



Federal Communications Commission
Washington, D.C. 20554
February 18, 2015

In Reply Refer to
1800B3-MFW

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. James Talbott
Katahdin Communications, Inc.
P.O. Box 6823
Malibu, CA 90264

In re: WSYF-FM, Millinocket, ME
Facility ID No. 33470
File No. BPH-20130807AAA

Dear Mr. Talbot:

This letter refers to the pending application (the "Application") of Katahdin Communications, Inc. ("Katahdin") for modification of the facilities of Station WSYF-FM, Millinocket, Maine.

The Application proposes construction of a new 213.4-meter (703.41-foot) tower. In connection with the Application, Katahdin properly submitted an FCC Form 620, "FCC Wireless Telecommunications Bureau New Tower Submission Packet" ("Form 620") to the Maine State Historic Preservation Office ("SHPO"), recommending a finding that there will be "no effect" on any listed or eligible historic properties.¹ The SHPO requested clarification of how the "no effect" conclusion was reached, as well as additional evidence (including a balloon test) to support the statement in the Form 620 that the proposed tower will have no visual impact on a historic resource, the Congregational Church of Medway. The SHPO also stated that, if Katahdin disagreed with its requests for additional information, it could refer the project to Stephen DelSordo, the Commission's Federal Preservation Officer. Katahdin did so on January 20, 2015.²

Mr. DelSordo reviewed the Form 620, concluded that it was not complete, and initially requested that Katahdin answer each of the questions posed by the SHPO.³ Commission staff subsequently both reiterated and further explained in detail the request that Katahdin supplement the Form 620 by: (1) providing additional support for the conclusions regarding the extent of the visibility and visual effects of the tower and that the tower would have "no effect" on historic properties (as that conclusion is not supported by documentation prepared by Katahdin's own consultant); (2) engaging a qualified archeologist to complete the archeological component of the Form 620;⁴ and (3) satisfying the requests of

¹ See 47 C.F.R. § 1.1307(a)(4). Katahdin hired a consultant, Ms. Kate Willis, who indicated in a Memorandum dated November 11, 2014, that the proposed tower would have "no adverse effect on historic properties." However, Katahdin, not its consultant, actually prepared the Form 620, and Katahdin changed the "no adverse effect" conclusion to a "no effect" conclusion in submitting the Form 620.

² See electronic mail communication to Stephen DelSordo from Mr. James Talbott on January 20, 2015 @ 5:56 p.m.

³ See electronic mail communication to Mr. James Talbott from Stephen DelSordo, AICP, on January 23, 2015 @ 6:03 a.m.

⁴ As an alternative means to meet this request, Katahdin may amend the Form 620 to provide a statement from the SHPO along with the statement from the Penobscott Indian Nation (which has been provided informally to Mr. DelSordo) to the effect that there are no historic properties below ground at the site.

the two Indian Nations—the Keweenaw Bay Indian Community and the Lac Vieux Desert Band of the Lake Superior Chippewa Indians – that indicated through the Commission’s Tower Construction Notification System that they had an interest in the transmitter site area.⁵

We have been withholding action on the August 2013 Application -- which cannot be granted until the questions raised by the SHPO have been resolved and the environmental review has been completed – and the FCC Form 620, pending completion of the requested actions. Thus far, Katahdin has refused to comply with the staff’s requests.

Accordingly, we are providing Katahdin with a period of 30 days from the date of this letter to amend the FCC Form 620 with the information requested above, to initiate contacts with the Keweenaw Bay Indian Community and the Lac Vieux Desert Band of the Lake Superior Chippewa Indians and to provide a description of those contacts in the requested amendment. Failure to do so within that time period will result in the dismissal of both the FCC Form 620 and the Application for failure to prosecute pursuant to Section 73.3568(a)(1) of the Commission’s Rules.⁶ We caution Katahdin that this request for information is an interlocutory action not subject to reconsideration.⁷

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

⁵ See, e.g., electronic mail communications to Mr. James Talbott from Stephen DelSordo on January 23, 2015 @11:33 a.m; electronic mail communication to Mr. James Talbott from Michael Wagner, Assistant Chief, Audio Division, Media Bureau, on February 3, 2015 @ 1:13 p.m.

⁶ 47 C.F.R. § 73.3568(a)(1). See, e.g., *Applications for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, 28 FCC Rcd 13390, 13391-2 (2013) (upholding staff dismissal of an application for failure to prosecute due to its failure to heed staff requests to complete tower registration for the application).

⁷ See 47 C.F.R. § 1.106(a)(1).