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July 8, 2013

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Federal Communications Commission
Bureau / Office

Peter H. Doyle, Chief
Audio Division, Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Informal Objection and Request for Dismissal
of Application by Northwest Rock N Roll Preservation Society,
File No. BPFT-20130611ACF, Callsign K266BM**

Dear Mr. Doyle:

Northwest Rock N Roll Preservation Society ("Northwest") has filed for a minor change in its licensed facility operating under callsign K266BM to operate on a tower in Lacey, Washington. The application file number is BPFT-20130611ACT, which was filed on June 11, 2013 and appeared on Public Notice in Report No. 28010 on June 14, 2013, at page 16. The Facility Identifier is 150021. For the reasons stated herein, Adrian DeBee, Manager of the tower on which Northwest plans to erect its antenna, objects to the aforementioned application and requests that the application be dismissed.

DeBee has standing in this application proceeding because he represents the owner of the tower (Registration 103306) located at 1849 Abernethy NE, Olympia, WA 98516 on which Northwest states it intends to locate its antenna. The tower is owned by Estate of Larry D. Marrow, Norma Jean Hisson, Trustee. DeBee is the sole person authorized to approve or even discuss access to this tower by any party. As he states in the attached affidavit, DeBee was never contacted by Brian Spencer, contact representative of Northwest, or by any other agent or representative of Northwest, to access this tower.

As discussed in *Memorandum Opinion and Order In the Matter of Les Seraphim and Mana'o Radio*, File Nos. BNPED-20071016AHV and BNPED-20071018AMQ, DA 10-491 (rel. March 24, 2010), at para. 7, ("Seraphim") the Commission has long required that an applicant must, in good faith, possess "reasonable assurance" of a transmitter site at the time it files its application. *See, e.g., Port Huron Family Radio, Inc., Decision*, 66 RR 2nd 545 (1989); *Radio Delaware, Inc., Memorandum Opinion and Order*, 67 RR 2d 358 (1989). It is also well established that the specification of a transmitter site in an application is an implied representation that the applicant has obtained reasonable assurance that the site will be available. *See, e.g., William F. Wallace and Anne K. Wallace, Memorandum Opinion and Order*, 49 FCC 2nd 1424, 1427 (1974).

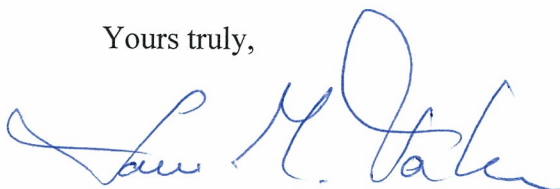
While some latitude is afforded such "reasonable assurance," there must be, at a minimum, a "meeting of the minds resulting in some firm understanding as to the site's availability. A mere possibility that the site will be available is not sufficient.

Seraphim at para. 7.

DeBee, Manager of the tower on which Northwest asserts in its application it will erect its antenna, has not given Northwest any assurance of site availability. It is therefore apparent that the Northwest application does not rest on the existence of the reasonable assurance of site availability required under Commission rules. Accordingly, the Northwest application should be dismissed.

If there are any questions, please contact the undersigned.

Yours truly,



James M. Talens
Counsel for DeBee

Attachments

Copy sent by United States
Mail and email to:

Brian Spencer, Secretary
Northwest Rock N Roll Preservation Society
PO Box 5672
Lacey, WA 98509-5672
nwrps@live.com

*Licensed in Washington, DC only.

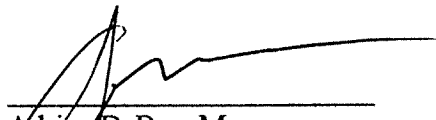
DECLARATION OF ADRIAN DEBEE, MANAGER

My name is Adrian DeBee and I am the Manager of the radio tower owned by Estate of Larry D. Marrow, Norma Jean Hissong, Trustee, located at 1849 Abernathy NE, Lacey, Washington 98507. I have managed this tower since April 2005 and am the sole person who is authorized to discuss or grant access to the tower. More specifically, I am the only person who can provide oral or written assurances with regard to tower space availability, sign a lease, or otherwise authorize access to the tower.

At no time have I discussed site availability with Brian Spencer or any other party purporting to represent Northwest Rock N Roll Preservation Society. There is no other person who is authorized in fact or with apparent authority to discuss tower access or availability.

I learned of the application by Northwest Rock N Roll Preservation Society to erect an antenna on my tower through my engineering consultant, who noticed the application in the FCC's public notices.

I declare under penalty of perjury that the foregoing is true and correct.



Adrian DeBee, Manager
Executed on July 5, 2013

**DECLARATION OF NORMA JEAN HISSONG, TRUSTEE
ESTATE OF LARRY D. MARROW**

My name is Norma Jan Hissong and I am the Trustee of the Estate of Larry D Marrow, the owner of the tower located at 1849 Abernethy NE, Lacey, Washington 98507.

I have authorized Adrian DeBee to manage the tower for all purposes, including access, leasing, assurances of availability, etc. He is the only person so authorized.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script that reads "Norma Jean Hissong". The signature is written in dark ink and is positioned above the printed name and date.

Norma Jean Hissong, Trustee
Estate of Larry D. Marrow
Executed on July 5, 2013