



Federal Communications Commission  
Washington, D.C. 20554

February 16, 2021

In Reply Refer To:  
1800B3-KN

Triangle Access Broadcasting, Inc.  
c/o Steven L. White  
7813 Highlandview Cir  
Raleigh, NC 27613-4109

Michigan Community Radio  
c/o Edward Czelada  
3302 N. Van Dyke Rd.  
Imlay City, MI 48444

**In re: W246CW, Long Lake Township, MI**  
Facility ID No. 158283  
File No. 0000115678

**W273CR, East Bay Township, MI**  
Facility ID No. 158424  
File No. 0000115684

**Renewal of License**

**Informal Objection**

Dear Applicant and Objector,

We have before us the application of Michigan Community Radio (MCR) for renewal of license for FM translator station W246CW, Long Lake Township, MI (Long Lake Application). We also have before us the informal objection of Triangle Access Broadcasting, Inc. (Triangle) to the Long Lake Application and the granted application of MCR for renewal of license for FM translator station W273CR, East Bay Township, MI (East Bay Application).<sup>1</sup> For the reasons set forth below, we deny the Objection and grant the Long Lake Application.

**Background.** MCR timely filed the Long Lake and East Bay Applications on June 1, 2020.<sup>2</sup> MCR amended the East Bay Application on August 11, 2020, to change the primary station listed for W273CR.<sup>3</sup> The Media Bureau granted the amended East Bay Application on September 15, 2020, before Triangle filed the Objection on the same day.

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<sup>1</sup> Informal Objection of Triangle, Pleading File No. 121686 (filed Sep. 15, 2020) (Objection). MCR did not file a response to the Objection.

<sup>2</sup> Application of MCR for Renewal of License, File No. 115678 (filed June 1, 2020) (Long Lake Application); Application of MCR for Renewal of License, File No. 115684 (filed June 1, 2020) (East Bay Application).

<sup>3</sup> Amended Application of MCR for Renewal of License, File No. 115684 (filed Aug. 11, 2020). MCR initially listed WTLI(FM), Bear Creek Township, MI (Facility ID No. 84479) as the primary station for W273CR but amended the East Bay Application to identify WAIR(FM), Lake City, MI (Facility ID No. 92345) as the primary station.

In its Objection, Triangle asserts that under section 74.1232(b) of the Commission's rules (Rules), it would be improper to renew the licenses for both translators absent a showing of a technical need.<sup>4</sup> Triangle claims that the commonly owned translator stations have the same predicted coverage area and provide the same programming.<sup>5</sup> Therefore, Triangle asserts that the Commission should not renew the translators' licenses without a technical need showing pursuant to section 74.1232(b) of the Rules.

**Discussion.** We reject Triangle's assertion that a showing of technical need for the translators is required under section 74.1232(b). In relevant part, the rule states that "[m]ore than one FM translator may be licensed to the same applicant, whether or not such translators serve substantially the same area, upon an appropriate showing of technical need for such stations."<sup>6</sup> The Commission has interpreted section 74.1232(b) to require a technical need showing only when the same party proposes to own more than one translator rebroadcasting the same signal to substantially the same area.<sup>7</sup> Need is presumed where the translators rebroadcast different primary stations.<sup>8</sup> Here, the two translators do not retransmit the signal of the same primary station.<sup>9</sup> Therefore, a showing of technical need is not required under the rule. Because Triangle has not raised a substantial and material question of fact that grant of the Long Lake Application is inconsistent with the Act,<sup>10</sup> we deny the Objection as filed against the Long Lake Application.

We have reviewed the Long Lake Application, and we find no evidence of serious violations of the Act or the Rules, or other violations that, taken together, constitute a pattern of abuse.<sup>11</sup> Further, we find that station W246CW served the public interest, convenience, and necessity during the license term under review.<sup>12</sup> Therefore, we grant the Long Lake Application.

Since the Objection was filed after the Media Bureau granted the East Bay Application, it fails as an informal objection to the East Bay Application.<sup>13</sup> However, because the Objection was filed prior to the end of the 30-day period for filing petitions for reconsideration of the grant of the East Bay Application,<sup>14</sup> we will treat the Objection as filed against the East Bay Application as a petition for

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<sup>4</sup> Objection at 1; *see* 47 CFR § 74.1232(b).

<sup>5</sup> *Id.* at 2.

<sup>6</sup> 47 CFR § 74.1232(b).

<sup>7</sup> *Coe W. Ramsey, Esq. Steven L White*, 32 FCC Rcd 10105, 10111 (MB 2017) (citing *FM Translator Stations*, Report and Order, 5 FCC Rcd 7212, 7222-23 (1990)).

<sup>8</sup> *Id.* (citing *FM Translator and Booster Stations*, Report and Order, 20 RR.2d 1538 (1970)); *see also E. Airwaves, LLC FM 102.9 LLC*, 33 FCC Rcd 6651, 6653 (2018).

<sup>9</sup> W246CW retransmits the signal of WTLI(FM), Bear Creek Township, MI (Facility ID No. 84479), whereas W273CR retransmits the signal of WAIR(FM), Lake City, MI (Facility ID No. 92345).

<sup>10</sup> 47 U.S.C. § 309(d).

<sup>11</sup> *Id.* § 309(k).

<sup>12</sup> *Id.*

<sup>13</sup> 47 CFR § 73.3587 ("Before FCC action on any application for an instrument of authorization, any person may file informal objections to the grant."); *see also Brahim Ayad d/b/a Politically Damned*, 22 FCC Rcd 20002 (MB 2007) ("any person may file an informal objection to an application 'before FCC action'").

<sup>14</sup> *See* 47 CFR § 1.106(f); *Broadcast Actions*, Public Notice, Report No. PN-2-200917-01 (Sept. 17, 2020).

reconsideration of that application.<sup>15</sup> Section 1.106(b)(1) of the Rules allows parties to an original proceeding, and non-parties whose interests were adversely affected by any action taken by the Commission or by designated authority, to file a petition for reconsideration as set forth in the rule.<sup>16</sup> If the petitioner was not a party to the original proceeding, it must show good reason why it was unable to participate in the earlier stages of the proceeding.<sup>17</sup> Triangle fails to meet this threshold requirement because it provides no explanation for why it did not object to the Application prior to grant. While the Commission has awarded standing to petitioners for reconsideration who failed to file pre-grant objections when staff acted less than a week after an application was filed,<sup>18</sup> we will not award Triangle such standing here. Triangle's Objection was filed more than 90 days after the East Bay Application was filed.<sup>19</sup> Therefore, we dismiss the Objection as to the East Bay Application.

Even if we were to consider Triangle's argument on the merits, we would deny the Objection as filed against the East Bay Application for the same reasons as stated above regarding the Long Lake Application. Thus, Triangle has not shown under section 309(k) of the Act that the staff erred in granting the East Bay Application.

**Conclusions/Actions.** Accordingly, IT IS ORDERED that the Informal Objection filed by Triangle Access Broadcasting, Inc., on September 15, 2020, IS DENIED.

IT IS FURTHER ORDERED that the application for renewal of license of W246CW (File No. 0000115678) IS GRANTED.

Sincerely,

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

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<sup>15</sup> See *Thomas Irion*, 29 FCC Rcd 9606, 9607 (MB 2014).

<sup>16</sup> 47 CFR § 1.106(b)(1).

<sup>17</sup> *Id.* See also *Thomas Irion*, 29 FCC Rcd at 9607; *Brahim Ayad d/b/a Politically Damned*, 22 FCC Rcd at 20002; *Gabriel Arango JNE Investments, Inc.*, 23 FCC Rcd 1823, 1823 (MB 2008) (no standing to file petition for reconsideration where late objection filed more than 90 days after contested renewal application and with no explanation for why objector did not object to renewal application prior to its grant).

<sup>18</sup> See, e.g., *id.*; *David Levandusky c/o Living Waters Assembly of God et. al.*, 25 FCC Rcd 14172, 14174 (MB 2010) (standing to file petition for reconsideration awarded without pre-grant objection when application granted two days after Public Notice of its acceptance); *Aspen FM, Inc.*, Memorandum Opinion and Order, 12 FCC Rcd 17852, 17854 (1997) (standing to file petition for reconsideration awarded without pre-grant objection when application granted four days after Public Notice of its acceptance); *Ted and Jana Tucker*, Memorandum Opinion and Order, 4 FCC Rcd 2816 (1989) (standing to file petition for reconsideration awarded without pre-grant objection when application granted four days after Public Notice of its acceptance).

<sup>19</sup> *Broadcast Applications*, Public Notice, Report No. PN-1-200603-01 (June 3, 2020).