

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)	
)	
Tri-Cities Broadcasting Foundation)	File No. 0000114275
)	Facility ID Number 196109
For Renewal of the License for LPFM)	
Station WAWL-LP, Grand Haven, Michigan)	

Directed to: Office of the Secretary
Attention: Chief, Audio Division, Media Bureau

PETITION TO DENY

WGHN, Inc. ("WGHN"), by its attorneys, hereby petitions to deny the above-captioned application, File No. 0000114275, of Tri-Cities Broadcasting Foundation ("TCBF") for renewal of the license for low power FM station WAWL-LP, Facility ID Number 196109, Grand Haven, Michigan. With respect thereto, the following is submitted:

WGHN is the licensee of full-power broadcast stations WGHN(AM) and WGHN-FM, both Grand Haven, Michigan, and WMPA(FM), Ferrysburg, Michigan. Accordingly, WGHN is a competitor of TCBF and WAWL-LP for both listeners and revenues in the same market and thus has standing to submit this petition.

As noted above, WAWL-LP is a low power FM station. As such, it is also licensed as a noncommercial educational station. *See, Creation of Low Power Radio Service*, 15 FCC Rcd 2205 (2000); 47 C.F.R. §73.853. Further, LPFM stations may be licensed to nonprofit educational organizations only "upon a showing that the proposed station will be used for the advancement of an educational program." 47 C.F.R. §73.853(a)(1). WAWL-LP was initially licensed on June 6, 2014, but in the six years that have elapsed since then, it has neither operated

in a noncommercial manner nor provided the educational program which it promised to provide. Accordingly, for both of those reasons, its application for renewal of license must be denied.

Most egregiously, despite the fact that WAWL-LP is licensed as a noncommercial educational (“NCE”) station, TCBF has been ignoring the restrictions of that status and has been routinely airing advertisements on WAWL-LP. Indeed in some cases, the advertisements aired on WAWL-LP are essentially identical to the advertisements aired on WGHN’s commercial broadcast stations. Section 399B(b)(2) of the Communications Act, as amended (the “Act”), however, specifically prohibits NCE stations from making any time available for the broadcast of advertisements. *See*, 47 U.S.C. § 399b(b)(2). Further, Section 399B of the Act, as well as Section 73.503(d) of the Commission’s Rules (collectively, Underwriting Laws) define an advertisement as programming material broadcast “in exchange for any remuneration” and intended to “promote any service, facility, or product” of for-profit entities. 47 CFR § 73.503(d); 47 CFR § 73.801 (applying the Underwriting Laws to LPFM stations as NCE stations); 47 U.S.C. § 399b(a).

Over the years, the Commission has explained in greater detail what the prohibitions against airing advertising spots mean in practice, as well as how the legitimate need of NCE stations, including LPFM’s, to identify their sponsors are balanced against this prohibition. Thus, applicable policies have developed that although contributors of funds to NCE stations may receive on-air acknowledgements of their support, the Commission has held that such acknowledgements must be for identification purposes only and therefore may not promote the contributors’ products, services, or businesses. Noncommercial Educational Broadcasting Service; Clarification of Underwriting Guidelines, 51 Fed. Reg. 21800 (June 16, 1986), *republished*, *Commission Policy Concerning the Noncommercial Nature of Educational*

Broadcasting Stations, Public Notice, 7 FCC Rcd 827 (1992) (“*Enhanced Underwriting Policy*”); *Commission Policy Concerning the Noncommercial Nature of Educational Broadcasting Stations*, 90 FCC 2d 895 (1982) (1982 Policy Statement), recons. granted in part, 97 FCC 2d 255 (1984); *Plymouth Gathering, Inc.*, 35 FCC Rcd 6260 (EB July 2, 2020).

In order to avoid being promotional, such announcements may not contain comparative or qualitative descriptions; price information (including information about sales or discounts); calls to action; inducements to buy, sell, rent, or lease; or excessively detailed “menu listings” of goods or services offered by the entity. *See Hispanic Broadcast System, Inc.*, 20 FCC Rcd 2411, 2413-15 (EB 2005), *aff’d with reduced forfeiture*, 20 FCC Rcd 12008 (EB 2005); *Xavier University*, 5 FCC Rcd 4920, 4920-21(1990) (“*Xavier*”); *Enhanced Underwriting Policy*, 7 FCC Rcd at 827-28. The Commission also has found that the longer the announcement, the more likely it is to contain problematic material that is not solely intended to provide proper identification of a sponsor. *Power Radio Corp.*, 24 FCC Rcd 2572, 2575 (EB 2009), *aff’d with reduced forfeiture*, 24 FCC Rcd 9265 (EB 2009). Although the Commission does allow some latitude to the judgments of licensees in this area, the Commission nonetheless expects that licensees will exercise reasonable good faith in making such judgments and will steer clear of the openly promotional, according to its standards. *Xavier*, 5 FCC Rcd at 4921.

TCBF has failed to exercise such good faith judgment, however, and has repeatedly aired announcements that clearly must be viewed as advertisements. Attached hereto as Exhibit 1 are transcriptions of 24 different announcements aired on WAWL-LP in recent months. As set forth in the Declaration of Wendy Hart, attached hereto as Exhibit 2, these spots were recorded by WGHN personnel from the livestream of broadcasts of WAWL-LP on various days between January 20, 2020, and August 7, 2020, and were then transcribed. All of the entities named in

such spots are believed to be for-profit entities, and spots naming what WGHN believes to be nonprofit entities have been omitted. Furthermore, each of the spots specifically states that support has been provided to WAWL-LP by the named sponsor, and virtually all of them appear on the list of station “Underwriters” found on the WAWL-LP website, <https://1035wawl.com/underwriters/>. Thus, it appears that the elements of the definition of advertising requiring the airing of an announcement in exchange for remuneration and for-profit status of the advertiser have clearly been met.

Additionally, it is clear that the language of the transcribed and numbered spots is not simply for purposes of identification but also seeks to promote the advertiser. As noted above, there are a number of ways in which a spot may run afoul of the Commission’s policies regarding the promotional nature of what are ostensibly underwriting announcements. For example, messages which include qualitative statements or which state or imply comparisons with similar businesses are forbidden. Numbered announcements 1 – 9 and 10-24 all include some sort of qualitative or comparative claims. Some (Nos. 1, 3, 14, 16, 17, 18, 22, and 23) state the number of years or length of time they have been in business, while others (Nos. 2, 9, 12, and 15) list the brand names that they carry, in a clear attempt of each sponsor to distinguish itself from others and indicate that it provides superior goods or services. Still others talk about favorable aspects of the goods and services they offer (No. 5 – “perfect for any occasion”; No. 7 – “great adventure”; No. 13 – “personal, professional experience”; No. 15 – “extensive inventory”; No. 8 – “high end cheeses, craft beer”; No. 16 – “trust, dedication, and commitment to our community”; No. 21 – “homemade”; and No. 23 – “Eaton-certified, HomeAdvisor-approved contractor.”)

All of the announcements included in Exhibit 1 are much longer than necessary and clearly go well beyond the simple identification of a sponsor that the Commission had in mind as enhanced underwriting. They thus illustrate the Commission's policy that has found that longer announcements are more likely to include objectionable material. *Plymouth Gathering, Inc.*, 35 FCC Rcd at 6261. For example, some of the spots include inducements to do business with the sponsor (No. 4 – “bring a smile to their faces”; No. 9 - “what happens to your family if something should happen to the main breadwinner...life insurance can protect you and your family and give you peace of mind”; No. 11 - “ease the burden on your loved ones ... alleviates any questions, problems, or differences which could occur among family members”; No. 16 – “protecting what’s important”; No. 18 – “wide variety ... served any time”; and No. 24 – “your vehicle will last longer with fewer breakdowns.”) Additional announcements include lengthy lists of goods and services, some almost literal menus, and examples of this approach include spot Numbers 3 – 5, 8, 10, 13, and 18 – 22.

Moreover, as stated in Exhibit 2, all of these spots were aired multiple times over periods of weeks or months, with some airing up to approximately 448 times. The language violating the Commission's rules and policies is quite clear in these announcements and goes well beyond what a good faith judgment would permit. While TCBF has attempted to dress up the announcements as enhanced underwriting identifications, the content of the language is clearly promotional rather than identifying. Indeed, as noted above, the content of these spots is virtually identical to commercials aired on a regular basis by WGHN. Essentially, TCBF is operating a commercial venture behind the mere façade of an LPFM license.

Further illustrating this reality is that despite the fact that TCBF was required to promise to air an educational program, it has failed to take any identifiable steps toward doing so. In its

initial application for construction permit for a new LPFM station, File No. BNPL-20131113BTL, TCBF stated that it would

provide educational programming with respect to broadcasting as a career. As a part thereof, we intend to provide independent community radio to citizens through community educational programming, local music artists not currently offered by commercial stations, public service announcements, local news, feature programs, interviews by aspiring broadcasters, local sports, weather and spiritual programming that are responsive to the needs of the local community.

While much of this sounds nice, it represents nothing more than the commitment to serve the local public interest that the Commission expects of all broadcasters. Only the references to “educational programming with respect to broadcasting as a career” and the entirely vague and non-specific reference to “community educational programming” give any indication as to how WAWL-LP’s *programming* would advance an educational program. This statement of educational purpose was nonetheless accepted by the Commission, but because it provides so few details of how the station will provide educational programming, those that it does state take on added significance.

A review of the station’s own website’s list of its programming (<https://1035wawl.com/programming/>), however, gives no indication that WAWL-LP offers even the limited educational programming that it had promised. Attached hereto as Exhibit 3 is a print-out of WAWL-LP’s own description of its programming as found on its website.¹ The listing of “Music, news, weather, sports and local area information” as the station’s predominant programming is exactly what one would expect to see for a local *commercial* radio station, but

¹ Please note that the last page of Exhibit 3, entitled “Sports” is what is found when one clicks on the “Learn more...” link under the listing for “Tales of the Tri-Cities with Denny Swartout.” See Exhibit 3.

WAWL-LP is licensed as a *noncommercial educational* LPFM station. Likewise, WAWL-LP describes itself on the livestreaming site Online Radio Box, as “Grand Haven's newest low powered FM radio station offering 70s, 80s Classic Hits and coverage of Grand Haven High School Sports and Academics to the Tri Cities.”

<https://onlineradiobox.com/us/wawlfm/?cs=us.amazingsmoothandjazz>. Noticeably absent is any mention of programming that might be deemed educational. WAWL-LP’s own website does list certain additional programs, but these appear to be simply programs dedicated to particular types of music (Smooth Jazz and Motown), sports, or coverage of local government entities (city council, public safety, and public schools). *See* Exhibit 3. While this programming may be entertaining and/or informative, nothing indicates that it is educational, nor is there any mention of the promised programming designed to teach listeners about broadcasting as a career. The sole possible exception appears to be “Tales of the Tri-Cities,” but one, brief program a week with some potentially educational content, and none which provides education on the subject promised in TCBF’s statement of its educational program, is not sufficient for the station to qualify as educational. Furthermore, merely using a college student as a morning show co-host provides no education about broadcasting to listeners. Indeed, if such employment were sufficient to establish an educational purpose, every radio station with an internship program could be classified as NCE. To be clear, WGHN is not claiming that WAWL-LP’s programming is inherently bad in any way, just that it provides nothing more than the service to the local community that the Commission expects from every *commercial* radio station.

In sum, WAWL-LP is licensed to serve the community of Grand Haven, Michigan as a low power FM station. This type of station is a special class of broadcast station expected to provide hyper-local service as a noncommercial educational station. Despite WAWL-LP’s

claims to be a “community” station, however, it is neither noncommercial nor educational. It routinely airs advertisements, and it has not kept its promise of providing educational programming. Thus, WAWL-LP has failed to live up to the special status anticipated for an LPFM station, and it has not even met the minimal requirements of noncommercial educational status. As a result of these failures, this fraudulent performance must be brought to an end with denial of WAWL-LP’S application for renewal of license.

Respectfully submitted.

WGHN, INC.

By: 
Susan A. Marshall
Anne Goodwin Crump

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street – Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

September 1, 2020

Exhibit 1

WAWL-LP Commercial Transcriptions

1. Alles Tire

Financial support for 103.5 WAWL comes in part from Alles Tire Auto Service. This is Jeff from Alles Tire Auto Service. For over 40 years Alles Tire Auto Service has been doing the basics from oil changes, brakes and new tires to major engine repairs. Alles Tire also offers U-hauls and trucks and trailers at both locations M-104 in Spring Lake and in the big blue building on Beechtree in Grand Haven. Alles Tire is a proud supporter of 103.5 WAWL community radio.

2. A Shade Above Blinds

Financial support for 103.5 WAWL comes in part from A Shade Above Blinds. A Shade Above Blinds is a mobile showroom that brings blinds and fabrics to residential and commercial businesses. Featuring brand names such as Alta, Graber and Lafayette. We custom fit blinds for your business or your home. Examples can be found on our Facebook page at A Shade Above Blinds. Our phone number is 616-847-4393. A Shade Above Blinds is a proud supporter of 103.5 WAWL community radio.

3. Clover Bar

Financial support of 103.5 WAWL in part from the Clover Bar. Located at the corner of Beechtree and Waverly street in Grand Haven. Hi this is Aaron from the Clover Bar. Since 1963, the Clover Bar has been serving pizzas, sandwiches and salads for take-out. Don't forget you can also order half-baked pizzas that you can put in your freezer and bake later. Our hours right now, for pick-up only, will be from 4 until 8pm. The phone number to order pick-up is 846-3580, the website is www.cloverbar.com. The original Clover Bar supports WAWL community radio.

4. Edible Arrangements #1

Support on 103.5 WAWL comes in part from Edible Arrangements of Norton Shores. Hi this is Uncle Charlie, owner of Edible Arrangements. Valentine's Day is right around the corner, and Edible Arrangements is ready with chocolate-covered strawberries and other fruits as well as arrangements. Bring a smile to their faces at any party with chocolate-covered strawberries, fruit arrangements, smoothies or edible bites for lunch. Our phone number is 231-798-6000. Our website is edible.com. We're located on Harvey Street just south of the Lakes Mall. Edible Arrangements is a proud supporter of a fruitable Valentine's Day on 103.5 WAWL community radio.

5. Edible Arrangements #2

Support on 103.5 comes in part from Edible Arrangements of Norton Shores. Hi, this is Uncle Charlie, owner of Edible Arrangements. Our fruit baskets and platters are perfect for any occasion on these hot Summer days. Don't forget about our chocolate-covered strawberries. Our phone number is 231-798-6000. Our website is edible.com. We're located on Harvey Street just south of the Lakes Mall. Edible Arrangements is a proud supporter of celebrating and being safe on 103.5 community radio.

6. Fritz Auto Body

Support for 103.5 WAWL community radio comes in part from Fritz Auto Body of Grand Haven. Hi, this is Mike Fritz. Fritz Auto Body works on collision repair, frame alignment, restoration, along with color paint-matching and custom paint work. The phone number is 846-5006 and is located next to the railroad tracks just west of 31 off Taylor. Fritz Auto Body supports youth sports on 103.5 WAWL.

7. Grand Haven Boat Rental

Support on 103.5 WAWL comes in part from Grand Haven Boat Rental. Hi, this is Amanda. Taking a boat on the lake is always a great adventure for the whole family. Enjoy the beauty and scenery of Spring Lake, the Grand River and the drawbridge. You can rent for a two-hour cruise, a whole day, or an entire week. Our website is grandhavenboatrental.com. We're located at 1211 Jackson street just East of Rycenga Lumber. Our phone number is 616-430-3434. Grand Haven Boat Rental is a proud supporter of 103.5 WAWL community radio.

8. J Dub's Market

Underwriting on 103.5 WAWL comes in part from J Dub's Market and Wine Shop located next to J Dub's Food and Spirits on the corner of 7th and Washington. J Dub's Market and Wine Shop features grab-and-go items such as Honey Pecan Chicken Salad, White Chili and hot and ready to take-out soups on Fridays and Saturdays. J Dub's Market and Wine Shop offers a variety of high-end cheeses, craft beers and wines for all occasions. You can find us on Facebook and we're located at 705 Washington next to JW's Food and Spirits. J Dub's Market and Wine Shop, a proud supporter of 103.5 WAWL community radio.

9. Joe Albaugh Agency

Financial support on 103.5 WAWL comes in part from the Albaugh Insurance Agency. Hi, this is Joe Albaugh, featuring Farm Bureau Insurance. Did you know one of every

three households doesn't have life insurance? Think about that for a second. What happens to your family if something should happen to the main breadwinner, with your mortgage, bills, your children growing up. It's a lot to comprehend. At the Albaugh Insurance Agency, we can show you how life insurance can protect you and your family and give you peace of mind and make sure that your family is taken care of. Our website is Albaughagency.com. Our phone number is 616-846-6909 and we're located at 518 West Savage in Spring Lake. The Albaugh Insurance Agency is a proud supporter of taking care of families and 103.5 WAWL community radio,

10. JW's Food and Spirits

Financial support of 103.5 WAWL comes in part of JW's Food and Spirits at the corner of 7th and Washington in Grand Haven. Hi, this is Chris. JW's has a variety of sandwiches, burgers, steaks, chicken, perch entrees along with salads and soups for you to order. Our website is Jwsfoodandspirits.com and we're located at 7th and Washington in Grand Haven. And JW's is now open Monday through Thursday 11am until 8pm, Friday and Saturday, 11am until 9pm. They have outdoor seating, curbside pickup and delivery, masks, social distancing, sanitizing after every customer and disposable menus for your safety. JW's Food and Spirits, a proud supporter of 103.5 WAWL community radio.

11. Klaassen Family Funeral Home

Hello this is Scott Klaassen of Klaassen Family Funeral Home. When it comes to your final arrangements shouldn't you make the decisions? The arrangements you make will reflect your exact wishes and desires. Pre-arranging your own service will help to ease the burden on your loved ones. It's a difficult time when a loved one passes away. It's even tougher when your family has to make those arrangements. Pre-arranging alleviates any questions, problems or differences which could occur among family members. To find out more about pre-arranging a funeral or cremation, we can be reached at 842-9495, or visit our website KlaassenFuneralHome.com. The Klaassen Family Funeral Home, our family serving your family at the corner of Robbins and Beechtree. A proud supporter of 103.5 WAWL community radio.

12. Langlois Furniture, Appliance & Mattress

Hi, this is Dan Langlois of Langlois Furniture, Appliance and Mattresses located at 3000 Henry street in Muskegon. A proud supporter of 103.5 WAWL community radio. Langlois features appliances from Frigidaire, mattresses from Serta and furniture from Ashley and La-Z-Boy. The website is www.langloisstore.com. Langlois Furniture, Appliance and Mattresses, a proud supporter of 103.5 WAWL community radio.

13. Mattson Landscaping

Underwriting on WAWL comes in part from Mattson Landscaping. This is Mike Mattson. Spring is here and the crew at Mattson Landscaping is ready to step up your landscape. The Mattsons provide a personal, professional experience while catering to the customer's needs. Mattson Landscaping specializes in pergolas, fire pits, retaining walls and steps, plantings and lawn installation. Our phone number is 616-212-8579 or mike at MattsonLandscaping.com. The Mattson's are a proud supporter of a beautiful yard and 103.5 WAWL.

14. McKellips & Sons

Hi, I'm Steve McKellips. McKellips & Sons Heating and Cooling, a proud supporter of 103.5 WAWL community radio. We here at McKellips & Sons Heating and Cooling have been servicing, repairing and installing new furnaces, air conditioners, water heaters and boilers in West Michigan since 1962. The phone number is 616-842-2160 or follow us on Facebook. McKellips & Sons Heating and Cooling supports local community radio on 103.5 WAWL.

15. Midwest Motor Sports

Hi this is Dave Haven of Midwest Motor Sports of Grand Haven, a proud supporter of 103.5 WAWL. At Midwest Motor Sports, home of Typhoon Helmets for both adults and children. We have an extensive inventory. To see our product line, our website is typhoonhelmets.com. Our phone number is 616-935-7443. We're located at 1634 Marion Avenue East of Beechtree. Midwest Motor Sports of Grand Haven is a proud supporter of the local sports scene and staying safe on 103.5 WAWL community radio.

16. Oakes Insurance Agency

Support on 103.5 WAWL comes in part from the Oakes Insurance Agency. Hi, this is Mike Wheeler of the Oakes Agency. Auto-Owners Insurance and the Oakes Agency are defined by the principles of trust, dedication and commitment to our community. The Oakes Agency along with Auto-Owners Insurance, a 100-year tradition of protecting what's important to the Tri-Cities. We can be found on the web at oakesagency.com or phone at 842-3440. The Oakes Agency is a proud supporter of 103.5 WAWL community radio.

17. Padnos

Support for 103.5 WAWL community radio comes in part from Padnos. Padnos recycles and buys appliances, paper, plastics, metals and more. A complete list can be found at their website padnos.com. Padnos has locations around the state of Michigan

including Holland, Muskegon and Grand Rapids. The phone number is 800-442-3509. Padnos, recycling for over 100 years, is a proud supporter of the West Michigan arts and music scene, along with youth sports on 103.5 WAWL.

18. Rendezvous Restaurant

Financial support on 103.5 The Wall comes in part from The Rendezvous Restaurant located at 401 North 7th street in Grand Haven. Hi, this is Bill Peak, owner of The Rendezvous Restaurant. Opened in 1948, The Rendezvous family dining has been servicing the Tri-Cities 24-hours a day, 7 days a week. We feature a wide variety of breakfast items served anytime. We also have sandwiches, burgers, burritos, fish and shrimp, along with comfort food like hot beef sandwiches, fried chicken, meatloaf with mashed potatoes and gravy. Our website to see our complete menu is rendezvousfamilydining.com. The Rendezvous Family Restaurant is a proud sponsor of the Tri-Cities and the mighty 103.5 The Wall community radio. And The Rendezvous now has dine-in seating and carry-out.

19. Stacks Chicago Style Eats

Support for 103.5 WAWL comes in part from Stack's Chicago Style Eats located on the corner of Ferry and Jackson streets across from Rycenga's. Hi, I'm Steve. During these trying times, know that we're open. Stack's offers original Chicago style Italian beef, Italian and Polish beef sausages, Chicago style hot dogs, French fries and onion rings to go. Don't forget you can get Stack's family Italian Beef kit, enough to make 6 sandwiches with beef gravy, rolls, sweet peppers and hot peppers. More information can be found on our Facebook page. Stack's is open Monday through Thursday and Saturday 11 'til 3 and 11 'til 8 on Fridays. Stack's Chicago Style Eats supports local community radio on 103.5 WAWL.

20. Surf Shop of Grand Haven

Support of 103.5 WAWL comes in part from the Surf Shop of Grand Haven. This is Laura Girard. Going to the beach? The Surf Shop has men's board shorts, women's swimsuits from brands like Fiore, Bilbao, Roxy and Pure, Avia and Sun Bum. We also have hats, t-shirts, flip-flops, and we now carry surfboards and accessories. We're open 7 days a week starting at 10am. We're located at 16 Washington in the heart of downtown Grand Haven, and you can find us on Facebook. The Surf Shop is a proud supporter of having fun at the beach on 103.5 WAWL community radio.

21. Sweet Temptations

Financial support on 103.5 WAWL comes in part from Sweet Temptations. Hi, this is Kelly from Sweet Temptations. Sweet Temptations has homemade ice cream, caramel corn and various candies such as fudge, caramel apples all homemade at our Grand Landing location. More information can be found at our website at sweet-temptations.com. Sweet Temptations is located in Grand Landing at the corner of 31 and Jackson in Grand Haven. Sweet Temptations is a proud supporter of love and friendship on 103.5 WAWL.

22. Tandem Electric

Financial support on 103.5 WAWL community radio comes in part from Tandem Electric. This is Travis Nadeau of Tandem Electric. Tandem Electric has been servicing the Lakeshore for over 10 years, and we are a Eaton-certified, HomeAdvisor-approved contractor. We specialize in new, remodel and service wiring of residential and commercial properties. Complete details can be found at our website at www.tandemelectricmi.com. Our phone number is 231-865-1600. Tandem Electric support being safe on 103.5 WAWL radio.

23. West Ottawa Golf Club

Financial support of 103.5 WAWL comes in part from the West Ottawa Golf Club. Hi, this is Alyssa Sruba of West Ottawa Golf Club. Since 1976 we have been serving West Michigan. We have three 9-hole courses and a driving range. We are located South of Grand Haven just past the light at Port Sheldon and 31. Our phone number is 616-399-1678. Our website is WestOttawaGolfClub.com.

24. Z Tire

Hi, this is Abe from Z Tire, a proud supporter of 103.5 WAWL radio. When is the last time you looked at your service manual in your glove box? For most, it's probably been a long time in this gas-and-go world. It's a proven fact that if you follow your vehicle's service manual on what mileage you should change your oil, transmission fluid, coolant, belts, hoses and brakes, tires and battery, your vehicle will last longer with fewer breakdowns. Our phone number is 616-846-1600, and we're located at the corner of Hayes and 172nd behind Speedway. Z Tire is a proud supporter of a smooth-running engine on 103.5 WAWL community radio.

Exhibit 2

DECLARATION OF WENDY HART

I, Wendy Hart, hereby declare and state as follows:

I am the Vice-President of WGHN, Inc. and, as such work in the management of the radio stations licensed to WGHN, Inc., which are WGHN(AM), WGHN-FM, both Grand Haven, Michigan, and WMPA(FM), Ferrysburg, Michigan. As an officer of the licensee of stations in the Grand Haven radio market, I became aware of WAWL-LP, licensed to Tri-Cities Broadcasting Foundation ("TCBF"), when it was constructed and began operation. The president of TCBF, Eric Kaelin, is a former employee of WGHN, Inc.

As WAWL-LP continued its operations, I became aware that although the station is licensed as a low power FM station, and thus is required to be noncommercial, it was essentially operating in the same manner as a commercial station. It airs the same type of programming that WGHN, Inc.'s commercial stations air and even competes with us in airing local sports. I also noticed that WAWL-LP airs spots, ostensibly acknowledging donors, but the content of which sounds virtually identical to the commercial advertisements that the WGHN, Inc. stations air.

Consequently, between January 20, 2020, and August 7, 2020, I periodically recorded the livestream of the broadcast programming of WAWL-LP, including both regular programming and donor acknowledgement spots. With the assistance of WGHN, Inc. employees, I transcribed the content of those announcements which appeared to advertise rather than simply identify the named sponsor. The foregoing transcriptions attached as Exhibit 1 are those transcriptions. Additionally, a WGHN, Inc. employee obtained a copy of WAWL-LP's standard agreement with underwriters, which provides that in return for donations, a standard spot package will run twice a day for eight months, or approximately 480 times in an eight month period, though provision is made for seasonal businesses that are interested in a shorter period and for changes to the contents of spot. I cannot be certain what the arrangements are between WAWL-LP and the sponsors listed in Exhibit 1, or exactly how many times each announcement ran, but I do know that I have heard each of the spots included in Exhibit 1 air on WAWL-LP many times each over a substantial period of weeks or months.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 1st day of September, 2020.

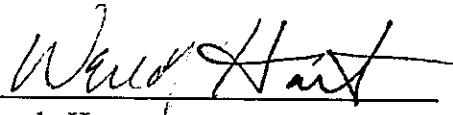

Wendy Hart

Exhibit 3



COMMUNITY RADIO FOR THE TRI-CITIES.

Programming

**"The Morning Rant with Eric Kaelin and Muskegon
Community College student Chris Clark"**
Monday-Friday: 6:00am-10:00am

**Local news, weather, and sports throughout the day. Music,
news, weather, sports and local area information.**
Monday-Sunday: 6:00am-10:00am

**"Tales of the Tri-Cities with Denny Swartout", Thursday
morning at 9:30am on 103.5**

e

[Learn more...](#)

Public Safety Update Morning with Chief Jeff
Hawke of the Grand Haven Police Department Public Safety.
Thursday morning



Smooth Jazz with Lew Russ
Sunday mornings 10:00 am- 12:00 noon
COMMUNITY RADIO FOR THE TRI-CITIES.



GHAPS Highlights Show with Andy Ingell and C.E. Sikkenga

Monday night at 6:00pm- Grand Haven Area Public Schools
Highlights Show with Andy Ingall

Grand Haven City Council Meetings (1st-and-3rd Monday's of
each month) live at 7:30pm

"Motown Monday and More" with Bubba, (2nd-4th Monday's of
each month) live at 7:00pm





COMMUNITY RADIO FOR THE TRI-CITIES.

Sports

Listen for high school sports on 103.5 WAWL-LP "Community Radio"



CERTIFICATE OF SERVICE

I, Anne Goodwin Crump, hereby certify that, on this 1st day of September, 2020, I caused a copy of the foregoing "Reply to Opposition to Petition for Reconsideration" to be sent by electronic mail to the following:

Dan J. Alpert, Esquire
Law Office of Dan J. Alpert
2120 N. 21st Road
Arlington, Virginia 22201
dja@commlaw.tv


Anne Goodwin Crump