



Federal Communications Commission  
Washington, D.C. 20554

February 19, 2010

*In Reply Refer to:*  
1800B3

Ms. Helen Harp  
Larlen Communications, Inc.  
6808 Hanna Lake SE  
Caledonia, MI 49316

Mr. Wayne Reese  
Michiana Christian Broadcasters, Inc.  
385 Airport Drive  
P.O. Box 220  
Coldwater, MI 49036

Matthew H. McCormick, Esq.  
Fletcher Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

In re: WXPZ(FM), Clyde Township, MI  
Facility ID No. 121239  
Larlen Communications, Inc.  
File No. BMPED-20080715AEX  
Minor Modification Application  
File No. BLED-20080818AAI  
License Application

WDPW(FM), Greenville, MI  
Facility ID No. 121790  
Larlen Communications, Inc.  
File No. BLED-20080818ABB  
Minor Modification Application

WCWB(FM), Coldwater, MI  
Facility ID No. 121240  
Michiana Christian Broadcasters, Inc.  
File No. BMPED-20080715AEH  
Minor Modification Application

Consolidated Petition for Dismissal

Joint Request for Approval of Settlement  
Agreement

Dear Ms. Harp, Mr. Reese, and Mr. McCormick:

The staff has under consideration: (1) the application of Larlen Communications, Inc. ("Larlen") for minor modification of facilities for its Station WXPZ(FM), Clyde Township, Michigan;<sup>1</sup> and (2) the application of Michiana Christian Broadcasters, Inc. ("Michiana") for minor modification of its Station WCWB(FM), Coldwater, Michigan,<sup>2</sup> which was both filed on the same day as Larlen's WXPZ(FM) application and is mutually exclusive with that proposal. We also have before us Michiana's August 21, 2008 "Consolidated Petition for Dismissal or Denial of License Applications and Cancellation of Construction Permits or, in the Alternative, Designation for Hearing" (the "Petition"),<sup>3</sup> filed against Larlen's pending covering license applications for both WXPZ(FM)<sup>4</sup> and WDPW(FM), Greenville, Michigan.<sup>5</sup> Finally, we have before us Larlen's responses to staff inquiries concerning construction and operation of WXPZ(FM) and WDPW(FM)<sup>6</sup> and a January 14, 2009, "Joint Petition for Approval of Settlement Agreement" ("Settlement Agreement") filed by Michiana and Larlen. Pursuant to the terms of the Settlement Agreement, Michiana will withdraw the Petition<sup>7</sup> and Larlen will dismiss the WXPZ(FM) Modification Application, receiving reimbursement for expenses totaling \$4,500.<sup>8</sup>

We have reviewed both the Petition and the Settlement Agreement,<sup>9</sup> as well as Larlen's responses to the staff inquiries, and we find no reason for further consideration of the matters raised in the Petition. Additionally, we have determined that, under the terms of the Settlement Agreement, Larlen will receive no consideration for withdrawing the WXPZ(FM) Application in excess of its expenses, and Michiana will receive no monetary consideration for dismissing the Petition. Thus, the request for dismissal complies with Sections 73.3525 and 73.3588 of the Commission's Rules.<sup>10</sup>

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<sup>1</sup> File No. BMPED-20080715AEX (the "WXPZ(FM) Modification Application").

<sup>2</sup> File No. BMPED-20080715AEH (the "WCWB(FM) Modification Application").

<sup>3</sup> Michiana filed a "Supplement" to the Petition on August 26, 2008.

<sup>4</sup> File No. BLED-20080818AAI.

<sup>5</sup> File No. BLED-20080818ABB.

<sup>6</sup> See separate WXPZ(FM) and WDPW(FM) Larlen filings received September 17, 2009, in response to the staff's *Letter to Ms. Helen Harp*, reference 1800B3-RDH (MB Aug. 10, 2009); see also Larlen's letter for WXPZ(FM) filed January 15, 2010, responding to a December 9, 2009, e-mail request from the staff; and Larlen's letter for WDPW(FM), also filed January 15, 2010, responding to a December 16, 2009, e-mail request from the staff.

<sup>7</sup> In the Settlement Agreement, Michiana "attests that it has no basis for further challenge" to Larlen's WXPZ(FM) and WDPW(FM) license applications. Settlement Agreement, Paragraph 4.

<sup>8</sup> In its December 15, 2010 response regarding WXPZ(FM), Larlen provided documentation demonstrating that it incurred at least \$4,500 in expenses in preparing and prosecuting the WXPZ(FM) Modification Application.

<sup>9</sup> See *Stockholders of CBS, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 3733, 3739 (1995); *Booth American Company*, Memorandum Opinion and Order, 58 FCC 2d 553, 554 (1976) (even where a petition or objection is withdrawn, the Commission must examine the allegations raised in that pleading).

<sup>10</sup> 47 C.F.R. §§ 73.3525, 73.3588.

Finally, we have examined the WCWB(FM) Application, and we find that it complies with all pertinent statutory and regulatory requirements and that grant of that application will further the public interest, convenience, and necessity. We also have examined Larlen's pending covering license applications for WXPZ(FM) and WDPW(FM), and we find that all terms, conditions, and obligations set forth in the permit have been met. We will grant those applications below.

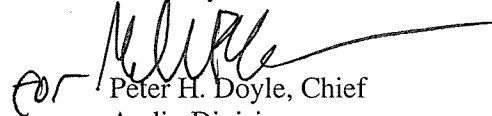
In light of the above findings, IT IS ORDERED, that the August 21, 2008, Consolidated Petition for Dismissal or Denial of License Applications and Cancellation of Construction Permits or, in the Alternative, Designation for Hearing, as supplemented on August 26, 2008, IS HEREBY DISMISSED.

IT IS FURTHER ORDERED, that the application of Larlen Communications, Inc. (File No. BMPED-20080715AEX) for modification of the construction permit for Station WXPZ(FM), Clyde Township, Michigan, IS DISMISSED.

IT IS FURTHER ORDERED, that the covering license applications of Larlen Communications, Inc. for Stations WXPZ(FM), Clyde Township, Michigan and WDPW(FM), Greenville, Michigan (File Nos. BLED-20080818AAI and BLED-20080818ABB, respectively) ARE GRANTED.

IT IS FURTHER ORDERED, that the application of Michiana Christian Broadcasters, Inc. (File No. BMPED-20080715AEH) for modification of facilities for Station WCWB(FM), Coldwater, Michigan, IS GRANTED. These actions are taken pursuant to Section 0.283 of the Commission's Rules.<sup>11</sup> The authorizations will follow under separate cover.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", is written over a horizontal line. To the left of the signature, there is a small, stylized mark that looks like "or".

Peter H. Doyle, Chief  
Audio Division  
Media Bureau

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<sup>11</sup> See 47 C.F.R. § 0.283.