

# FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON DC 20554

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AUDIO DIVISION  
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December 3, 2009

Tomahawk Light Broadcasting, Inc.  
c/o Seventh-Day Adventist Church  
1529 E. Somo Avenue  
Tomahawk, WI 54487

In re: NEW(FM), Tomahawk, WI  
Facility ID No.: 176219  
Tomahawk Light Broadcasting, Inc.  
BNPED-20071022AQL

Dear Applicant:

This letter refers to the above-captioned application for a new non-commercial educational FM station to serve Tomahawk, Wisconsin on Channel 217C1. The application was amended on November 24, 2009 to change the antenna site, the effective radiated power and the antenna height.

## NEPA Certification

The application, as amended on November 24, 2009, requires an assessment to determine applicability of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (*See Report and Order FCC 04-222*, released October 5, 2004).<sup>1</sup> The application, as amended, indicates that the proposed site may not be excluded from environmental processing pursuant to Section 1.1306 of the Commission's Rules and has entered "No" in Item 18 in Section VII-FM Engineering. The applicant must complete the Section 106 Review Process in accordance with Sections 1.1306 and 1.1307 of the Commission's Rules.<sup>2</sup> Rule 1.1307(a)(4) specifies the requirement to follow the procedures set forth in the rules of the Advisory Council on Historic Preservation.<sup>3</sup> Upon completion, the applicant shall electronically file an amendment, including the environmental certification and a statement summarizing the results of the Section 106 Review. The applicant may use the Agreements incorporated as Appendices B and C to Part 1 of the Commission's Rules to determine whether the undertaking is excluded from Section 106 Review. If the proposal is not excluded, the applicant may use the Tower Construction Notification System to notify Tribal Historic Preservation Offices. Use FCC Form 620 to notify the State Historic Preservation Office of a proposal for a new tower or FCC Form 621 for proposed collocation.

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<sup>1</sup> The Agreement is incorporated as Appendix C to Part 1 of the Commission's Rules.

<sup>2</sup> *See* 47 C.F.R. § 1.1306 and § 1.1307.

<sup>3</sup> *See* 36 C.F.R., Part 800.

## Conclusion

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide an opportunity to submit the requested information. If the applicant cannot demonstrate compliance with the National Historic Preservation Act Review Process within 30 days of the date of this letter, the Audio Division must be notified in writing, concerning the delay.<sup>4</sup> In the event that further delays occur, the applicant must provide the Audio Division with written updates every 60 days thereafter.<sup>5</sup> Failure to respond within this time period or to provide the written updates every 60 days will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1).

Sincerely,

*Arthur E. Doak*

Arthur E. Doak  
Senior Engineer  
Audio Division  
Media Bureau

cc: Mr. Ron Myers

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<sup>4</sup> If this cannot be accomplished within the initial 30 day period, the first response to this letter shall be filed in triplicate with the Secretary of the Commission and shall contain a specific narrative of the actions taken to accomplish this requirement. The response shall include copies of all correspondence with local environmental offices.

<sup>5</sup> Each 60 day update shall be filed in triplicate with the Secretary of the Commission and shall report specific actions taken since the previous report toward securing environmental compliance.