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February 20, 1992

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FEB 20 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

Re: NAB Request for Suspension of
FM Allotment and Application
Processing

Dear Ms. Searcy:

On behalf of Ruth Communications Corporation, I am transmitting an original and four copies of its Comments in connection with the referenced petition filed by the National Association of Broadcasters.

If there are any questions concerning this matter, please contact this office directly.

Sincerely yours,



Theodore D. Kramer

Enclosures

cc: Roy Stewart, Chief, Mass Media Bureau (FCC Room 314)
Douglas Webbink, Chief, Policy and Rules Division (FCC Room 8010)

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FEB 20 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Review of Commission Commercial FM)
Allotment and Licensing Policy)

**COMMENTS OF RUTH COMMUNICATIONS CORPORATION ON
NATIONAL ASSOCIATION OF BROADCASTERS'
REQUEST FOR TEMPORARY SUSPENSION OF NEW
COMMERCIAL FM STATION ALLOTMENT
AND ALLOCATION PROCESSING**

Ruth Communications Corporation ("Ruth"), by its counsel, hereby submits its comments on the request for a temporary freeze on new commercial FM station allotment and allocation processing, filed by the National Association of Broadcasters ("NAB"). In the event that the Commission adopts some form of interim freeze, Ruth urges the Commission to exempt from such a freeze applications by existing permittees as well existing licensees.

Ruth is the permittee of FM station WRWX, Channel 253A, Sanibel, Florida. Ruth received a construction permit on September 24, 1986, but it did not become final until September, 1988. Since that time, Ruth diligently has attempted to construct, but has been frustrated by a variety of obstacles which has rendered it impossible to provide any service at Sanibel. On October 22, 1991, Ruth filed a petition for rulemaking to amend the FM Table of Allotments to move channel 253A from Sanibel to nearby San Carlos Park, Florida. On January 28, 1992, the Commission issued a

Notice of Proposed Rulemaking to that end, MM Docket No. 92-10.

The NAB argues that a temporary freeze is necessary while the Commission considers the NAB's petition for rulemaking which seeks a complete review of the existing rules and policies governing the licensing of new FM stations and amendments to the FM Table of Allotments. The NAB would exempt from its proposed freeze existing FM licensees to permit them to apply for upgraded facilities. It suggests further that such a suspension of processing "should apply to all applicants that have not been granted a construction permit by the Commission" (NAB Petition, n. 8).

Ruth does not take a position generally on whether or not a freeze is appropriate at this time. However, in the event that a freeze is implemented, Ruth urges the Commission to make it clear that it will exempt existing permittees who seek allocation changes or modifications of their permits.

In Ruth's case, the Commission had already determined that there should be a new FM station in Sanibel, and Ruth would have constructed by now were it not for factors beyond its control. Ruth's rulemaking proposal, if adopted, will permit service to essentially the same area, while allowing the location of the transmitter in an area that will not cause the same type of environmental problems encountered for Sanibel. Indeed, the amended allocation will result in

service to a greater population, much like an upgrade of facilities by an existing licensee. It is unlikely that there will be many similar situations involving other permittees, and the adverse effect of exempting them from a freeze would be minimal.

Respectfully submitted,

RUTH COMMUNICATIONS CORPORATION

By 
Theodore D. Kramer

Its counsel

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February 20, 1992

Certificate of Service

I hereby certify that I have this 20th day of February, 1992, caused copies of the foregoing Comments Of Ruth Communications Corporation On National Association Of Broadcasters' Request For Temporary Suspension Of New Commercial FM Station Allotment And Allocation Processing to be served by first class United States mail, postage prepaid, upon:

Henry L. Bauman, Esq.
Barry D. Umansky, Esq.
Terry L. Etter, Esq.
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036



Theodore D. Kramer