

**Request for Waiver of Section 73.24(i)**

Jackson Radio Works, Inc., the licensee of radio station WIBM(AM), Jackson, Michigan, respectfully requests a waiver of Section 73.24(i) of the Commission's Rules, 47 C.F.R. § 73.24(i). Pursuant to Section 73.24(i) of the Commission's Rules, for stations in the 535-1605 kHz band, 80% of the principal community must be encompassed by the nighttime 5 mV/m contour or the nighttime interference free contour, whichever is higher. The proposed change in site location for WIBM(AM) will result in 74.5% of Jackson, Michigan receiving nighttime primary service. See Exhibit 10 of the instant application.

As detailed in the attached statements, a waiver of the Commission's nighttime community coverage requirements is necessary and warranted in this instance because (1) WIBM(AM) is being forced by its lessor to move from its current tower site, and (2) there are no available sites offering greater coverage than the site proposed in the instant application. The attachments include a declaration under penalty of perjury from the applicant's President, Bruce Goldsen, detailing his efforts to locate a new site when it became clear that the current site would have to be relocated, and letters from the parties who assisted in the search documenting the lack of alternative sites.

The Commission has previously granted waivers of Section 73.24 (i) based on an inability to locate an alternative site that will satisfy the community coverage requirements. See, e.g., Orman L. Kimbrough, 48 RR 2d 1646 (1981) (waiving the community coverage requirements and authorizing KEES(AM) to provide nighttime interference free contour service to only 31.35 percent of the area of the community based on a showing that improved coverage was impossible and that no alternative site existed from which permittee could provide better service); Bay City Communications Corporation, 48 RR 2d 926 (authorizing WTJZ(AM) to provide nighttime interference free service to less than 80 percent of the community based upon a showing that the site proposed was the best one reasonably available). Given that the facts of this case demonstrate the lack of an alternative site, and that the shortfall below the 80 percent threshold is not great, this case falls well within the bounds of established precedent. As there are no alternative sites, and the station would be forced to cease operations when it is forced from its current site absent grant of the requested waiver, the waiver is clearly warranted.

Accordingly, Jackson Radio Works, Inc. respectfully requests that the Commission grant a waiver of Section 73.24(i) of the Commission's Rules and authorize the proposed WIBM(AM) site location.

**JACKSON RADIO WORKS, INC.**  
**1700 Glenshire Drive**  
**Jackson, MI 49201-8302**

On behalf of Jackson Radio Works, Inc., the licensee of radio station WIBM(AM), Jackson, Michigan, we respectfully request a waiver of Section 73.24(i) of the Commission's Rules. A waiver of the Commission's nighttime community coverage requirements is warranted in the instant case due to the fact that WIBM(AM) has been forced to move from its present site in Jackson, Michigan, and there are no available sites offering greater coverage than the site proposed in the instant application.

In the summer of 2002, our landlord, the Jackson Transportation Authority, informed us that it needed to expand its operation to land currently leased to Jackson Radio Works, Inc. for the WIBM tower and transmitter. Accordingly, for over six months, we have been trying to find suitable property to relocate the tower site for WIBM(AM).

Specifically, we have been working with the City of Jackson to locate a new tower site. On November 15, 2002, Henry Jenkins, the Assistant City Manager/Operations for the City of Jackson, informed us that the inventory of city owned property does not include any sites that would satisfy the FCC's coverage requirements. A copy of this letter is attached. The City of Jackson was, however, able to locate a site for the WIBM(AM) tower, but because the site would not fully satisfy the Commission's community coverage requirements, we initially rejected the site in the hope of finding a suitable site that would comply with the FCC's rules.

We began working with Enterprise Group of Jackson, Inc. ("EG"), a local economic development agency, to locate a parcel large enough and close enough to Jackson's downtown to meet our engineering requirements. As detailed in the attached letter from Steve Czarnecki, the President and CEO of EG, staff of the EG researched the entire county of Jackson, but were unable to locate a site that would satisfy the FCC's nighttime coverage requirements. We also worked with two realtors, Cascade Realty and The Brokerage House, but their efforts to find a site available and suitable for the construction of an AM radio tower were also unsuccessful.

After an exhaustive search, we have determined that the City of Jackson property is the only available and feasible site for the WIBM(AM) tower. Although at the site, the station will not provide 80 percent nighttime community coverage, it is the only property that has sufficient size for the WIBM(AM) tower and sufficient access to the community of Jackson to permit at least a 74.5 percent level of nighttime coverage. Accordingly, we respectfully request that the Commission grant a waiver of Section 73.24(i) of the Commission's Rules and authorize the proposed WIBM(AM) site location.

I hereby declare, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bruce Goldsen". The signature is written in black ink and is positioned above the printed name and title.

Bruce Goldsen  
President, Jackson Radio Works, Inc.



**City Manager's Office**

161 W. Michigan Ave. • Jackson, MI 49201-1303  
(517) 788-4035 • Facsimile (517) 768-5820

November 15, 2002

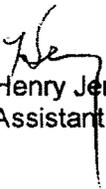
Mr. Bruce Goldsen  
General Manager/Owner  
WKHM Radio  
1700 Glenshire Drive  
Jackson, MI 49203

Dear Mr. Goldsen:

It has come to my attention that you have been looking for property suitable for the construction of an AM radio tower for the operations of WKHM radio. Unfortunately, the inventory of City owned property does not include any sites appropriate for this project at this time.

City staff has assured me that they will keep your needs in mind and notify you if possible sites come to their attention. Thank you for considering the purchase of City owned property for your project. I wish you the best of luck in finding suitable property for the tower.

Sincerely,

  
Henry Jenkins  
Assistant City Manager/Operations

HJ/am

Cc: Brian O'Connor, Assistant City Manager/Economic Development  
Glenn Chinavare, Director Public Works  
Jan Markowski, City Assessor  
Anita Mure, Financial Analyst



**The Enterprise  
Group**  
of Jackson, Inc.

February 14, 2003

To Whom It May Concern:

The Enterprise Group of Jackson, Inc. (EG) was contacted by Mr. Bruce Goldson, owner of Jackson Radio Works to assist them in finding a location for their new tower location for 1450WIBM. The staff at The EG exhausted all efforts to find a suitable location that would be within the required coverage area allowed by the FCC. We researched the entire County of Jackson for possible locations without success.

The Enterprise Group of Jackson is a full-service economic development agency that provides a single access point to businesses that are looking to locate to or expand in Jackson County, Michigan. We keep an inventory of buildings and sites available for lease and/or sale.

Sincerely,

Steve Czamecki  
President & CEO