

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

**ENGINEER:** Dale Bickel  
**TELEPHONE:** (202) 418-2706  
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July 30, 2015

Mr. Todd Mohr  
Synergy Broadcast North Dakota, LLC  
5399 Wallace Lane  
Ludington, MI 49431

Re: KLTQ (FM), New England, ND  
Synergy Broadcast North Dakota, LLC  
Facility Identification Number: 166059  
Construction permit BPH-20120727AID

KQLZ (FM), Beulah, ND  
Synergy Broadcast North Dakota, LLC  
Facility Identification Number: 164305  
Construction permit BPH-20120727AHW

Dear Mr. Mohr:

By letter dated July 22, 2015 and received July 28, 2015, you requested cancellation of the construction permits listed above, for Class C1 facilities for each station.<sup>1</sup>

It is not apparent that you understand that, regardless of whether we cancel these construction permits or they expire on their own, the respective channel, class, and community allotment changes currently authorized remain in effect. Therefore, KLTQ must still move from Channel 250A (97.9 MHz) at Beulah, ND to Channel 251C1 (98.1 MHz) at New England, ND. At the same time, KQLZ must move from Channel 239A (95.7 MHz) at New England, ND to Channel 239C1 at Beulah, ND.

The only means by which the respective allotment changes can be undone is through coordinated construction permit applications (with the corresponding application filing fee) for KLTQ and KQLZ, requesting to undo the allotment changes. Because of the community of license changes, notice of these applications would have to be published in the Federal Register, and each application would have to contain a Section 307(b) analysis to document that the changes represent a preferential arrangement of allotments.<sup>2</sup> It is our considered opinion that it will be very difficult to demonstrate that a preferential arrangement of allotments will occur from a Class

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<sup>1</sup> These construction permits will expire on their own terms on November 30, 2015.

<sup>2</sup> These factors would cause the application processing period to take at least 3 months, minimum, without guarantee of success.

A allotment at one of these communities in place of a Class C1 at the other. Therefore, we will not cancel these construction permits at this time, until we receive written word from you that you understand the implications of doing so.

Lastly, we remind you once more that KLTQ's station's license will expire as a matter of law upon twelve consecutive months of silence [**ending March 24, 2016**]. Similarly, KQLZ's station's license will expire as a matter of law upon twelve consecutive months of silence [**ending March 24, 2016**]. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, *Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). See also Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603 (2008).

Sincerely,



Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: Todd Mohr (via e-mail)

Received & Inspected

JUL 28 2015

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Synergy Broadcast North Dakota, LLC  
5399 Wallace Lane  
Ludington, MI 49431

FCC Mail Room

July 22, 2015

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.-TW-B204  
Washington, DC 20554

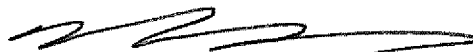
RE: Request for Cancellation of Construction Permit Authorizations  
BPH-20120727AID, station KLTV New England, ND, Fac Id: 166059  
BPH-20120727AHW, station KQLZ Beulah, ND, Fac Id: 164305  
Synergy Broadcast North Dakota, LLC

Dear Ms. Dortch:

Synergy Broadcast North Dakota, LLC, the licensee of FM broadcast stations KLTV, New England, ND and KQLZ, Beulah, ND hereby requests cancellation of the above referenced construction permit authorizations.

If there are any questions regarding this matter, please contact me directly.

Very truly yours,



Todd A. Mohr

[todd@mittenmediallc.net](mailto:todd@mittenmediallc.net)  
231-301-1667