

Federal Communications Commission
Washington, D.C. 20554

In reply refer to:
1800B3-MFW

May 4, 1998

Released: May 8, 1998

Mr. Eric Redd
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In re: NEW Commercial FM Translator, East
Tawas, Michigan
Eric Redd
BPFT-970224TD

Gentlemen:

This letter refers to: (1) the captioned application of Eric Redd ("Redd") for a new commercial FM translator on Channel 248 (97.5 MHz) in East Tawas, Michigan; and (2) the May 1, 1997 petition to deny that application, filed on behalf of Carroll Enterprises, Inc. ("Carroll"), licensee of stations WIOS(AM) and WKJC(FM) in Tawas City, Michigan.¹ For the reasons set forth below, we will grant Carroll's petition in part and dismiss Redd's application.

Redd's translator proposes to rebroadcast station WBMI(FM), West Branch, Michigan; it will be located beyond WBMI(FM)'s primary coverage (60 dBu) contour. Carroll notes that the proposed translator violates 47 C.F.R. §74.1232(d)² because Redd has an impermissible business relationship with the owner of WBMI(FM). Specifically, Carroll states that: (1) Redd's retail carpet sale business, Judd's Carpeting, buys advertising time on WBMI(FM); and (2) Redd's proposed transmitter location is atop a building at 130 Newman Street, East Tawas, which is leased by Ives Broadcasting, Inc., WBMI(FM)'s licensee, for use

¹Redd filed an opposition to the petition on May 13, 1997, to which Carroll replied on May 29, 1997.

²Section 74.1232(d) indicates that an authorization for a commercial FM translator station whose coverage contour extends beyond the protected contour of the primary station to be rebroadcast by that translator will not be granted to the licensee or permittee of the primary station or to any person or entity having any interest in or connection with such primary station. Similarly, Section 74.1232(e) prohibits such "other area" commercial FM translators from receiving support, directly or indirectly, from the primary station or any person or entity having any interest in or connection with the primary station.

Accordingly, in light of the above discussion, the petition to deny filed by Carroll Broadcasting, Inc. IS GRANTED to the extent indicated above, and the application (File No. BPFT-970224TD) of Eric Redd for a new FM translator station on Channel 248 in East Tawas, Michigan, IS DISMISSED.

Sincerely,

Linda Blair, Chief
Audio Services Division
Mass Media Bureau