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

FILED/ACCEPTED

NOV - 1 2011

Federal Communications Commission
Office of the Secretary

In re Application of	)	
	)	
RADIO POWER INC.	)	File No. BPFT-20111021ADL
	)	Facility ID # 155293
For a Construction Permit for a Minor	)	
Change in the Facilities of W251BO,	)	
Milwaukee, Wisconsin	)	

TO: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Chief, Audio Division, Media Bureau

INFORMAL OBJECTION

Milwaukee Free Radio Group ("MFRG"), by its attorney, hereby respectfully objects to a grant of the above-captioned application. In objection thereto, it is alleged:

1. This is an application by Radio Power Inc. ("Radio"), to move a translator into the Milwaukee market. The application constitutes one of a number of steps designed to accomplish a major change by filing a number of minor changes. In the past, this has been a common procedure. However, in the recent case of *John F. Garziglia*[1] the Commission decided to put a stop to this practice. It said:

> "'Section 74.1233(a) of the Rules provides that 'any change in antenna location where the station would not continue to provide 1 mV/m service to some portion of its previously authorized 1 mV/m service area' would be considered a 'major change in the facilities of authorized stations.' Applications for major modifications of existing facilities can only be filed during filing windows.

[1] *Letter to John F. Garziglia, Esq.*, 26 FCC Rcd 12685 (Audio Div. 2011).

> Some translator licensees have attempted to accomplish what would otherwise be dismissed as an impermissible major change under Section 74.1233(a) by filing serial minor modification applications to 'hop' to new locations that are sometimes over 100 miles away. We believe the filing of serial modification applications represents an abuse of process." (Footnotes omitted.)

2. In this particular case, the subject translator was originally licensed as W258BG at Beloit, Wisconsin. See BLFT-20071101ABP. Then, the applicant began a series of six "hops" or minor changes designed to move the translator a distance of 69 miles from Beloit into the Milwaukee-Racine Arbitron Market. First, it moved to Clinton, Wisconsin, File No. BLFT-20100524AFC; then Darien, Wisconsin, File No. BLFT-20100915ABU; then to Como, Wisconsin, File No. BLFT-20110103ACO; then to East Troy, Wisconsin, File No. BLFT-20110407AAT; and most recently to West Allis, Wisconsin, File No. BLFT-20111020AHM. Now it has filed a final "hop" to Milwaukee, Wisconsin.

3. No further proof is needed to show that this was a preconceived scheme to move a translator a distance of 69 miles from Beloit to Milwaukee, all by using minor changes so as to circumvent the requirement to wait for a window for filing a major change. Therefore, pursuant to the teachings of the *Garziglia* case, this application constitutes an abuse of process and must be denied.

Respectfully submitted,

November 1, 2011

MILWAUKEE FREE RADIO GROUP

By: _____
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Its Attorney

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CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 1st day of November, 2011, to the offices of the following:

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Traci Maust

Traci Maust