



Federal Communications Commission
Washington, D.C. 20554

AUG 24 2016

In Reply Refer to: 1800B3-VM

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

John C. Trent, Esq.
Putbrese Hunsaker & Trent, P.C.
200 South Church Street
Woodstock, VA 22664

In re: WBNZ(FM), Frankfort, MI
Facility ID No. 57414
Silent since January 21, 2015

Dear Mr. Trent:

This letter is to inform you that the response you submitted to our May 26, 2016, operational status inquiry regarding the above referenced station is insufficient. You are required to supplement your response as described below within ten days of the date of this letter.

Background. On May 26, 2016, we sent a letter to Mr. Roy Henderson requesting information regarding the operational status of the above referenced station.¹ At that time our records indicated that the station had been silent since at least January 21, 2015.² We noted that pursuant to Section 312(g) of the Communications Act, as amended,³ the station's license expired as a matter of law at 12:01 A.M., January 21, 2016. The letter notified Mr. Henderson that the Commission's public and internal databases would be modified to indicate that the broadcast license for the referenced station would be expired, that the station's license would be canceled as a matter of law, and that the station's call sign would be deleted unless we received documented evidence within 30 days that our records incorrectly reflect the operational status of the station and that, in fact, the station returned to the air with authorized facilities at some time between January 21, 2015, and 12:01 A.M., January 21, 2016.⁴ You responded to that letter initially with a request for an additional thirty days to respond, and we granted that request.⁵

The *WBNZ OSI* required submission of the following documented evidence:

[T]he dates broadcasts ceased and resumed, and the transmitter site location, effective radiated power and antenna height above ground level for all periods of operation. This evidence includes copies of leases, personnel records, engineering records, station logs, quarterly issues/programs lists, invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the station's operation from January 21, 2015, to the present. Also include

¹ Letter to Roy E. Henderson from Peter H. Doyle, Chief Audio Division, May 26, 2016, Ref. 1800B3-VM (*WBNZ OSI*).

² WBNZ Response, filed July 25, 2016.

³ See 47 U.S.C. § 312(g); *Eagle Broadcasting Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *A-O Broadcasting Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008).

⁴ *WBNZ OSI*.

⁵ Request and grant made by email exchange dated June 21, 2016. CDBS PN Comment.

pictures of the station's facilities during this timeframe, and provide exact transmitter site coordinates.⁶

On July 25, 2016, you filed the response to our letter. That response includes sworn declarations from Roy Henderson, licensee, Tina Langley, station manager, Dan Hills, contract engineer, and Brenda Culbertson, former station manager, all attesting that Station WBNZ has not been silent for more than one year.⁷ Ms. Langley also states that Station WBNZ has been operated with and simulcasts Stations WLDR-FM, Traverse City, Michigan, and WARD(AM), Petoskey, Michigan. She also attests to the submission of Station WLDR-FM EAS logs, Issue/Programs, lists, an email exchange and agreement with Benzie County regarding power charges at "1532 Forrester," main studio power bills, advertising orders, program logs, and Facebook pages, which were attached as exhibits 3 through 8.

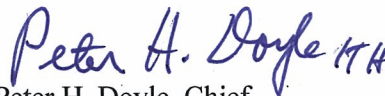
Discussion. Your submission is insufficient to establish the continued operation of Station WBNZ. The information that you have submitted does not include any of the evidence that our letter required, but rather relates to the simulcast station, Station WLDR-FM. The EAS logs, Issues/Program lists, electric bills, advertising orders, and program logs from Station WLDR-FM do not establish that Station WBNZ is operating. One submission that putatively relates to Station WBNZ, gives an address, "1532 Forrester," but does not identify it as the Station WBNZ's location, which the *WBNZ OSI* required.

Your mere statement that Station WBNZ simulcasts Station WLDR-FM does not absolve you from submitting specific information regarding the operation of the specific station under inquiry. If Station WBNZ is operating, its own logs, records, bills and expenses, including records relating to station employees, must be submitted, rather than those of Station WLDR-FM. In addition, you have not included "transmitter site location, effective radiated power and antenna height above ground level for all periods of operation" for Station WBNZ. Nor have you included pictures of the station's facilities during this timeframe, and exact transmitter site coordinates, as required by the *WBNZ OSI*.

Accordingly, you are required to submit the required evidence of operation of Station WBNZ(FM), Frankfort, Michigan, within ten days of the date of this letter.

Please direct any questions concerning the content of this letter to Victoria McCauley, Attorney, phone (202-418-2136), or e-mail (Victoria.McCauley@fcc.gov).

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by a stylized monogram "H H".

Peter H. Doyle, Chief
Audio Division
Media Bureau

⁶*Id.*, at note 2.

⁷ WBNZ Response, 1-3, Exhibits 1 and 2.