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BEFORE THE

Federal Communications Commission

JUL 25 1991

WASHINGTON, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
AMENDMENT OF SECTION 73.202(b),)
TABLE OF ALLOTMENTS,)
FM BROADCAST STATIONS.)
(ANKENY AND WEST DES MOINES, IOWA)

MM DOCKET NO. 91-_____
RM-_____

To: The Chief, Allocations Branch,
Policy and Rules Division,
Mass Media Bureau

**MOTION FOR LEAVE TO FILE
SUPPLEMENT TO PETITION FOR RECONSIDERATION**

Fuller-Jeffrey Broadcasting Corporation of Greater Des Moines ("Fuller-Jeffrey"), the licensee of Class C2 FM broadcast station KJJY, operating on Channel 223C2 in Ankeny, Iowa, by its undersigned counsel and as required by 47 C.F.R. Section 1.429(d), hereby respectfully moves the Commission to grant Fuller-Jeffrey leave to file with the Commission Fuller-Jeffrey's Supplement to Fuller-Jeffrey's pending Petition for Reconsideration ("Petition") that was filed with the Commission on May 13, 1991.^{1/}

The Petition requests the Chief of the Allocations Branch of the Policy and Rules Division of the Commission's Mass Media Bureau (the "Branch Chief") to reconsider action

^{1/} The Supplement to the Petition is being submitted to the Commission concurrently herewith under separate cover.

taken by letter to Fuller-Jeffrey's co-counsel dated April 10, 1991. By that action, the Branch Chief returned to Fuller-Jeffrey's co-counsel, as unacceptable for filing, Fuller-Jeffrey's Petition to Initiate Rule Making Proceeding that had been filed with the Commission on July 20, 1990.

The Petition to Initiate Rule Making Proceeding had sought to persuade the Branch Chief to initiate a public-notice-and-comment rule making proceeding for the purpose of amending the Table of Allotments for FM Broadcast Stations, 47 C.F.R. Section 73.202(b), in order to remove the allotment of Class C2 Channel 223C2 from Ankeny to West Des Moines, Iowa, and to modify Fuller-Jeffrey's license to operate KJJY accordingly.

One reason given for the Branch Chief's action of April 10, 1991 was the perception that removal of Channel 223C2, as proposed by Fuller-Jeffrey, would deprive the community of Ankeny of its only currently-operative local aural transmission service.

The Supplement to Fuller-Jeffrey's Petition includes the Declaration of J. Michael McKoy, a Vice President of Fuller-Jeffrey, executed on July 24, 1991. In his Declaration, Mr. McKoy states that on July 1, 1991 a new Class A FM broadcast station having the call letters KMXD commenced

regular broadcast operations on the frequency 106.3 MHz in Ankeny.

Accordingly, removal of Channel 223C2 from Ankeny to West Des Moines, as advocated by Fuller-Jeffrey, will no longer deprive Ankeny of its only currently-operative local aural transmission service.

The Branch Chief's consideration of the information reported in Fuller-Jeffrey's Supplement is justified by the following factors:

1. The Supplement reports an event that occurred after the filing of the Petition on May 13, 1991, viz., the inauguration of service by ~~KMXD~~ on July 1, 1991, and therefore Fuller-Jeffrey could not have included reference to that event in the Petition:

2. The information reported in the Supplement is being provided to the Branch Chief within 30 days of its occurrence, and therefore Fuller-Jeffrey has acted in a timely fashion to maintain the currency of the relevant facts before the Branch Chief in this proceeding;

3. The information contained in the Supplement directly undermines one of the bases for the Branch Chief's

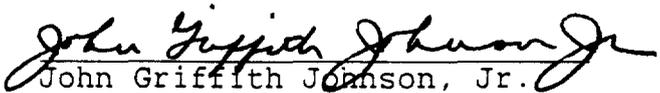
action of April 10, 1991, and the public interest in achieving a fair and just outcome in this proceeding therefore favors consideration of the information reported in the Supplement; and

4. There is no other party in this proceeding and therefore no prejudice to competing interests will result from the Branch Chief's consideration of the information set forth in the Supplement.

WHEREFORE, for the reasons hereinabove shown, Fuller-Jeffrey moves the Branch Chief to grant Fuller-Jeffrey leave to file Fuller-Jeffrey's Supplement to Fuller-Jeffrey's Petition, as required by 47 C.F.R. Section 1.429(d).

Respectfully submitted,

**FULLER-JEFFREY BROADCASTING
CORPORATION OF GREATER DES MOINES**

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