



Federal Communications Commission  
Washington, D.C. 20554

December 21, 2016

*In Reply Refer to:*  
1800B3-HOD

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In re: **WGNH, Inc.**

WKLA-FM, Ludington, MI  
Facility ID No. 191495  
File No. BL-20160819ABD

**Informal Objection**

Dear Counsel:

We have before us an application (Application) filed by WGNH, Inc. (WGNH) for a license to cover the facilities authorized in the construction permit (Permit) for its station, WKLA-FM, Ludington, Michigan (Station).<sup>1</sup> Also before us is an Informal Objection (Objection) to the Application filed by Bay View Broadcasting, Inc. (Bay View).<sup>2</sup> For the reasons set forth below, we deny the Objection and grant the Application.<sup>3</sup>

Bay View alleges that WGNH did not construct the Station as specified in its Permit. Bay View relies upon undated photographs of the transmitter site specified in the Permit. It submits an analysis of these photographs prepared by a broadcast engineer. The engineer states that the Station, another full power FM station, and two FM translators are authorized to operate from this transmitter site. Based on this, the number and type of antennas visible in the photographs and speculation regarding the size of the transmission lines visible in the photographs, the engineer lists a number of scenarios under which the four stations could be operating, each of which involves the Station operating with an effective radiated power below that specified in the Permit.<sup>4</sup>

WGNH argues that Bay View's allegation is "unsubstantiated and incorrect."<sup>5</sup> We agree and will deny the Objection for this reason. Bay View cannot make out a *prima facie* case that the Station was not

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<sup>1</sup> The Station's original construction permit was granted on August 22, 2013. See File No. BNPH-20130722ACO; *Broadcast Actions*, Public Notice, Report No. 48061 (MB Aug. 27, 2013). The permit was modified on January 6, 2016. See File No. BMPH-201510105AFF; *Broadcast Actions*, Public Notice, Report No. 48649 (MB Jan. 11, 2016).

<sup>2</sup> WGNH, Inc. filed an Opposition to Informal Objection (Opposition) on September 28, 2016.

<sup>3</sup> We previously granted then rescinded our grant of the Application. *Broadcast Actions*, Public Notice, Report No. 48813 (MB Sept. 6, 2016); *Broadcast Applications*, Public Notice, Report No. 28224 (MB Sept. 21, 2016). We did so after receiving the Objection, which was filed on the same day as our action granting the Application.

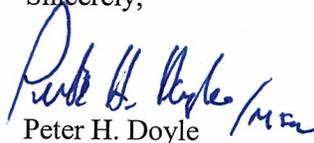
<sup>4</sup> Objection, Engineering Statement at 1-2.

<sup>5</sup> Opposition at 1.

constructed consistent with the Permit by submitting undated photographs and an engineer's speculation about these photographs. Moreover, even if this sufficed to make out a *prima facie* case, WGHN has rebutted Bay View's allegation. It submits a declaration, made under penalty of perjury, that the Station "was constructed using the antenna that had formerly been used for WLDN" and that "when [the Station] 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."<sup>6</sup> WGHN also indicates that the transmission line feeding the Station's antenna is 7/8 inch, which Bay View acknowledges is adequate to power the Station "with its rated [transmitter power output]."<sup>7</sup>

**Conclusion/Actions.** For the reasons set forth above, IT IS ORDERED, that the Informal Objection filed by Bay View Broadcasting, Inc. on August 31, 2016, IS DENIED, and that the license application for WKLA-FM, Ludington, Michigan, filed by WGNH, Inc. (BL-20160819ABD) IS GRANTED.

Sincerely,

  
Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>6</sup> Opposition at 2 and Declaration of Richard Young.

<sup>7</sup> *Id.*