

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

In re Applications of )  
 )  
WIND 'N SEA FM LIMITED )  
PARTNERSHIP )  
 )  
J.H. COMMUNICATIONS )  
 )  
For Construction Permit for a )  
New FM Station on Channel 295A )  
in Ocean City, Maryland )

MM Docket No. 92-64  
File No. BPH-901224ME  
File No. BPH-901226MB

**RECEIVED**

**MAY 27 1992**

TO: Honorable Edward Luton  
Administrative Law Judge

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**OPPOSITION TO  
PETITION FOR LEAVE TO AMEND**

P.M. Broadcast Engineering, Inc., licensee of WQMR(FM),  
Federalburg, Maryland, hereby opposes the "Petition for Leave to  
Amend" filed by J.H. Communications on May 13, 1992.<sup>1/</sup> That  
amendment was filed in response to paragraphs 18 and 19 of the  
Hearing Designation Order in this proceeding, DA 92-358 (released  
April 13, 1992).

J.H. Communications requests processing under FCC Rule  
§ 73.215, for the primary purpose of protecting WQMR. However,  
the amendment submitted by J.H. Communications does not comply  
with that rule. Specifically, J.H. Communications proposes a  
12.74 km short-spacing to WKDN(FM) in Camden, New Jersey, and a

<sup>1/</sup> P.M. Broadcast Engineering filed a Motion to Dismiss against  
this application on May 15, 1992. Should that Motion be  
granted, this Opposition may be dismissed as moot.

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9.52 km short-spacing to the construction permit issued for Channel 294A in North Cape May, New Jersey.<sup>2/</sup> See J.H. Communications' Engineering Narrative at 4 (attached). The Note to FCC Rule § 73.215(e) states as follows:

Until further Notice, the Commission will not accept applications that specify short-spaced antenna locations pursuant to this section wherein the proposed distance separation is less than the normally required distance separation in Section 73.207 by more than 8 kilometers (5 miles). . . .

Since the J.H. amendment proposes a short-spacing of 12.74 km to WKDN and of 9.52 km to North Cape May or, in both cases, "more than 8 kilometers," the amendment filed by J.H. Communications is unacceptable under FCC Rule § 73.215. See South Missouri Broadcasting Co., Inc., FCC 92-200, n. 3 (released May 11, 1992).

Accordingly, the Presiding Officer should refuse to accept the amendment of J.H. Communications. Since J.H. Communications has failed to file an acceptable amendment in compliance

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<sup>2/</sup> Under FCC Rule § 73.207, the required spacing to WKDN, a Class B station operating on co-channel 295 is 178 km, while J.H. Communications proposes a separation of only 165.26 km. Similarly, the required spacing to the Class A station on adjacent channel 294 in North Cape May, New Jersey is 72 km, while J.H. proposes a separation of only 62.48 km.

with paragraph 18 of the Hearing Designation Order, its application must be dismissed as defective.

Respectfully submitted,

**P.M. BROADCAST ENGINEERING, INC.**

By:



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May 27, 1992

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J. H. COMMUNICATIONS  
 OCEAN CITY, MARYLAND

REFERENCE		CLASS A	DISPLAY DATES
38 25 15 N		Current rules spacings	DATA 03-26-92
75 08 02 W		CHANNEL 295 -106.9 MHz	SEARCH 05-12-92

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WKDN	295B	Camden	NJ	1.0	165.26	178.0	-12.74 *
CP294	294A	North Cape May	NJ	17.1	62.48	72.0	-9.52 *
WQMR	296A	Federalsburg	MD	305.8	65.75	72.0	-6.25 *
WAFX	295C	Suffolk	VA	218.6	229.49	226.0	3.49
WYJ.C	293A	Pocomoke City	MD	222.9	52.08	31.0	21.08

CERTIFICATE OF SERVICE

I, Sharon K. Mathis, do hereby certify that copies of the foregoing were sent via first-class, postage prepaid, United States mail, this 27th day of May, 1992, to the following:

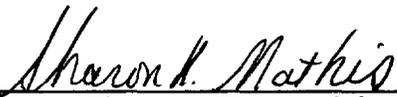
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\* Via Hand Delivery.