



Wiley Rein & Fielding LLP

Stamp & Return

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March 4, 2002

RECEIVED

Eve J. Klindera
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eklinder@wrf.com

MAR - 4 2002

BY HAND DELIVERY

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William Caton, Acting Secretary
Federal Communications Commission
236 Massachusetts Avenue, NE
Suite 110
Washington, DC 20002

Re: KNBJ-FM, Bemidji, MN (Facility Id. No. 42966)
FCC File No. BMPED-20011114ABR

Dear Mr. Caton:

On behalf of Minnesota Public Radio ("MPR"), the licensee of KNBJ-FM, Bemidji, Minnesota, we hereby submit an original and two copies of a response to an FCC letter dated February 14, 2002 regarding above-referenced minor modification application.

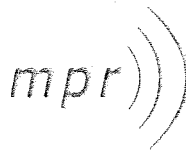
Please stamp and return the enclosed extra copy designated for that purpose. Should there be any questions regarding this matter, please contact Todd Stansbury at 202.719.4948 or the undersigned.

Respectfully submitted,

Eve J. Klindera

Enclosure

WRFMAIN 1100464.1
75693-0016



February 22, 2002

William Caton, Acting Secretary
Federal Communications Commission
236 Massachusetts Avenue, NE
Suite 110
Washington, D.C. 20002

Re: KNBJ-FM, Bemidji, MN
Facility ID No. 42966
Minnesota Public Radio
BMPED-20011114ABR

Dear Ms Salas:

We are in receipt of the enclosed letter dated February 14, 2002, concerning the above referenced minor modification application. The purpose of this letter is to explain why Minnesota Public Radio ("MPR"), the licensee of KNBJ, will not be able to obtain FCC antenna structure registration and file a curative amendment within the next thirty (30) days, and to supplement our application with the enclosed Anti-Drug Certification.

1. FCC Antenna Structure Registration. This application proposes to move KNBJ to a new, as yet unbuilt, tower. On November 8, 2001, MPR filed a Notice of Proposed Construction or Alteration with the FAA, proposing to construct a 1003 foot tower in Hines, MN. This is the tower that MPR proposes to move KNBJ to.

By letter dated January 23, 2002, MPR received notice from the FAA indicating that the FAA is prepared to issue authority to construct a 500 foot tower, but "further study" is required to allow construction of a 1003 foot tower. The further study involves public circularization of the request. We understand that the FAA does not have the authority to grant permission to construct towers of more than 500 feet without this further study.

MPR has requested a Further Study. The process will take substantially more than thirty (30) days.

Copies of the January 23, 2002 letter from the FAA and MPR's request for further study are enclosed with this letter.

William Caton
February 22, 2002
Page 2

Once a Determination Letter is received from the FAA, MPR will immediately register the tower with the FCC and thereafter will file a curative amendment to our original minor modification application. However, for the reasons set forth in this letter, we do not expect to be in a position to do so for some time.

2. Anti Drug Certification. Attached you will find Section II of the application for KNBJ FM which was inadvertently omitted from the original application. Please associate these pages with the application.

Under the circumstances, we request that the Commission continue to process the applications pending receipt by MPR of an FAA determination regarding the proposed antenna site.

Please contact this office or our outside counsel, Todd Stansbury at Wiley Rein & Fielding (202) 719-7000, if there are any questions.

Sincerely,



Mitzi T Gramling
Associate General Counsel

Cc: Rodolfo F Bonacci, FCC Audio Service Division
Todd Stansbury, Wiley Rein & Fielding

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street, SW
Washington, DC 20554

FEB 14 2002

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MMB/ASD/

PROCESSING ENGINEER: WILLIAM H. WILSON, JR.
TELEPHONE: (202) 418-2797
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
E-MAIL: WILSON@FCC.GOV

Todd M. Stansbury, Esq.
Wiley Rein & Fielding
1776 K Street, NW
Washington, DC 20006

In re: KNBJ(FM), Bemidji, MN
Minnesota Public Radio
BMPED-20011114ABR
Facility ID: 42966

Dear Mr. Stansbury:

This is in reference to the above captioned minor modification application, as amended, to change antenna location and increase the effective radiated power of FM Station KNBJ at Bemidji, MN.

Anti-Drug Certification. Our study of the application reveals that the applicant has failed to certify that neither himself nor any party to the application are subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. (See Application Section II – Legal and Financial, Question 13.) Accordingly, the application must be amended to include such certification.

Antenna Structure Registration Required. Pursuant to 47 CFR § 17.4(a)(1), as modified by the *Report and Order* in WT Docket 95-5, 61 FR 4359 (1996), an antenna structure must be registered with the Commission. Our review reveals that registration is required because the antenna structure is taller than 60.96 meters (200 feet) and does not meet the criteria for the 6.1 meter (20 foot) Rule exception. Our records indicate that the antenna structure has not been registered. Thus, we are unable to continue processing the application. Accordingly, the antenna structure must be registered by filing FCC Form 854, Application for Antenna Structure Registration, with the Commission's Support Services Branch (SSB) of the Wireless Telecommunications Bureau's Customer Services Division in Gettysburg, Pennsylvania. Upon registration, written notification (including the registration number) must be submitted to the Audio Services Division (ASD). If the antenna structure cannot be successfully registered within thirty days of the date of this letter, you must notify the ASD in writing.

Application Held for 30 Days. Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide an opportunity to reply. Failure to respond within this time period will result in the dismissal of the application pursuant to 47 C.F.R. § 73.3568. Please note that any amendment must be submitted in triplicate to the Secretary of the Commission and signed in the same manner as the original application.

Sincerely,



Rodolfo F. Bonacci
Supervisory Engineer
Audio Services Division
Mass Media Bureau

cc: Minnesota Public Radio
Doug Vernier Telecommunications Consultants



Federal Aviation Administration
Great Lakes Regional Office
2300 East Devon Avenue-AGL-520
Des Plaines, IL 60018

AERONAUTICAL STUDY NO.
2001-AGL-8930-OE
PRIOR STUDY NO.

Issued Date: 1/23/2002

MITZI GRAMLING
MINNESOTA PUBLIC RADIO
45 E. SEVENTH ST.
ST. PAUL, MN 55101

**** DETERMINATION OF PRESUMED HAZARD ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Description: COMM TOWER/
Location: HINES, MN
Latitude: 47-42-16.1 NAD83
Longitude: 94-39-4
Heights: 1003 feet above ground level (AGL)
2402 feet above mean sea level (AMSL)

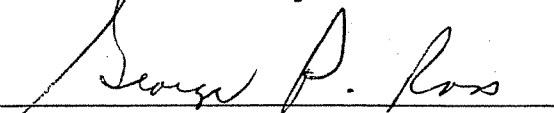
If the structure were reduced in height so as not to exceed 500 feet above ground level (1899 feet above mean sea level), it would not exceed obstruction standards and a favorable determination could subsequently be issued.

Further study has been initiated by the FAA.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

NOTE: PENDING RESOLUTION OF THE ISSUES DESCRIBED ABOVE, THE STRUCTURE IS PRESUMED TO BE A HAZARD TO AIR NAVIGATION. THIS DETERMINATION DOES NOT AUTHORIZE CONSTRUCTION OF THE STRUCTURE EVEN AT A REDUCED HEIGHT. ANY RESOLUTION OF THE ISSUES DESCRIBED ABOVE MUST BE COMMUNICATED TO THE FAA SO THAT A FAVORABLE DETERMINATION CAN SUBSEQUENTLY BE ISSUED.

If we can be of further assistance, please contact our office at (847)294 7456. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2001-AGL-8930-OE.


George P. Ross
Specialist

(DPH)

January 22, 2002

Federal Aviation Administration
Great Lakes Region, AGL-520
2300 Devon Street
Des Plaines, IL 60018

Sent by Fax to 847-294-7457 and by mail

Attention: George Ross

Re: Aeronautical Study No: 2001-AGL-8930-OE

Dear Mr Ross:

In connection with the above study, which requests approval to construct a 1003 foot tower near Hines, MN, please be advised that Minnesota Public Radio ("MPR"), the applicant, intends to construct at 1003 feet. Accordingly, on behalf of MPR, I would like to request an extended study, including public circularization, of Aeeronautical Study No. 2001-AGL-8930-OE.

Please call me at 651-290-1259 or email me at mgramling@mpr.org if there are any questions about this request.

Thank you.

Sincerely,



Mitzi T Gramling
Associate General Counsel

NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See Instructions, paragraph L for additional information regarding completion of explanatory exhibits.

Section II - Legal and Financial

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. Yes No
2. **Eligibility.** Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should not submit an explanatory exhibit in connection with these Question 2 "No" responses.
- The applicant certifies that it is:
- a. a nonprofit educational institution; or Yes No
 - b. a governmental entity other than a school; or Yes No
 - c. a nonprofit educational organization, other than described in a. or b. Yes No
3. For applicants checking "Yes" to question 2(c) and applying for a new noncommercial educational television station only, the applicant certifies that the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural, and civic segments of the principal community to be served. Yes No N/A
4. a. The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application. Yes _____
FCC File Number
 No
- b. Applicants who answered "No" to Question 4(a), must include an exhibit that describes the applicant's educational objective and how the proposed station will be used to advance an educational program that will further that objective according to 47 C.F.R. Section 73.503 (for radio applicants) or 47 C.F.R. Section 73.621 (for television applicants). Exhibit No.
5. The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended. Yes No

KNBJ (FM), FCC File No. BPED-20011114BR

6. a. **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

(a) Name and Residence/Headquarters Address(es)	(b) Citizenship	(c) Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc.	(d) Director or Member of Governing Board		(e) % of: Ownership (O) or Voting Stock (VS) or Membership (M)	(f) % of: Total Assets (equity plus debt)
			Yes	No		
[The table body is crossed out with a large diagonal line.]						

b. Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

Yes No

See Explanation
in Exhibit No.

Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest pursuant to the notes to 47 C.F.R. Section 73.3555.

Exhibit No. N/A

- 8. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with:
 - a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
 - b. any pending broadcast application in which character issues have been raised.

Yes No See Explanation in Exhibit No.

- 9. **Adverse Findings.** Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony, mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.

Yes No See Explanation in Exhibit No.

If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

- 10. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.

Yes No See Explanation in Exhibit No.

- 11. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.

Yes No

- 12. **Local Public Notice.** Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.

Yes No

- 13. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Yes No

- 14. **Equal Employment Opportunity (EEO).** If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.

Yes No N/A

QUESTIONS 15, 16 AND 17 APPLY ONLY TO APPLICATIONS FOR NEW STATIONS. OTHER APPLICANTS CAN PROCEED TO QUESTION 18.

- 15. **Financial.** The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

Yes No See Explanation in Exhibit No.

If "No" to 15., answer questions 16. and 17.