

ORIGINAL

RECEIVED

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

Received & Inspected

2016 OCT -4 A 11: 17

OCT 03 2016

In Re:	)	FCC Mail Room
	)	
WGNH, INC.	)	File No. BL-2016081ABD
	)	
Application for License for Station	)	Facility ID 191495
WKLA-FM, Ludington, MI	)	

To: The Secretary  
Attn: Chief, Media Bureau

**OPPOSITION TO INFORMAL OBJECTION**

WGHN, Inc. ("WGHN"), by its attorney, hereby opposes the Informal Objection ("Objection") to WGHN's above-referenced application for a license to cover its construction permit for Station WKLA-FM that was filed on behalf of Bay View Broadcasting, Inc. ("BVB") on August 31, 2016.

The **Objection is predicated upon** BVB's unsubstantiated and incorrect assertion that "the WKLA-FM facility was **apparently** not constructed according to its modified construction permit" [emphasis added]. BVB's speculative claim that WKLA-FM was not constructed in accordance with its construction permit is based solely on the facts that (i) WKLA-FM is co-located with WLDN and (ii) BVB's engineer believes, based on a picture of the tower shared by WKLA-FM and WLDN, that the transmission line used to feed the WKLA-FM antenna is ½ inch or smaller and, is thus too small to permit both WKLA-FM and WLDN to operate simultaneously at full power.

Attached hereto is a Declaration Under Penalty of Perjury from Richard Young who is the President of the licensee of WLDN which owns the tower on which WKLA-FM's facilities are located and who personally supervised the installation of the WKLA-

FM antenna and transmission system on the WLDN tower and in the WLDN transmitter building, which establishes that there is no merit to the Objection. In his Declaration, Mr. Young states that WKLA-FM was constructed using the antenna that had formerly been used for WLDN and that when WKLA-FM went on the air, WLDN was taken off the air pending retuning of another antenna that WLDN had on hand for use by that station. Since WKLA-FM and WLDN are not operating simultaneously through the existing transmission line on the tower, BVB's speculation that the existing transmission line is too small to enable both WKLA-FM and WLDN to operate at full power is irrelevant. Additionally, Mr. Young's Declaration establishes that the transmission line used to feed the WKLA-FM antenna is 7/8 inch, not "1/2 inch or smaller as claimed by BVB.

Accordingly, as BVB has not submitted any credible evidence to support its claim that WKLA-FM "was **apparently** not constructed according to its modified construction permit" and as Mr. Young's Declaration directly refutes BVB's speculative claim that WKLA-FM and WLDN are being operated simultaneously through 1/2 inch or smaller transmission line which, according to BVB's engineer, would be too small to enable both station's to operate at full power, BVB's Objection must be denied.

Respectfully submitted,



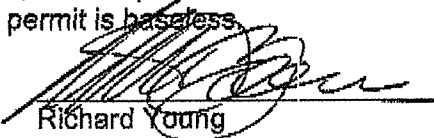
David Tillotson  
4606 Charleston TR N.W.  
Washington, DC 20007  
Tel: 202 625-6241  
Email: [dtlaw67@starpower.net](mailto:dtlaw67@starpower.net)  
Attorney for WGHN, Inc.

September 28, 2016

## DECLARATION UNDER PENALTY OF PERJURY

Richard Young states under penalty of perjury as follows:

1. I am president of Synergy Media, Inc. ("Synergy").
2. Synergy is the proposed assignee of the construction permit for station WKLA-FM, Facility ID 191495, Ludington, Michigan ("WKLA-FM").
3. As WKLA-FM's transmission facilities were to be co-located with the facilities of Station WLDN, Ludington, Michigan ("WLDN") which is owned by a sister company to Synergy, and in view of the fact that Synergy has applied for consent to acquire WKLA-FM, I personally supervised the installation of the antenna and transmission facilities on the WLDN tower and in the WLDN transmitter building.
4. In an Informal Objection to the application of WGHN, Inc. for a license to cover the construction permit for WKLA-FM, Bay View Broadcasting, Inc. ("BVB") has argued that the license WKLA-FM application should be denied and the construction permit for the station should be canceled because "the WKLA-FM facility was *apparently* not constructed according to its modified construction permit.
5. BVB's speculation that WKLA-FM was not constructed in accordance with its construction permit is based solely on the facts that WKLA-FM is co-located with WLDN and that BVB's engineer believes, based on a picture of the tower shared by WKLA-FM and WLDN, that the transmission line used to feed the WKLA-FM antenna is ½ inch or smaller. According to BVB, ½ inch transmission line is too small to permit WKLA-FM and WLDN to operate simultaneously at full authorized power.
6. The flaws in BVB's theory are that the transmission line used to feed the WKLA-FM is not ½ inch, but rather is 7/8 inch, and that WKLA-FM and WLDN are not both operating using the transmission line. As reported to the Commission in an application for authority for WLDN to remain silent (BALSTA- 20160909ABA), I determined that the 3-BAY Antenna used in the operation of WLDN was better suited for use by WKLA-FM, and therefore I used the WLDN antenna in the construction of WKLA-FM and took WLDN off the air pending retuning of a 5 bay antenna which Synergy has on hand. Accordingly, since WKLA-FM and WLDN are not being operated simultaneously and the transmission line is 7/8 inch, not ½ inch, BVB's speculative claim that WKLA-FM was not constructed in accordance with its permit is baseless.



Richard Young

September 28, 2016

## CERTIFICATE OF SERVICE

I, David Tillotson, hereby certify that a copy of the foregoing OPPOSITION TO INFORMAL OBJECTION has been sent via first class United States mail, postage pre paid, the 28<sup>th</sup> day of September 2016, to:

Dennis J. Kelly  
Law Office of Denis J. Kelly  
P.O. Box 41177  
Washington, DC 20018



---

David Tillotson