

Accepted / Filed

MAR 29 2021

Federal Communications Commission  
Office of the Secretary

March 23, 2021

SECRETARY  
FEDERAL COMMUNICATIONS COMMISSION  
45 L STREET, N.E.  
WASHINGTON, DC 20554

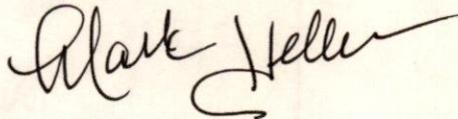
Re: Media Bureau BP-20210303AAD "Midway Broadcasting Corp."

Dear Secretary:

Attached is an Original and Four copies of **"INFORMAL OBJECTION  
TO APPLICATION FOR CONSTRUCTION PERMIT FOR  
COMMERCIAL BROADCAST STATION, SPECIFICALLY DWCEV-  
AM, CICERO, IL."**

If there are any questions, please contact the undersigned at the address  
provided.

Sincerely,



Mark Heller, President

P.O. Box 100  
Denmark, WI 54208-0100  
Wgbw-at-LSOL.net

(920) 863-1234

0+4

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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Federal Communications Commission  
Office of the Secretary

In re:  
Media Bureau

File No. BP-20210303AAD

Midway Broadcasting, Cicero, IL  
Form FCC 301

**INFORMAL OBJECTION TO APPLICATION FOR  
CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST  
STATION, SPECIFICALLY DWCEV-AM, CICERO, IL**

Comes now, Mark Heller, (hereinafter "Heller") with an informal objection to the premature application of Midway Broadcasting Corporation (hereinafter "Midway"), for the broadcast license formerly held by Migala Broadcasting (hereinafter "Migala").

Heller has standing in this application, having already served the Commission with Comments in Support of Auction 109 which was received and publicly filed on February 22, 2021. (Exhibit 'A', attached) (ref: 21-39; DA-21-131) Heller's comments are fully within the FCC Rulemaking procedure and clearly appropriate and in the Public's Interest.

Heller objects to this application, as Midway is clearly attempting to Pre-emptively position itself against any party, including the Public in and around Cicero, Illinois, from being able to obtain the former license of WCEV-AM, which was collocated on the same tower with Midway. And, after a diligent search of a five mile radius of Midway's 3350 South Kedzie address in Chicago, Heller was able to locate 18 tower sites, able to accommodate this frequency, easily. This includes tower sites for 1390 AM and 950 AM among others.

Heller was Pro-Active in his filing in February, 22, 2021. Giving the Commission substantial time, to allow for an auction of not only WCEV's

former license, but also deleted AM stations in Portage, Michigan; Riverside, California; Crystal Lake, Illinois; two AM stations in Honolulu, Hawaii; Lancaster, Wisconsin; and Augusta, Georgia.

Midway is clearly being Pre-Emptive, and attempting to exclude the public from such opportunity. Instead, it complains about the financial stress of paying tower rent, and shows a photo of missing transmitters of Migala.

Midway neglects, entirely, from disclosing to the Commission, that it had entered into a 'Right of First Refusal' on any sale of WCEV-AM, and it had never once reached out to Migala to attempt to purchase the station, they now would like to acquire, for free. In fact, the University of Illinois also had a right of refusal on WCEV, which Midway also did not disclose.

Midway neglects to tell the Commission that it sold off this building / parcel, several years ago, and was renting it back.

Midway asserts that the proper removal of transmitters, still owned by Migala, and in proper storage for safe keeping, is somehow, nefarious. In fact, the exact location of the tower site, as a dangerous part of town has been memorialized on Page 91 of a former WVON deejay named, Herb Kent, in his book, 'Herb Kent the Cool Gent'. (Exhibit 'B', attached) This book was published February 1, 2009. You also can reference how dangerous this area is, by skimming the pages of 'Spann of WVON' which was published January 1, 2003. Perhaps Midway's Chairman would like to comment on her own writing skills.

Then Midway explains it is responsible for a 100 year land lease, but doesn't describe the amount it pays, or whether it's a lease for ground radials going under a set of train tracks for a dollar per year.

Midway makes derogatory comments to the Commission, to assert it should be 'rewarded' or 'entitled' to grab this facility. A greedy grab, at that.

Midway also took advantage of a letter from the Commission to Migala, to determine the date of the deletion. That information has yet to be disclosed to the public on the FCC's database, at the time of this filing. It is not widely known to the public or to the industry.

Midway currently leases a full-time AM radio station, about five miles south with ten times the power, in fact, putting approximately 27 mv/m over its 1450 Khz tower site. Heller is frankly surprised that Midway isn't complaining about the excessive lease payments that they have to make to the current licensee of WVON-AM, whose 'largest radio conglomerate in the US' towers have already been sold off for millions.

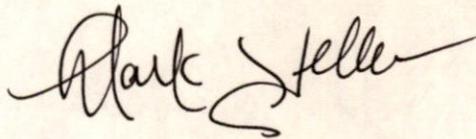
### **CONCLUSION.**

Midway's application is pre-mature, and should be considered 'moot'. It deserves to be rejected outright. It is not timely, nor should the applicant have any special treatment, than anyone else.

Midway should enjoy the same privileges of the General Public, and be given the opportunity to bid on this station, without added benefit. It is clearly in the Public's Interest, to do so.

The deleted call sign of WCEV, deserves to be auctioned off this summer, along with the others that Heller filed in his comments in February 2021.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark Heller". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Mark Heller

P.O. Box 100  
Denmark, WI 54208-0100

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In re:  
Media Bureau  
DA-21-131

21-39  
2/22/2021

**COMMENTS IN SUPPORT OF AUCTION OF CERTAIN FM AND  
AM CONSTRUCTION PERMITS, WITH ADDITIONAL AM  
FREQUENCIES REQUESTED.**

Comes now, Mark Heller, (hereinafter "Heller") as President of WTRW Incorporated, licensee of Standard Broadcast Station, WGBW-AM, Denmark, WI with comments and a counter-proposal for the proposed auction of FM and AM Construction Permits.

Heller complains that the 'Cherry Picking' of only one set of AM stations in the Greater St. Louis, MO area, is not fair, nor equitable to others interested in pursuing AM stations in other part of the United States. In a 'perfect world' the Commission would open up ALL (emphasis added) deleted AM stations as well as abandoned Expanded Band AM stations which were initially approved but never built. It should be noted that initially, the Commission approved 88 Expanded Band AM facilities in 1997, and only 54 remain today. (56 as of 2006)

Clearly, the FCC rarely opens opportunities for AM broadcasters to apply for vacant facilities, and the Commission should broaden their scope on the AM side. It clearly is a matter of fairness.

Specifically, Heller notes the following 'now-deleted' AM stations that could also be made available, should the Commission decide to expand. Where is the Public Interest, Necessity and Convenience served, in only looking at one specific AM Metropolitan market, and ignoring all others?

Heller wishes to counter-propose the addition of the following deleted AM frequencies, and such addition would clearly be in the Public Interest, Necessity and Convenience, by simply broadening its scope.

Heller wishes to propose the addition of the following AM facilities, now abandoned and deleted by the Commission.

<b>FORMER CALL SIGN</b>	<b>COMMUNITY OF LICENSE</b>	<b>STATE</b>	<b>FORMER FACILITY ID</b>
<b>WQLR-AM</b>	<b>Portage</b>	<b>MI</b>	<b>67767</b>
<b>KRPO-AM</b>	<b>Riverside</b>	<b>CA</b>	<b>50281</b>
<b>WAIT-AM</b>	<b>Crystal Lake</b>	<b>IL</b>	<b>53504</b>
<b>KHRA-AM</b>	<b>Honolulu</b>	<b>HI</b>	<b>43942</b>
<b>KORL-AM</b>	<b>Honolulu</b>	<b>HI</b>	<b>13985</b>
<b>WGLR-AM</b>	<b>Lancaster</b>	<b>WI</b>	<b>33053</b>
<b>WKBF-AM</b>	<b>Rock Island</b>	<b>IL</b>	<b>8593</b>
<b>WCEV-AM *</b>	<b>Cicero</b>	<b>IL</b>	<b>42137</b>
<b>WRDW-AM **</b>	<b>Augusta</b>	<b>GA</b>	<b>87174</b>

\* WCEV is a shared time frequency, covering Metropolitan Chicago, IL

\*\* Expanded Band AM, license cancelled

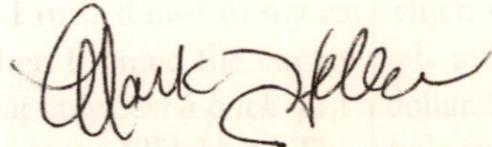
By opening these additional frequencies, even more special interests may have an opportunity to serve their local areas.

### **CONCLUSION. MORE IS BETTER.**

This counter-proposal should be embraced by the Commission and by every interested party, and Heller would entertain reply comments to this counter-proposal to adding an assortment of additional AM opportunities.

Respectfully submitted,

**WTRW INCORPORATED**



**Mark Heller, President**

P.O. Box 100  
Denmark, WI 54208-0100  
(920) 863-1234

**WGBW-at-LSOL.NET**

**Mailed via First Class US Mail, Original and Four copies on February 13, 2021 to:**

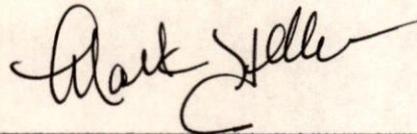
**SECRETARY  
FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON, DC 20554**

**Cc: [auction109@fcc.gov](mailto:auction109@fcc.gov)**

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2021 to:

SECRETARY  
FEDERAL COMMUNICATIONS COMMISSION  
45 L STREET, N.E.  
WASHINGTON, DC 20554, and,

ATTY. JAMES WINSTON  
RUBIN, WINSTON, DIERCKS, HARRIS AND COOKE, LLP  
1250 CONNECTICUT AVENUE, NW SUITE #700  
WASHINGTON, DC 20036

A handwritten signature in black ink, appearing to read "Mark Heller", written over a horizontal line.

Mark Heller  
March 23, 2021