

misrepresentation of the number of existing stations in Big Rapids and the promise of a significant increase in population to be served. In fact, the change of community application did propose an increase in the population to be served. The current modification application which was granted on July 21, 2016 reflects that the station will now serve 20% less population within the 70 dbu contour and 22% less population within the 60 dbu contour than was promised in the community of license change application. In fact, there will be less population receiving 60 dbu service than with the facility specified in the original Harrison, Michigan permit.

Based upon the record thus far, it appears Max Henry was able to achieve a community of license change by misstating the number of existing services in Big Rapids and making pie-in-the-sky pledges of significant population increases. Now, Up North is retreating from those pledges. If Max Henry had filed the recently-granted modification application, significant questions would be raised concerning the bona fides of the community of license change application. Such questions should not be dismissed simply because Max Henry's buyer and successor in interest, Up North, which may or may not have Max Henry's consent to do so, is doing the filing. The question of the bona fides of the community of license change still exists and must be resolved before a determination that Max Henry & Associates is qualified to be the permittee and able to assign the permit.

Based upon the foregoing, it is requested that the captioned application be denied or designated for hearing to determine whether there has been a premature and unauthorized transfer of control, and to determine the bona fides of Max Henry's previous application to change community of license.