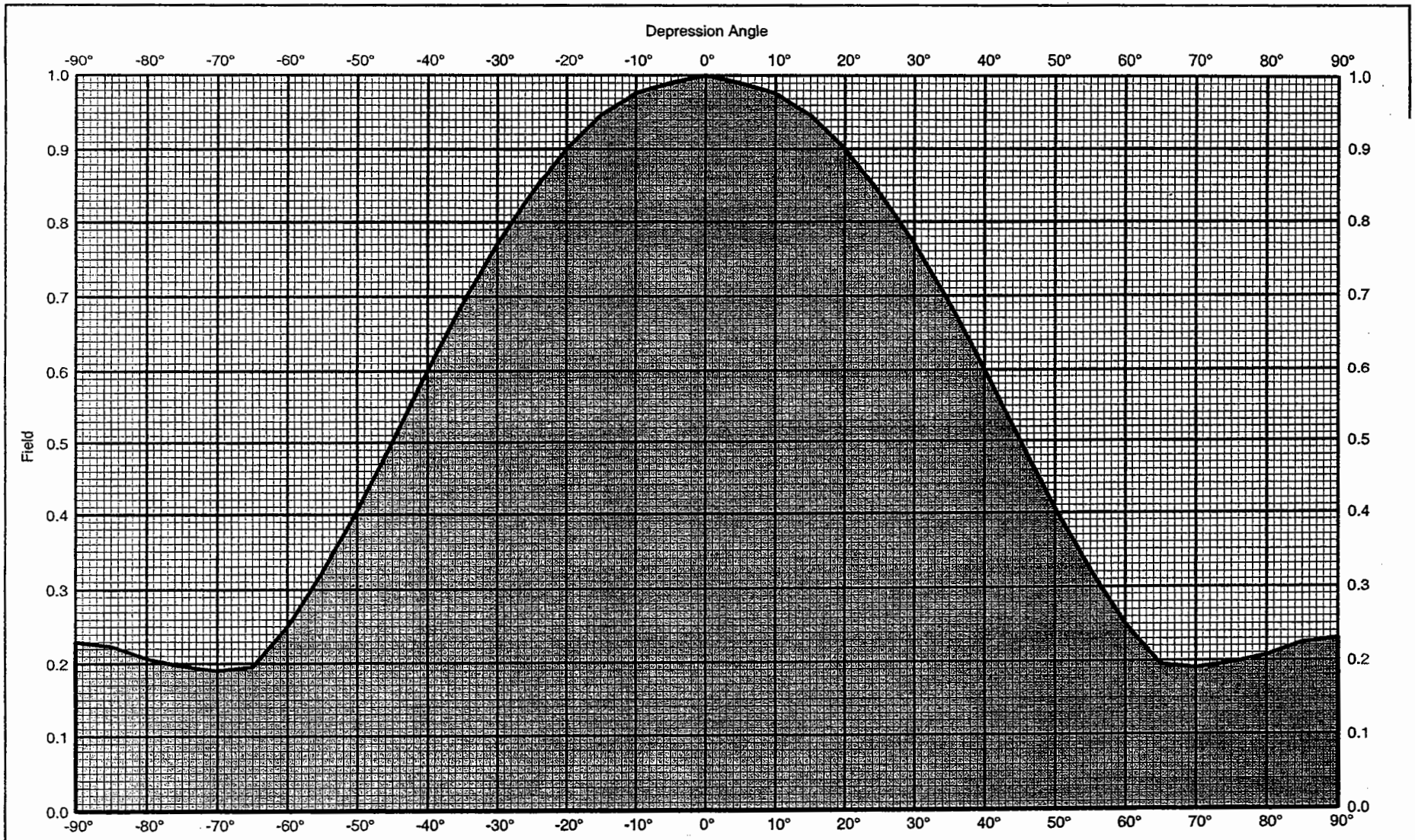

W242AB
BLFT20050922AAL
Latitude: 42-26-48 N
Longitude: 076-32-17 W
ERP: 0.18 kW
Channel: 242
Frequency: 96.3 MHz
AMSL Height: 330.0 m
Horiz. Pattern: Directional
Vert. Pattern: No
Prop Model: None
CH238D
BLFT19850611TB
Latitude: 42-25-37 N
Longitude: 076-29-55 W
ERP: 0.002 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 280.0 m
Horiz. Pattern: Directional
Vert. Pattern: No
Prop Model: None
WFLR-FM.C
BPH20071001AGJ
Latitude: 42-23-13 N
Longitude: 076-40-11 W
ERP: 0.85 kW
HAAT: 265.0 m
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 682.0 m
Horiz. Pattern: Directional
Vert. Pattern: No
Prop Model: None
Exhibit 12.6b
2nd Adjacent Channel Given
Interference Waiver Request Toward
WFLR-FM(CP) - Odessa, NY - CH240A - BPH-20071001AGJ
W242AB - Ithaca, NY - CH242D - BLFT-20050922AAL
CH238D
Proposed 115 dBu f(50:10)
Proposed 104 dBu f(50:10)
W242AB - 64 dBu f(50:50)
WFLR-FM.C - 75 dBu f(50:50)
MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)278-7339
Scale 1:12,500
km
0
0.17
0.33
0.5
V-Soft Communications LLC ® ©

Exhibit 12.6c - Antenna Manufacturer Info

2nd Adjacent Channel given Interference Waiver Request Toward



KATHREIN
SCALA DIVISION
Post Office Box 4580
Medford, OR 97501 (USA)
Phone:(541)779-6500
Fax:(541)779-3991
http://www.kathrein-scala.com

HDCA-5 Yagi

FM

7.5 dBd (9.65 dBi)

Horizontal polarization

Vertical radiation pattern

18-Jun-2004

Exhibit 12.6c - Antenna Manufacturer Info

2nd Adjacent Channel given Interference Waiver Request Toward

KATHREIN
SCALA DIVISION

HDCA-5 Yagi
FM
7.5 dBd (9.65 dBi)
Horizontal polarization

Vertical radiation pattern

Angle	Field	Rel.dB	dBd	PwrMult	Angle	Field	Rel.dB	dBd	PwrMult
-90	0.230	-12.77	-5.27	0.30	-45	0.501	-6.00	1.50	1.41
-89	0.229	-12.81	-5.31	0.29	-44	0.521	-5.67	1.83	1.53
-88	0.228	-12.86	-5.36	0.29	-43	0.541	-5.34	2.16	1.64
-87	0.226	-12.90	-5.40	0.29	-42	0.560	-5.03	2.47	1.77
-86	0.225	-12.95	-5.45	0.29	-41	0.580	-4.73	2.77	1.89
-85	0.224	-13.00	-5.50	0.28	-40	0.600	-4.44	3.06	2.02
-84	0.221	-13.13	-5.63	0.27	-39	0.618	-4.18	3.32	2.15
-83	0.217	-13.27	-5.77	0.27	-38	0.636	-3.93	3.57	2.27
-82	0.214	-13.41	-5.91	0.26	-37	0.654	-3.69	3.81	2.41
-81	0.210	-13.55	-6.05	0.25	-36	0.672	-3.45	4.05	2.54
-80	0.207	-13.69	-6.19	0.24	-35	0.690	-3.22	4.28	2.68
-79	0.205	-13.78	-6.28	0.24	-34	0.706	-3.02	4.48	2.80
-78	0.203	-13.87	-6.37	0.23	-33	0.722	-2.83	4.67	2.93
-77	0.201	-13.95	-6.45	0.23	-32	0.738	-2.64	4.86	3.06
-76	0.199	-14.04	-6.54	0.22	-31	0.754	-2.45	5.05	3.20
-75	0.197	-14.13	-6.63	0.22	-30	0.770	-2.27	5.23	3.33
-74	0.195	-14.19	-6.69	0.21	-29	0.784	-2.11	5.39	3.46
-73	0.194	-14.25	-6.75	0.21	-28	0.798	-1.96	5.54	3.58
-72	0.193	-14.31	-6.81	0.21	-27	0.812	-1.81	5.69	3.71
-71	0.191	-14.37	-6.87	0.21	-26	0.826	-1.66	5.84	3.84
-70	0.190	-14.42	-6.92	0.20	-25	0.840	-1.51	5.99	3.97
-69	0.191	-14.38	-6.88	0.21	-24	0.852	-1.39	6.11	4.08
-68	0.192	-14.33	-6.83	0.21	-23	0.864	-1.27	6.23	4.20
-67	0.193	-14.29	-6.79	0.21	-22	0.876	-1.15	6.35	4.32
-66	0.194	-14.24	-6.74	0.21	-21	0.888	-1.03	6.47	4.43
-65	0.195	-14.20	-6.70	0.21	-20	0.900	-0.92	6.58	4.55
-64	0.206	-13.72	-6.22	0.24	-19	0.909	-0.83	6.67	4.65
-63	0.217	-13.27	-5.77	0.26	-18	0.919	-0.74	6.76	4.75
-62	0.228	-12.84	-5.34	0.29	-17	0.928	-0.65	6.85	4.84
-61	0.239	-12.43	-4.93	0.32	-16	0.937	-0.56	6.94	4.94
-60	0.250	-12.04	-4.54	0.35	-15	0.947	-0.48	7.02	5.04
-59	0.264	-11.55	-4.05	0.39	-14	0.952	-0.42	7.08	5.10
-58	0.279	-11.09	-3.59	0.44	-13	0.959	-0.37	7.13	5.17
-57	0.294	-10.65	-3.15	0.48	-12	0.965	-0.31	7.19	5.23
-56	0.308	-10.23	-2.73	0.53	-11	0.970	-0.26	7.24	5.30
-55	0.322	-9.83	-2.33	0.58	-10	0.977	-0.21	7.29	5.36
-54	0.339	-9.40	-1.90	0.65	-9	0.979	-0.18	7.32	5.39
-53	0.355	-8.98	-1.48	0.71	-8	0.982	-0.16	7.34	5.42
-52	0.372	-8.59	-1.09	0.78	-7	0.985	-0.13	7.37	5.45
-51	0.389	-8.21	-0.71	0.85	-6	0.987	-0.11	7.39	5.48
-50	0.405	-7.85	-0.35	0.92	-5	0.990	-0.09	7.41	5.51
-49	0.424	-7.45	0.05	1.01	-4	0.992	-0.07	7.43	5.53
-48	0.443	-7.06	0.44	1.11	-3	0.994	-0.05	7.45	5.56
-47	0.463	-6.70	0.80	1.20	-2	0.996	-0.03	7.47	5.58
-46	0.482	-6.34	1.16	1.31	-1	0.998	-0.02	7.48	5.60
					0	1.000	0.00	7.50	5.62

18-Jun-2004

Exhibit 12.6c - Antenna Manufacturer Info

2nd Adjacent Channel given Interference Waiver Request Toward

KATHREIN
SCALA DIVISION

HDCA-5 Yagi
FM
7.5 dBd (9.65 dBi)
Horizontal polarization

Vertical radiation pattern

Angle	Field	Rel.dB	dBd	PwrMult	Angle	Field	Rel.dB	dBd	PwrMult
0	1.000	0.00	7.50	5.62	45	0.501	-6.00	1.50	1.41
1	0.998	-0.02	7.48	5.60	46	0.482	-6.34	1.16	1.31
2	0.996	-0.03	7.47	5.58	47	0.463	-6.70	0.80	1.20
3	0.994	-0.05	7.45	5.56	48	0.443	-7.06	0.44	1.11
4	0.992	-0.07	7.43	5.53	49	0.424	-7.45	0.05	1.01
5	0.990	-0.09	7.41	5.51	50	0.405	-7.85	-0.35	0.92
6	0.987	-0.11	7.39	5.48	51	0.389	-8.21	-0.71	0.85
7	0.985	-0.13	7.37	5.45	52	0.372	-8.59	-1.09	0.78
8	0.982	-0.16	7.34	5.42	53	0.355	-8.98	-1.48	0.71
9	0.979	-0.18	7.32	5.39	54	0.339	-9.40	-1.90	0.65
10	0.977	-0.21	7.29	5.36	55	0.322	-9.83	-2.33	0.58
11	0.970	-0.26	7.24	5.30	56	0.308	-10.23	-2.73	0.53
12	0.965	-0.31	7.19	5.23	57	0.294	-10.65	-3.15	0.48
13	0.959	-0.37	7.13	5.17	58	0.279	-11.09	-3.59	0.44
14	0.952	-0.42	7.08	5.10	59	0.264	-11.55	-4.05	0.39
15	0.947	-0.48	7.02	5.04	60	0.250	-12.04	-4.54	0.35
16	0.937	-0.56	6.94	4.94	61	0.239	-12.43	-4.93	0.32
17	0.928	-0.65	6.85	4.84	62	0.228	-12.84	-5.34	0.29
18	0.919	-0.74	6.76	4.75	63	0.217	-13.27	-5.77	0.26
19	0.909	-0.83	6.67	4.65	64	0.206	-13.72	-6.22	0.24
20	0.900	-0.92	6.58	4.55	65	0.195	-14.20	-6.70	0.21
21	0.888	-1.03	6.47	4.43	66	0.194	-14.24	-6.74	0.21
22	0.876	-1.15	6.35	4.32	67	0.193	-14.29	-6.79	0.21
23	0.864	-1.27	6.23	4.20	68	0.192	-14.33	-6.83	0.21
24	0.852	-1.39	6.11	4.08	69	0.191	-14.38	-6.88	0.21
25	0.840	-1.51	5.99	3.97	70	0.190	-14.42	-6.92	0.20
26	0.826	-1.66	5.84	3.84	71	0.191	-14.37	-6.87	0.21
27	0.812	-1.81	5.69	3.71	72	0.193	-14.31	-6.81	0.21
28	0.798	-1.96	5.54	3.58	73	0.194	-14.25	-6.75	0.21
29	0.784	-2.11	5.39	3.46	74	0.195	-14.19	-6.69	0.21
30	0.770	-2.27	5.23	3.33	75	0.197	-14.13	-6.63	0.22
31	0.754	-2.45	5.05	3.20	76	0.199	-14.04	-6.54	0.22
32	0.738	-2.64	4.86	3.06	77	0.201	-13.95	-6.45	0.23
33	0.722	-2.83	4.67	2.93	78	0.203	-13.87	-6.37	0.23
34	0.706	-3.02	4.48	2.80	79	0.205	-13.78	-6.28	0.24
35	0.690	-3.22	4.28	2.68	80	0.207	-13.69	-6.19	0.24
36	0.672	-3.45	4.05	2.54	81	0.210	-13.55	-6.05	0.25
37	0.654	-3.69	3.81	2.41	82	0.214	-13.41	-5.91	0.26
38	0.636	-3.93	3.57	2.27	83	0.217	-13.27	-5.77	0.27
39	0.618	-4.18	3.32	2.15	84	0.221	-13.13	-5.63	0.27
40	0.600	-4.44	3.06	2.02	85	0.224	-13.00	-5.50	0.28
41	0.580	-4.73	2.77	1.89	86	0.225	-12.95	-5.45	0.29
42	0.560	-5.03	2.47	1.77	87	0.226	-12.90	-5.40	0.29
43	0.541	-5.34	2.16	1.64	88	0.228	-12.86	-5.36	0.29
44	0.521	-5.67	1.83	1.53	89	0.229	-12.81	-5.31	0.29
					90	0.230	-12.77	-5.27	0.30

18-Jun-2004

Antenna: HDCA-5 array

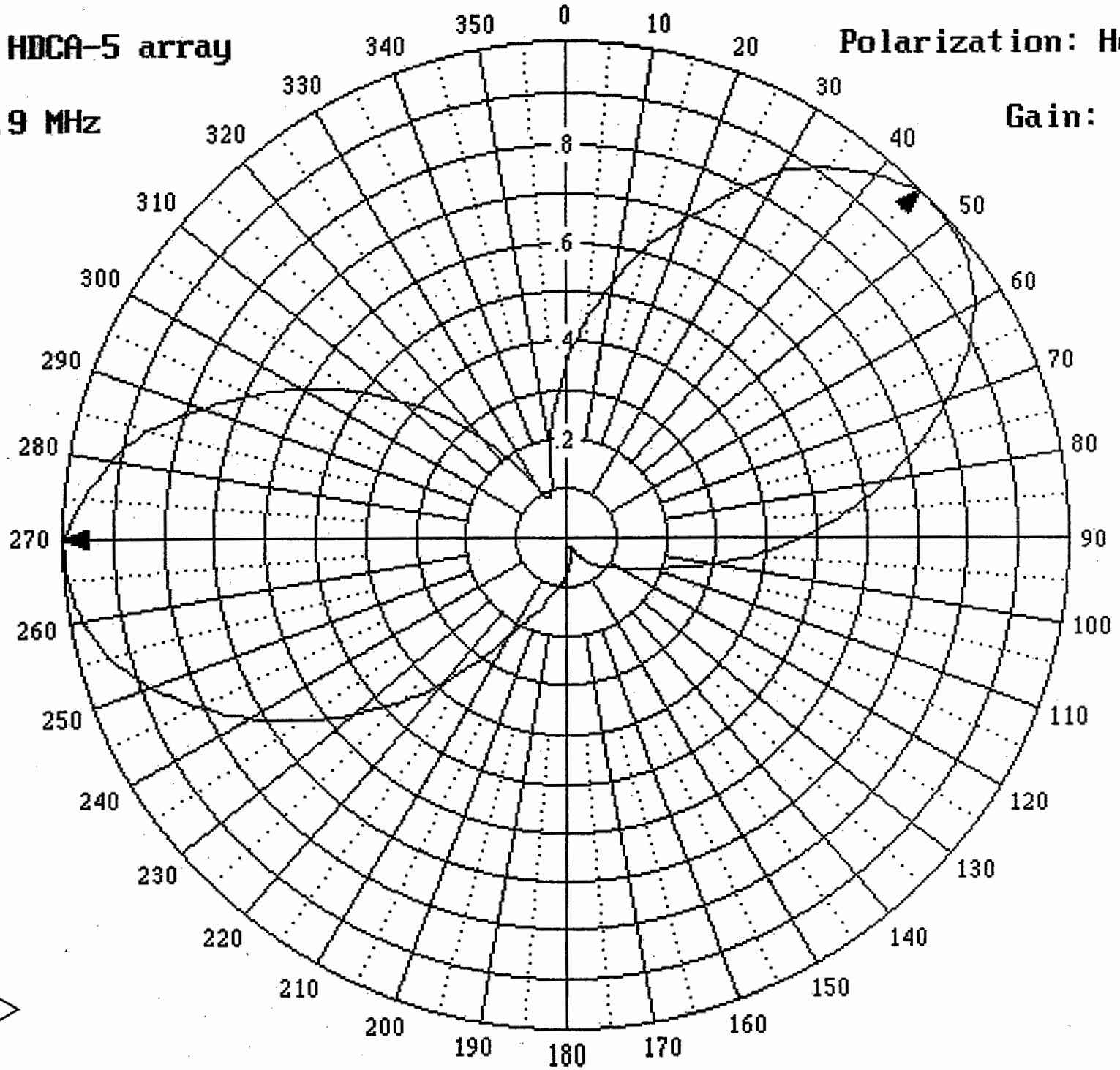
Polarization: Horizontal

Freq: 95.9 MHz

Gain: 4.6 dBd

Markers

45
270



MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)276-7339

Exhibit 12.7
Proposed Directional Antenna Study

Exhibit 12.7
Tabulation of Proposed Directional Antenna

Antenna: HDCA-5 array

Frequency: 95.9 MHz Polarization: Horizontal

Azimuth	Field	Rel.dB	dBd	Pwr Gain
0	0.356	-9.0	-4.4	0.363
10	0.522	-5.6	-1.1	0.776
20	0.687	-3.3	1.3	1.349
30	0.858	-1.3	3.2	2.089
40	0.963	-0.3	4.2	2.630
50	0.995	-0.0	4.5	2.818
60	0.942	-0.5	4.0	2.512
70	0.806	-1.9	2.7	1.862
80	0.643	-3.8	0.7	1.175
90	0.472	-6.5	-2.0	0.631
100	0.308	-10.2	-5.7	0.269
110	0.184	-14.7	-10.1	0.098
120	0.121	-18.3	-13.8	0.042
130	0.093	-20.6	-16.1	0.025
140	0.061	-24.3	-19.8	0.010
150	0.037	-28.6	-24.0	0.004
160	0.019	-34.6	-30.0	0.001
170	0.047	-26.6	-22.1	0.006
180	0.077	-22.3	-17.7	0.017
190	0.107	-19.4	-14.8	0.033
200	0.154	-16.3	-11.7	0.068
210	0.231	-12.7	-8.2	0.151
220	0.390	-8.2	-3.6	0.437
230	0.558	-5.1	-0.5	0.891
240	0.726	-2.8	1.8	1.514
250	0.879	-1.1	3.4	2.188
260	0.978	-0.2	4.4	2.754
270	1.000	0.0	4.5	2.818
280	0.917	-0.7	3.8	2.399
290	0.767	-2.3	2.2	1.660
300	0.607	-4.3	0.2	1.047
310	0.438	-7.2	-2.6	0.550
320	0.270	-11.4	-6.8	0.209
330	0.112	-19.0	-14.5	0.035
340	0.089	-21.1	-16.5	0.022
350	0.186	-14.6	-10.0	0.100

ATTACHMENT 2

Susan Johnston Declaration

Declaration of Susan Johnston

Susan Johnston, under penalty of perjury, declares as follows:

I am a vice president of Saga Communications of New England, LLC, and general manager of the Cayuga Radio Group which is a local business entity that operates several radio stations in the Ithaca, New York, radio market, including W238AA, Ithaca.

When WFIZ, Channel 238, Odessa (Dundee), New York, initiated operations in the Ithaca area, we had to change the channel of W238AA to Channel 240 and lower power in order not to interfere with WFIZ. Saga employed the engineering firm of Munn-Reese, Inc., to prepare the technical portions of the applications to accomplish this. Justin Asher was the Munn-Reese employee assigned to the project and he worked with our local chief engineer, Jason Gorodetzer, to prepare the applications.

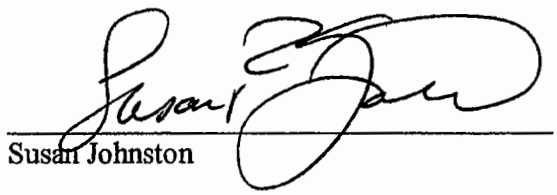
I rely on our engineering consultant to properly complete the engineering portion of the applications as I have no technical background. I am informed that, based on information from Mr. Gorodetzer, Mr. Asher completed the preparation of FCC Form 349 that was filed with the FCC and assigned FCC File No. BMPFT-20080910AAI. I was provided with a draft of the FCC Form 349 for the emergency facility prior to its being filed. I reviewed it to the best of my knowledge and authorized our counsel to file it with the FCC. Shortly after receipt of Construction Permit BMPFT-20080910AAI, I am informed that Mr. Gorodetzer changed the output channel of W238AA to Channel 240 and reduced the power output of the transmitter. No changes to the antenna configuration, including height, were made.

Mr. Asher then completed the technical portion of FCC Form 350, application for license to cover the low power facility, and I was provided a copy of a draft of the application before it was filed with the FCC. I reviewed the application and authorized our counsel to file it with the FCC. I have never visited the site except to drive by it. I never closely examined the tower or made any measurement of the height of the antennas. I relied on Mr. Asher as the basis of my certification of the application for license to cover the construction permit File No. BMPFT-20080910AAI.

On October 20, 2008, the owner of the corporation that owns the tower site where W238AA was located, Ted Fish, came in to see me. Saga leases space on the tower for other the antennas of other translators it owns. Mr. Fish reported that representatives of The Fingerlakes Radio Group, Inc., had represented to him that they might want to rent space on his tower and then mentioned that Saga's antenna for W238AA might be at the incorrect height. This is the first time I was informed of this. Late in the afternoon on October 21, I sent Mr. Gorodetzer to the tower site with an electronic range finder and he later reported to me that the lower of the antennas was at approximately 11 meters above ground level. Mr. Gorodetzer and I called Mr. Asher and confirmed the height of the lower antenna. On the next day, October 22, 2008, Saga terminated the translator operation, and, by letter, our counsel requested that the application for license be dismissed.

Later on October 22, 2008, I learned that an Informal Objection had been filed against the license application alleging that Mr. Asher and I had falsely certified Saga's license application. Mr. Gorodetzer never advised or informed me of the height of the lower antenna until after The Fingerlakes Radio Group, Inc., raised questions about the antenna height. My certification was made in good faith based on my information and belief at the time.

Executed this 4th day of December, 2008.



Susan Johnston

ATTACHMENT 3

Justin Asher Declaration

Declaration of Justin Asher

Justin Asher, under penalty of perjury, declares as follows:

I am employed by Munn-Reese, Inc., as a consulting engineer. I prepare technical portions of FCC applications on behalf of clients of Munn-Reese as directed by my employer. In connection with my employment, I was asked to prepare a series of applications for Saga Communications of New England, LLC, licensee of W238AA, Ithaca, New York.

I performed my customary due diligence with respect to preparation of the W238AA applications to assure myself that the certifications in the applications were correct to the best of my knowledge. When I was preparing the application for construction permit for W238AA, I spoke by telephone with and exchanged emails with Saga's local engineer, Jason Gorodetzer. On September 8, 2008, I sent Mr. Gorodetzer an email asking him to review his files for the make and model of the present W238AA antenna. I asked Mr. Gorodetzer to look for License No. BLFT-19850611TB which was too old to be in CDBS. I wanted to know the vertical radiation characteristics of the antenna, including the antenna make and model for purposes of additional allocation protection requirements for operation on channel 240D. Mr. Gorodetzer emailed me back that "The current antenna system for W238AA is 2 horizontally polarized Scala HDCA-5 FM Yagis. One is pointed at roughly 45 degrees and the other at about 270 degrees." After reviewing licensing information on W238AA obtained from the FCC's files, I learned that this was incorrect as the license information on file shows that one antenna was authorized to be pointed at 6 degrees and the other was authorized to be pointed at 295 degrees and the antennas were 10 element, not 5 element, Yagi antennas. Mr. Gorodetzer did not indicate in his email to me the heights of the antennas, the correct orientation or that the antennas were in fact 10-element Yagis, not 5-element Yagis. At the time, I was not supplied a paper or electronic copy of License No. BLFT-19850611TB which Mr. Gorodetzer had. The data I utilized for purposes of preparing this Form 349 filing was taken (1) directly from the existing FCC CDBS database; (2) emailed to me by Mr. Gorodetzer; or (3) in instances where data was missing or did not correspond to CDBS information, represented by Mr. Gorodetzer to me as reflective of the actual construction which was not to be altered by this Form 349 filing. I asked Mr. Gorodetzer to obtain the information not on CDBS from BLFT-19850611TB, but I learned later that he did not do so.

In a September 9, 2008, email, I asked Mr. Gorodetzer for the overall height of the tower since it was not on any of the FCC's data online. I noted that CDBS only indicates that the present antenna was located about 118 feet AGL. Mr. Gorodetzer emailed me back on the same day, "According to an old license I have, the overall height of the structure is listed as 52 meters. That height sounds about correct." I also indicated to Mr. Gorodetzer that CDBS indicates "you are presently horizontal only polarization, but non-directional, not directional. This should not be an issue, but I just want to verify W238AA is actually using the Scala duel antenna unit and not presently running NDA." In his responsive email, Mr. Gorodetzer confirmed "Yes, we are using the Scala 2 antenna setup. I have no idea as to why the license was changed to specify NON DA operation. The original license had the correct antennas specified on it, but our latest one was changed for some reason." Mr. Gorodetzer did not inform me that while one of the antennas was at approximately 36 meters AGL, one of the antennas was mounted at about 11 meters AGL.

Based on the FCC's database and the information from Mr. Gorodetzer, I then completed the preparation of FCC Form 349 for the emergency low power translator that became BMPFT-20080910AAI. Mr. Gorodetzer was provided with a draft of the FCC Form 349 for the emergency facility prior to its being filed. The Vertical Plan of Antenna System (Exhibit 12.2) I prepared depicted the two antennas at the same level based on Mr. Gorodetzer's emails to me, but Mr. Gorodetzer did not point out to me the error. Mr. Gorodetzer told me in his email that "the height sounds about correct." I accepted this as verification of the height of the center of radiation of the antennas. Shortly after receipt of Construction Permit BMPFT-20080910AAI, Saga changed the output channel of W238AA to Channel 240 and reduced the power output of the transmitter. No changes to the antenna configuration, including height, were made. I completed the technical portion of FCC Form 350 and Mr. Gorodetzer was provided a copy of a draft of that application before it was filed with the FCC. I have never visited the tower site and relied on the FCC's engineering database for the antenna height I entered on the form. On information and belief, on October 20, 2008, the owner of the site where W238AA was located, Ted Fish, came in to see Susan Johnston, Saga's vice president and General Manager of Cayuga Radio Group. I am informed that Mr. Fish reported that representatives of The Fingerlakes Radio Group, Inc., had represented to him that they might want to rent space on his tower and Saga's antenna might be at the incorrect height. Later on October 20, 2008, I was personally contacted by Mr. Gorodetzer and informed that an error in the antenna height "might" exist and that he would be visiting the site with measurement equipment the next day. Mr. Gorodetzer informed me he would contact me with the results. On October 21, 2008, Mr. Gorodetzer supplied me with his measurement results indicating a potential error in one of the antenna heights. I then reviewed these heights against my email records and FCC filings and requested that Mr. Gorodetzer do the same. On the morning of October 22, 2008, Mr. Gorodetzer confirmed the error through his records. I then immediately contacted the Saga Communications legal counsel who commenced proceedings requesting dismissal of the license application.

Later on October 22, 2008, I was informed that an Informal Objection had been filed against the license application alleging that Ms Johnston and I falsely certified Saga's license application. This is not true. Mr. Gorodetzer never advised or informed me of the height of the lower antenna until after The Fingerlakes Radio Group, Inc., contacted Mr. Fish about the antenna height.

I would like to further state that the FCC Form 349 filing and associated "Discussion of Engineering Exhibit(s) was forthright in correcting all noted errors or discrepancies concerning W238AA as portrayed to me. Had I been made aware of these further discrepancies, they would have been easily addressed at that time in conjunction with the other corrections requested. As is, these errors were still addressed in an appropriate and timely manner soon after I was made aware of them. The showings, as submitted were prepared to the best of my ability with the data supplied to me and submitted for review to the applicant prior to filing.

My certification was made in good faith based on my information and belief at the time.

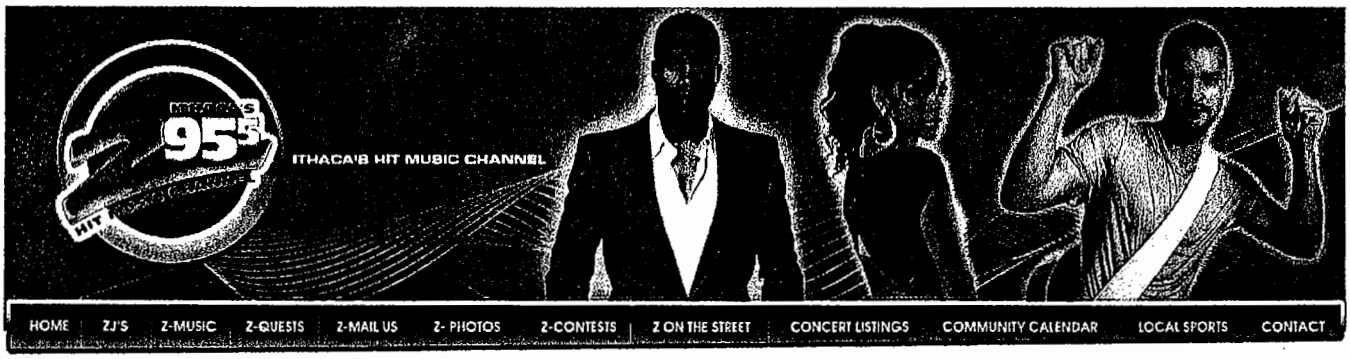
Executed this 4th day of December, 2008.

Justin W. Asher

Justin Asher

ATTACHMENT 4

Copy of Home Page of www.z955.net Website



LISTEN LIVE 32K

LISTEN LIVE 64K

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The one that didn't get away yields long-lost ring (AP)
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Man uses candy cane to subdue attacker with knife (AP)
RI man bags mutant, 4-clawed lady lobster (AP)
Provided by Yahoo!

Thomas got his heart broken by "LUCY" his girl of 3 years. Not only did she crush him.... she hooked up with his best friend...."Linus". A friend that was there for him everyday... or so he thought.

SINGLE?? EMAIL ME TO TALK TO THOMAS!!! jwright@z955.net

TMZ.com

Speidi's Elope-a-Dope -- For the Love of Money
Angelina -- Oven is Empty, Don't Ask Again
Wino. Hospital. Meds. Yes, Again.
Miley's B-day -- Spit for Tat
Cody Linley -- Cutie to Douchey on "DWTS"
Britney Upstages Santa in NYC
Brad Tells Jen to Shut It
Palin Desperate Enough for "Housewives"
Provided by TMZ.com

Billboard
EXPERIENCE THE BUZZ

Kanye Edges GNR, Ludacris For No. 1 Debut
Britney's 'Circus' On Track To Top Album Chart
Fleetwood Mac Returning To The Road In '09
Elton John Mulling Ronson Collaboration
Tori Amos Signs With Universal Republic
Folk Legend Odetta Dies At 77
'Twilight' Star Stewart To Play Joan Jett
Staind Frontman Lewis Eyeing Solo Album
Provided by Billboard

Ithaca, NY

Get the 10 day forecast

35°F
Mostly Cloudy
Feels Like:27°F
Humidity: 60%
Wind: SSE at 12 mph
Enter city/zip GO!

Airport Delays
Sporting Events
Pollen Reports

Will it Snow on Christmas ?

ATTACHMENT 5

Wayne Reese Declaration

ENGINEERING REPORT

Potential WFIZ(FM)
Booster Location Study
For W238AA Site
(BLFT-19850611TB)

December, 2008

Munn-Reese, Inc.
Broadcast Engineering Consultants
Coldwater, MI 49036

Engineering Statement

This firm was retained to prepare this Engineering Statement documenting the feasibility of a co-channel booster for WFIZ(FM), Odessa, NY, to be located at the W238AA, BLFT-19850611TB licensed site (presently under silent authority BLSTA-20081022ABB). In an Informal Objection filed against W238AA, Alan Bishop, vice president of Finger Lakes Radio Group, Inc., licensee of WFIZ(FM)has indicated Finger Lakes is considering renting space on the tower supporting the W238AA antenna for a "booster that we are contemplating." Studies reveal that a booster on that tower would render the WFIZ(FM) signal unusable in many sections of Ithaca, the market WFIZ(FM) identifies itself as seeking to serve[1].

No study height was supplied to this firm, therefore a minimum booster power of 1 watt ERP was assumed from a 11 meter AGL mounting height on the tower (the antenna height of the lower of two antennas previously used by W238AA).

A minimum operation on-channel booster of this nature could be located on this tower; however, this tower location would not be recommended as WFIZ(FM) and the W238AA tower site share an unobstructed direct line of site path which would result in interference to reception in many parts of Ithaca. (It would not create interference to reception in Odessa or Dundee, NY, the communities WFIZ(FM) is authorized to serve. ***Exhibit A*** is direct line of site terrain profile between the WFIZ(FM) and W238AA locations. Unobstructed terrain paths of this nature generally result in very poor booster-main interference relationships as boosters generally rely on natural terrain shielding for protection from and to the main signal. This is a commonly known and understood engineering principle.

To illustrate this principle, ***Exhibit B*** is a typical booster-main relationship. To maximize booster coverage and minimize interference to the main signal, boosters are best located where significant terrain shielding occurs. Typically this would constitute a deep valley setting where the main signal is blocked in whole as noted in the exhibit. In addition, boosters are often located centrally with a city, such as a roof mounted building operation, so as the thrust of the booster signal is located close enough to the desired population center to overcome interference from the main transmission.

In relation to the perceived WFIZ(FM) desire to cover the Ithaca, NY market with booster service, ***Exhibit C*** is a direct line of site profile between the WFIZ(FM) site and the FCC notified Ithaca, NY city reference coordinates. A very slight terrain obstruction is noted to exist for portions of Ithaca, however this obstruction is believed inconsequential in meriting a need for a booster operation. In other words, the terrain obstruction noted does not block the WFIZ(FM) listenable signal in whole, which means it will not block the WFIZ(FM) co-channel interference imposed on the booster, nor will it block the booster interference imposed back on the main signal.

The terrain in this area is not severe enough to merit a technical need for booster operations. History backs this up as well. Inspection of FCC records indicates no FM booster operations to be licensed, authorized or requested for the Ithaca market. The nearest authorized booster is 46 km away from the Ithaca, NY city reference coordinates. The nearest booster facility presently in operation is 73 km away from Ithaca. There are only four (4) boosters, licensed, authorized or requested within 150 km of Ithaca, NY.

Call	CH	Stat	City	ST	File Number	Lat	Long	Dist(km)	Licensee/Permittee
WREQ-FM1	245	CP	ELMIRA	NY	BNPFTB-20071105AEJ	42-05-24	76-48-43	46.82 km	CALVARY CHAPEL OF TWIN FALLS
WPHR-FM2	295	LIC	SYRACUSE	NY	BLFTB-20011121AAN	43-03-01	76-09-02	73.43 km	CC LICENSES, LLC
WDKC-FM1	268	LIC	CANTON	PA	BLFTB-20041006AEH	41-39-14	76-51-19	92.28 km	MID-ATLANTIC BROAD., INC.
WGGY-FM1	267	LIC	HONESDALE	PA	BLFTB-20050725AFK	41-34-45	75-15-09	140.65 km	ENTERCOM W-B SCRANTON, LLC

The absence of existing booster operations in the immediate area is a very compelling indicator of a lack of a need for booster operations in the area as well.

As stated before, while licensable, boosters are only technically justifiable when the interference free service outweighs the interference costs. In this hypothetical minimum 1 watt booster operation at 11 meters AGL, the interference to WFIZ(FM) and interference-free booster service areas have been calculated and supplied as ***Exhibit(s) D*** and ***E*** respectively.

---

[1] Information supplied to this firm and further validated on the WFIZ(FM) website, www.z955.net, identifies WFIZ(FM) as "Ithaca's Hit Music Channel"

Engineering Statement

Exhibit D is the calculated interference area WFIZ(FM) is predicted to receive if this hypothetical booster site were to be utilized at the minimum power indicated. ***Exhibit E*** is the calculated interference free service area for the hypothetical booster when taking into account the incoming WFIZ(FM) main interference

As seen in the supplied maps, placement of a booster operation at this site makes no sense either from the standpoint of outgoing interference to WFIZ(FM) or with regard to placement of the interference free booster service area. In fact, the interference free service area would lie completely outside of any populated area, and the interference area to WFIZ(FM) would lie over Ithaca itself. In layman's terms, listeners in and around Ithaca who would have normally heard an acceptable WFIZ(FM) signal would now receive interference due to the placement of the booster operation at this unobstructed site location. Thus, this location is actually detrimental to the operation of Finger Lakes.

Instead of improving reception of WFIZ(FM) in Ithaca, New York, listeners' radio receivers in much of Ithaca would not be able to discriminate between the main WFIZ(FM) signal and the signal from the booster. Listeners instead would hear an unintelligible mixture of the two. No prudent broadcaster seeking to serve Ithaca would ever install a booster on the tower previously used by W238AA.

These outgoing and incoming interference scenarios as well as the afore supplied terrain profiles indicate a booster operation from the W238AA site is not nor will ever be a viable and technically sound operation for WFIZ(FM). In the opinion of this firm, the terrain in the area is simply not radical enough to isolate interference between the main and booster operations. This opinion if further validated in practical life by the lack of other booster operations in the area.

CERTIFICATION OF ENGINEERS

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 385 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report. The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission. I declare under penalty of the laws of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

December 1, 2008

By _____

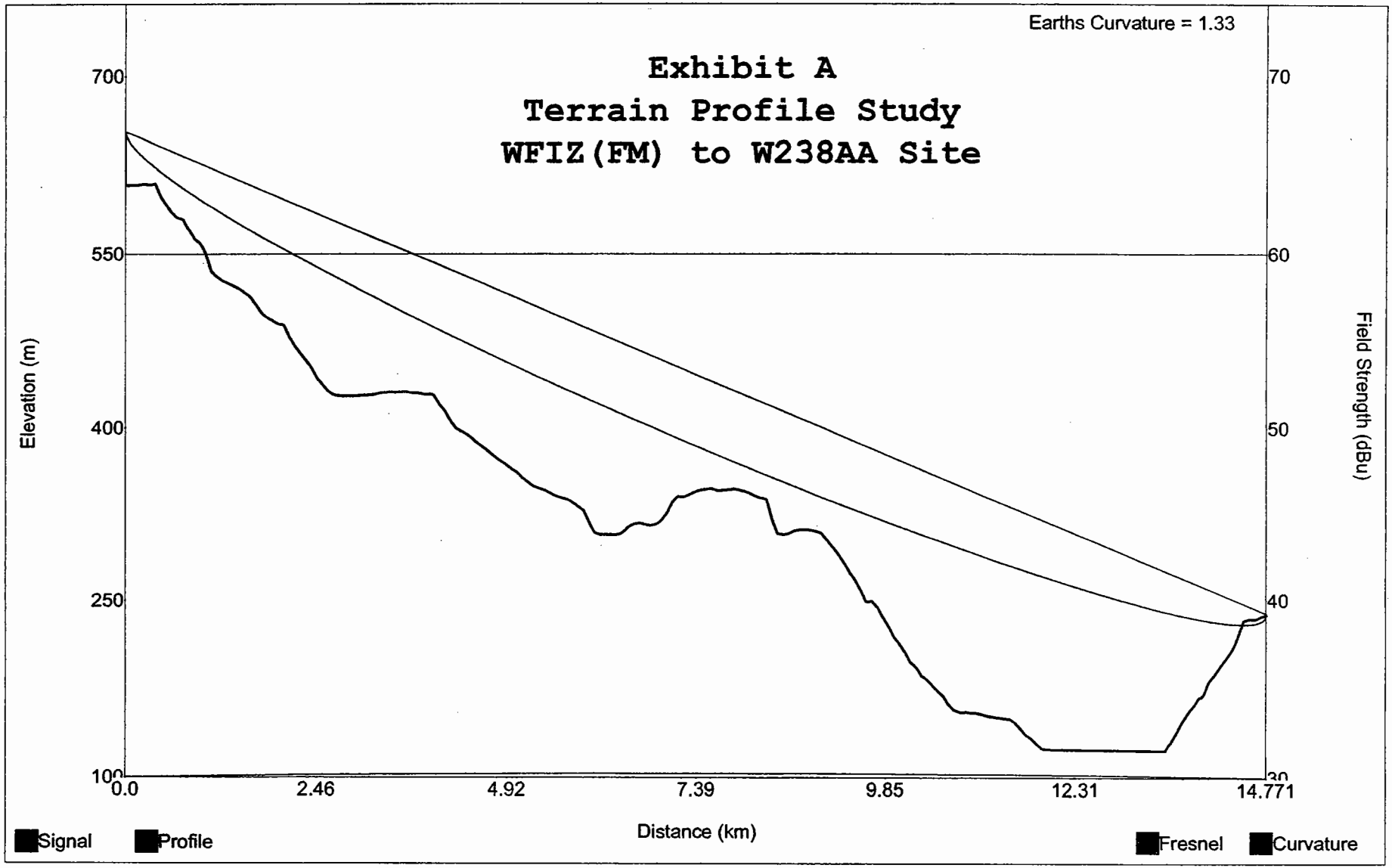
Wayne S. Reese, President

385 Airport Drive, PO Box 220
Coldwater, Michigan 49036

Telephone: 517-278-7339

Munn-Reese, Inc.
Broadcast Engineering Consultants
Coldwater, MI 49036

Exhibit A
Terrain Profile Study
WFIZ(FM) to W238AA Site



Starting Latitude: 42-23-13 N
Starting Longitude: 076-40-11 W

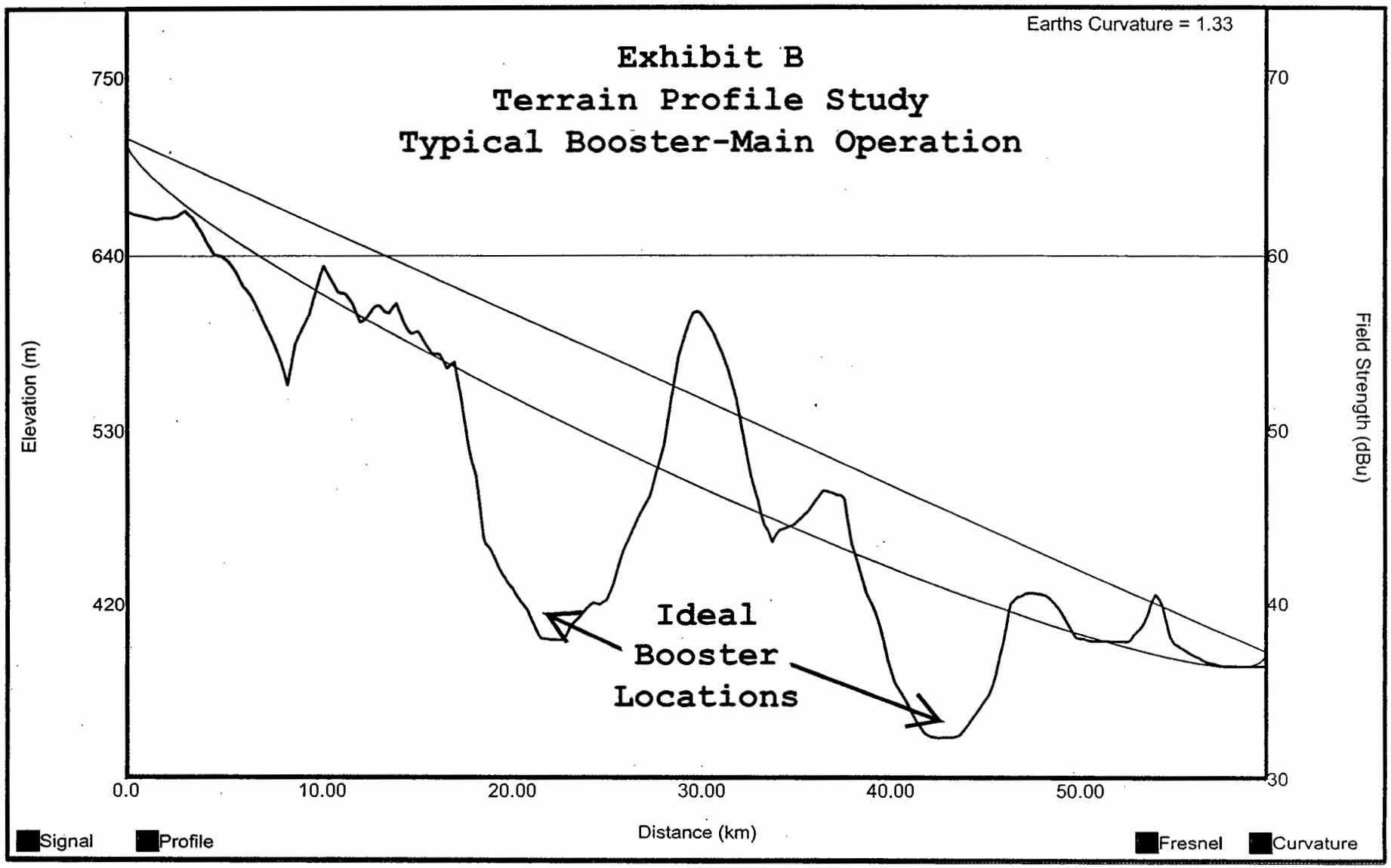
End Latitude: 42-25-37 N
End Longitude: 076-29-55 W

Distance: 14.770518620 km
Bearing: 72.436 deg

Transmitter Height (AG) = 45.0 m
Receiver Height (AG) = 11.0 m

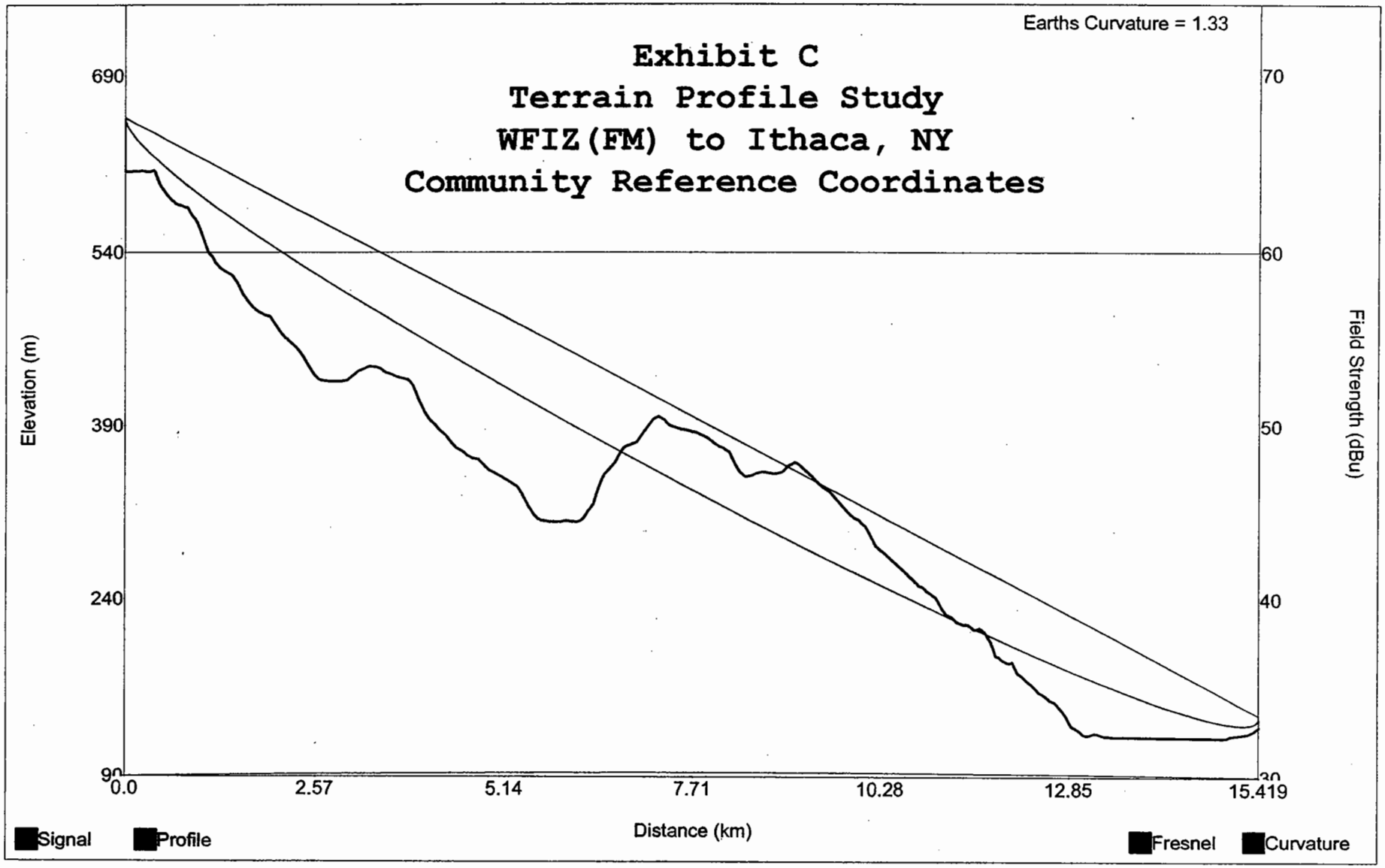
Frequency = 95.5 MHz
Fresnel Zone: 0.6

MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)278-7339



MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)278-7339

Exhibit C
Terrain Profile Study
WFIZ(FM) to Ithaca, NY
Community Reference Coordinates



Starting Latitude: 42-23-13 N
Starting Longitude: 076-40-11 W

End Latitude: 42-26-26 N
End Longitude: 076-29-49 W

Distance: 15.418501357 km
Bearing: 67.222 deg

Transmitter Height (AG) = 45.0 m
Receiver Height (AG) = 9.1 m

Frequency = 95.5 MHz
Fresnel Zone: 0.6

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Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)278-7339

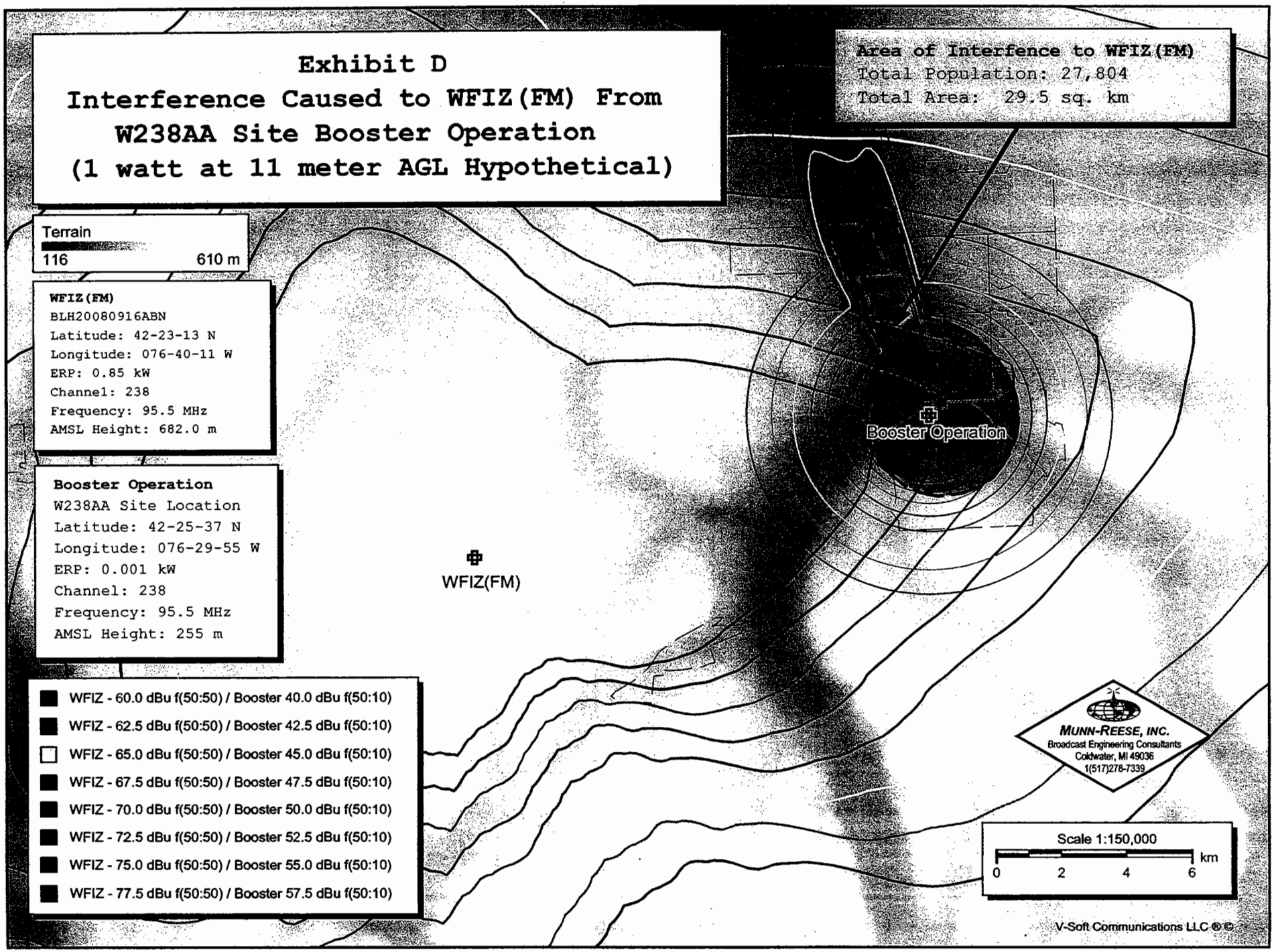
Exhibit D
Interference Caused to WFIZ(FM) From
W238AA Site Booster Operation
(1 watt at 11 meter AGL Hypothetical)
Area of Interfence to WFIZ(FM)
Total Population: 27,804
Total Area: 29.5 sq. km
Terrain
116
610 m
WFIZ(FM)
BLH20080916ABN
Latitude: 42-23-13 N
Longitude: 076-40-11 W
ERP: 0.85 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 682.0 m
Booster Operation
W238AA Site Location
Latitude: 42-25-37 N
Longitude: 076-29-55 W
ERP: 0.001 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 255 m
Booster Operation
WFIZ(FM)
WFIZ - 60.0 dBu f(50:50) / Booster 40.0 dBu f(50:10)
WFIZ - 62.5 dBu f(50:50) / Booster 42.5 dBu f(50:10)
WFIZ - 65.0 dBu f(50:50) / Booster 45.0 dBu f(50:10)
WFIZ - 67.5 dBu f(50:50) / Booster 47.5 dBu f(50:10)
WFIZ - 70.0 dBu f(50:50) / Booster 50.0 dBu f(50:10)
WFIZ - 72.5 dBu f(50:50) / Booster 52.5 dBu f(50:10)
WFIZ - 75.0 dBu f(50:50) / Booster 55.0 dBu f(50:10)
WFIZ - 77.5 dBu f(50:50) / Booster 57.5 dBu f(50:10)
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Coldwater, MI 49036
1(517)278-7339
Scale 1:150,000
km
0
2
4
6
V-Soft Communications LLC ® ©

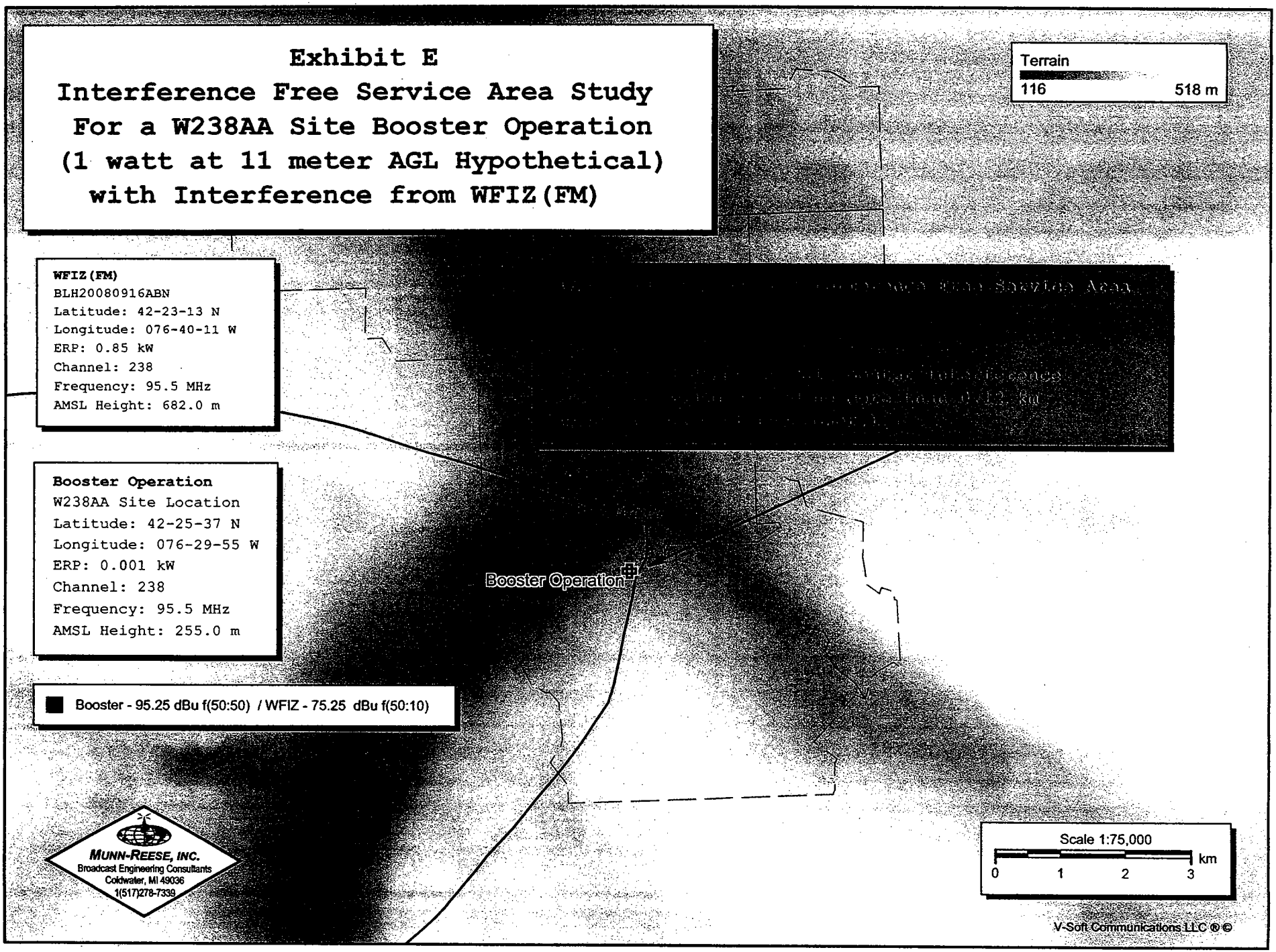
Exhibit E
Interference Free Service Area Study
For a W238AA Site Booster Operation
(1 watt at 11 meter AGL Hypothetical)
with Interference from WFIZ(FM)
Terrain
116
518 m
WFIZ(FM)
BLH20080916ABN
Latitude: 42-23-13 N
Longitude: 076-40-11 W
ERP: 0.85 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 682.0 m
Booster Operation
W238AA Site Location
Latitude: 42-25-37 N
Longitude: 076-29-55 W
ERP: 0.001 kW
Channel: 238
Frequency: 95.5 MHz
AMSL Height: 255.0 m
Booster Operation
Booster - 95.25 dBu f(50:50) / WFIZ - 75.25 dBu f(50:10)
MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036
1(517)278-7339
Scale 1:75,000
km
0
1
2
3
V-Soft Communications LLC ® ©

Attachment 6

Copy of Emails between Alan Bishop and David Stevenson (Tower Manager)

First of all both I and Mr. Fish strongly object to you and or your attorney filing any objections with anyone, let along the FCC. If there has been a discovery or issue that needs to be addressed, we would expect that in a gentlemanly way, opportunity be given to the licensee. and that the tower owner be notified and given an opportunity to address with his client(s). As I read this I find you and your attorney's actions heavy handed and unreasonable. Perhaps you might share with us just what the issue is, so if such be the case a correction can be made.

Your engineer may run all of the RF / EMI / propagation studies / test necessary, however all structural engineering will be done my Mr. Fish's structural engineering firm, if to be done at all at this point.

As for the T/O Ithaca, they have not a dam thing to do with the tower. The tower is located in the C/O Ithaca, not the town; and I can assure you that structural's have been done and permits received from the C/O Ithaca for every client / antenna on the tower.

So as a prospective client I am not impressed with you at all Mr. Bishop. I would suggest also that your engineer, attorney and you might have been better off to confirm just what licensee, at what frequency was or is operational before making any complaints. Information was supplied to you in good faith as a potential client, not for you or your attorney to become self styled enforcer's.

Dutch Hill Tower Antenna Systems, Inc. **David A. Stevenson**

4854 Onondaga Road, Syracuse, NY 13215 Phone & Fax 315-469-8106 - Cell 315-569-8106

DStevenson@DHTAInc.com

From: Alan Bishop [mailto:abishop@flradiogroup.com]
Sent: Thursday, October 16, 2008 16:47
To: Dave Stevenson
Subject: Re: FM Broadcaster Radio antennas 9Oct08

Hi Dave,

Our engineer is checking whether the tower would work for us.

I did want to make you aware of a couple things. When our engineer looked at your information provided by the Chief engineer at Cayuga Radio Group, he noted the antennas for one of their translators are nowhere near their licensed height possibly causing interference to our new station on 95.5. Our attorney suggested we file an informal objection to have them turn it off. I provided the FCC with documentation as to what Cayuga's Chief represented to you. This should not effect you or Ted Fish is any way. I just wanted you to be aware of it.

I would also let Ted know to be on the look out for the Town of Ithaca. We are building studios just up the road from his tower and I met the building inspector the other day. He asked me where our tower is (Connecticut Hill...in a different town) and then he asked me if we had anything to do with the tower down the road. I told him no and he said he thinks many things were put on it without permission from the town. They seem to be on the warpath about this kind of stuff recently. You might want to pass that along to Ted.

Regards,Alan Bishop

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, do hereby certify that a copy of the foregoing "Opposition to Informal Objection and Request for Expedited Action" was mailed, by First Class U.S. Mail, postage prepaid, this 5th day of December, 2008, to the following:

Peter H. Doyle, Esq.
Chief, Audio Division
Media Bureau
445 12th Street, S.W.
Washington, D.C. 20554
(Via Hand Delivery)

Mr. William Wilson
Federal Communications Commission
Audio Services Division
Media Bureau
445 12th Street, S.W.
Washington, D.C. 20554
(Via Hand Delivery)

John Garziglia, Esquire
Womble, Carlyle, Sandridge & Rice, PLLC
1401 I Street, N.W., Suite 700
Washington, D.C. 20005

Sherry Schunemann

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, do hereby certify that a copy of the foregoing "Opposition to Informal Objection (License Application)" was mailed, by First Class U.S. Mail, postage prepaid, this 5th day of December, 2008, to the following:

Peter H. Doyle, Esq.
Chief, Audio Division
Media Bureau
445 12th Street, S.W.
Washington, D.C. 20554
(Via Hand Delivery)

Mr. William Wilson
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John Garziglia, Esquire
Womble, Carlyle, Sandridge & Rice, PLLC
1401 I Street, N.W., Suite 700
Washington, D.C. 20005

Sherry Schunemann