

FEDERAL COMMUNICATIONS COMMISSION
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JUN 30 2016

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Kris E. Fleisher
Hubbardstown Community Radio
5477 N US 27
St. Johns, MI 48879

Re: WSJH(FM), Hubbardstown, MI
Facility ID No. 184971
Hubbardstown Community Radio
File No. BLH-20150615ACJ

Informal Objection

Dear Applicant:

We have before us the above-referenced application (License Application) filed by Hubbardstown Community Radio (HCR) on June 15, 2015, for a license to cover the construction permit for a new FM station at Hubbardstown, MI (WSJH).¹ We also have before us an Informal Objection (Informal Objection) styled as a Petition to Dismiss and/or Deny the License Application filed on June 25, 2015, by SAID News Foundation (SAID), and related pleadings.² For the reasons stated below, we deny the Informal Objection and grant the License Application.

Informal Objection. SAID objects to the License Application on two grounds: (1) that HCR was required to construct the Class A facility granted in the original Permit;³ and (2) that the “significantly diminished facilities” authorized in the Modification Permit show that HCR never attempted to meet their obligations under the original grant. Finally, SAID concludes that HCR is in violation of the terms, conditions, and obligations of the original grant making the License Application “untrue and ungrantable.”⁴

¹ Construction Permit BNPED-20100226AGV (Permit) authorized a 6 kilowatt (kw) Class A facility with a Height Above Average Terrain (HAAT) of 100 meters. This permit was subsequently modified by BNPED-20150529ADM (Modification Permit) which authorized a 2 kw Class A facility with a HAAT of 27 meters.

² On July 8, 2015, HCR filed an Opposition to Petition to Dismiss and/or Deny (Opposition).

³ The Commission tentatively selected the original HCR application over the SAID application and two other applicants via a point system analysis. HCR was awarded five points total – three for an established local applicant and two points for diversity of ownership; SAID was credited with zero points. The Permit was conditioned on a four year holding period for point winners and compliance with the requirement that the NCE station provide the requisite level of first and second service.

⁴ SAID Objection at 2-3

In the Opposition, HCR states that the original application was not awarded or conditioned on the bases of a 307(b) preference, or points for technical parameters, therefore it was permissible for HCR to file the modified facilities. HCR also claims that it is not required to comply with the terms of its original Permit because it properly modified its permit, and has complied with the terms and conditions of the Modified Permit.⁵

Discussion. An informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested; in this case, to establish a substantial and material question of fact that grant of the application would be inconsistent with the public interest, convenience and necessity.⁶ SAID has failed to meet this burden.

We agree with HCR that there were no technical limitations or conditions placed on the original Permit. Therefore, HCR was eligible to modify its technical facilities in the Modification Permit. Finally, we concur with HCR that the WSJH facilities were built in full compliance with the rules and the terms and conditions of its Modified Permit. For these reasons, SAID has failed to contain "adequate and specific factual allegations" sufficient to establish a substantial and material question of fact that grant of the License Application would be inconsistent with the public interest, convenience, or necessity.

Conclusion. In light of the above, the Informal Objection filed by SAID News Foundation on June 25, 2015 IS DENIED and the License Application, File No. BLED-20150615ACJ, IS GRANTED. This action is taken pursuant to Section 0.283 of the Commission's Rules.⁷

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Scott Boehme, President, SAID News Foundation

⁵ Opposition at 4 -5.

⁶ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n. 10 (1990); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986).

⁷ 47 C.F.R. § 0.283.