

Dockets via Rm 222

RECEIVED

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APR - 6 1992

APR 3 10 51 AM '92

APR 3 1992

ORIGINAL
FILE

Federal Communications Commission
Office of the Secretary
IN REPLY REFER TO:

DISPATCH BY

Mr. Lewis Rosenthal
State University of New York
State University Plaza
Albany, New York 12246

Dear Mr. Rosenthal:

This is in response to the petition for rule making which you submitted on February 24, 1992, concerning Station WFNP, Channel 204B, New Paltz, New York (RM-7930). In the petition, you request the allotment of Channels 255A and 273A to Rosendale, New York, the modification of Station WFNP's license to specify operation on Channel 273A and the deletion of Channel 204B from New Paltz.

You request that these actions be taken pursuant to Section 1.420(j) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without accepting competing applications. However, this rule applies only in those cases where use of the new channel is mutually exclusive with its present use. Even though Station WFNP operates on a share-time basis, Channel 204B is not mutually exclusive with the proposed Rosendale channels. Therefore, your petition is not acceptable for consideration.

Sincerely,

Michael C. Ruger
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

cc: Kyle E. Magrill
Magrill & Associates
P.O. Box 456
Orange Lake, Florida 32681

bcc: Dockets Branch via Secretary's Office (Room 222) (2 copies)

LKShapiro:AB:PRD:MM
(4/1/92)
shapiro, newpaltz