

June 18, 2019 2019 JUN 26 PM 2:34

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: WCKG-AM Elmhurst, IL
File No. BP-20190604AAV

Received & Inspected

JUN 24 2019

FCC Mailroom

Dear Secretary Dortch:

Enclosed, please find one Original and four Copies of "Petition to Deny", regarding this most recent application for modification.

If there are any questions, please contact the undersigned at (920) 863-1234.

Thank you, for your consideration in this matter.

Sincerely,

METRO NORTH COMMUNICATIONS



Mark Heller, President
P.O. Box 100
Denmark, WI 54208-0100

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:

File No. BP-20190604AAV

Application for Construction Permit,
WCKG-AM, Elmhurst, Illinois
1530 Khz.

Modification to Increase daytime power to 4 KW,
After Licensee left prior Construction
Permit to Lapse with no effort to construct
After three years

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PETITION TO DENY

Comes now, Metro North Communications, Incorporated, (hereinafter 'Metro') as Licensee of WLAK-AM, New Holstein, Wisconsin (1530 Khz.), by its President, Mark Heller, with a 'Petition to Deny' the application for a renewal or extension of a lapsed Construction Permit for Standard Broadcast facility, WCKG-AM, Elmhurst, Illinois, owned by DUPAGE RADIO.

Whereas, DUPAGE RADIO had previously been granted a Construction Permit, which expired in early June 2019, without any effort to construct same, for exactly the same facilities they are proposing now, this modification application flies in the face of current Commission rules and also, in the realm of fairness to other licensees on the same frequency and those located on adjacent channels, as well, including WLAK-AM.

At the time of the original Construction Permit filing, (BP-20151110AMR) Metro challenged the engineering on its face, due to the installation of two Illinois State Police transmitting towers, located within the immediate vicinity of the existing tower site. No effort to detune these towers, which are in fact, taller than the WCKG radiators, was ever mentioned in either application. Metro predicted it would have a negative effect on the signal.

In fact, it appears, that DUPAGE RADIO is simply re-filing the exact, identical engineering data from 2015, and trying to simply preclude other radio stations, trying to improve their own facilities, including WLAK-AM which is owned by Metro, while having to protect an obviously failed (and now, 'expired') construction project. The Commission does not allow for Extension requests, which this filing clearly is. Three years is ample time, to change out a few capacitors, coils and replace a transmitter. DUPAGE RADIO had their chance, and they blew it! This was a two tower array!

Metro believes, as has been the Rule, that you simply cannot send in an old application with another filing payment to the Federal Communications Commission, and drag out a total of six years, without even attempting the original project in the first three years which was previously granted.

Clearly, there has been no emergency or sound reason, that would have precluded DUPAGE RADIO from building the original construction permit, within the original three year window. Clearly, there has been no change of control in the Licensee, as the elder father apparently purchased this station for the benefit of his son, for \$290,000 and from every indication the same facility is listed for sale today on websites of members of the National Association of Media Brokers, for over One Million dollars.

FCC Rules clearly state, under Part 73.3533(b) of the rules...

(b) The filing of an application for modification of construction permit does **NOT** (emphasis added) extend the expiration date of the construction permit.

That is precisely what DUPAGE RADIO is attempting to do. Within 72 hours of the expiration of the original Construction Permit, DUPAGE RADIO has attempt to 'game' the system, for its sole advantage. This is not in the Public's Interest, to evade the original rules and directions in the issuance of the Original Construction Permit, now lapsed.

Simply put, DUPAGE RADIO should not be rewarded, for its incompetence, lack of urgency, lack of initiative and motivation, to improve its facility, during the **first** three years of its original (now 'expired')


Construction Permit.

CONCLUSION

Now, therefore, Metro North Communications, Incorporated respectfully requests that the Application for Modification of Standard Broadcast Facility WCKG-AM, be DENIED, for reasons stated above.

Respectfully submitted,

METRO NORTH COMMUNICATIONS, INCORPORATED

A handwritten signature in black ink, appearing to read "Mark Heller", with a long horizontal flourish extending to the right.

Mark Heller, President

P.O. Box 100
Denmark, WI 54208-0100

(920) 863-1234

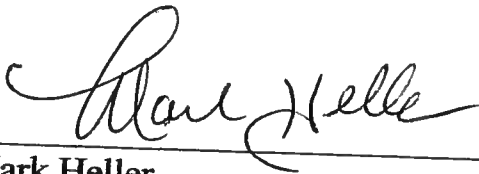
CERTIFICATION OF MAILING

I, Mark Heller, attest and certify that I personally mailed via US Mail, first class, an Original and Four (4) copies of : "PETITON TO DENY" to the Secretary of the Federal Communications Commission, Washington DC 20554 on June 18, 2019, with copies of same, to the undersigned:

DUPAGE RADIO, LLC
P.O. Box 3162
Oak Brook, IL 60552 (Licensee)

MARK A. PEARSON
ARC LAW GROUP
1388 Haight Street #101
San Francisco, CA 94117 (Personal Representative)

ARTHUR DUBIEL
3824 School Street
Downers Grove, IL 60515 (Majority Member of LLC)



Mark Heller