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ORIGINAL
FILE

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 4, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: MM Docket No. 92-64
FM Channel 295A
Ocean City, Maryland

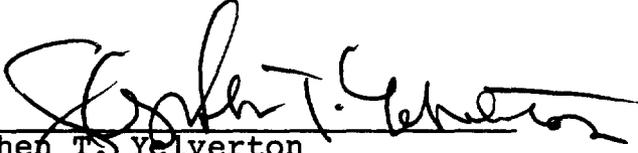
Dear Ms. Searcy:

Enclosed for filing on behalf of J. H. Communications is an original and six (6) copies of its "Opposition to Motion for Leave to File" submitted by P.M. Broadcast Engineering, Inc.

Please contact the undersigned in our Washington, D.C. office.

Respectfully submitted,

MAUPIN TAYLOR ELLIS & ADAMS, P.C.

BY: 
Stephen T. Yelverton
Attorneys for J.H. Communications

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re Applications of:) MM Docket No. 92-64
)
WIND 'N SEA FM LIMITED) File No. BPH-901224ME
PARTNERSHIP)
)
J. H. COMMUNICATIONS) File No. BPH-901226MB
)
)
For construction permit for)
a new FM Station on Channel)
295A, Ocean City, Maryland)

To: Administrative Law Judge
Edward Luton

OPPOSITION TO MOTION FOR LEAVE TO FILE

J. H. Communications ("JH"), by its attorneys, pursuant to Section 1.294(b) of the Commission's Rules, hereby submits this "Opposition to Motion for Leave to File." On May 27, 1992, P. M. Broadcast Engineering, Inc. ("PM") filed a "Motion for Leave to File Opposition" and a related "Opposition to Petition for Leave to Amend." PM seeks to oppose an amendment filed by JH on May 13, 1992. In opposition to the motion for leave, JH submits the following comments.

PM is not a party to this proceeding. Although on May 15, 1992, it filed a petition to intervene, this petition has not been acted upon. Thus, PM has no right to oppose at this time JH's amendment. See generally, Section 1.221.

Even if PM's motion to intervene is granted, it could not oppose JH's amendment on the basis stated in its opposition. PM requests intervention in this proceeding only on the limited basis to protect from interference Station WQMR-FM, Federalsburg,

Maryland. The opposition filed by PM implicitly concedes that JH's directional antenna proposal would not adversely affect Station WQMR-FM.

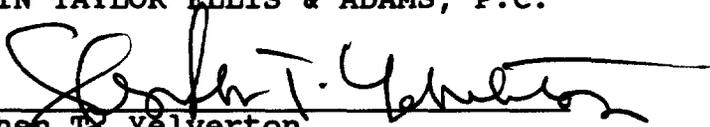
PM's opposition attempts to raise questions about alleged interference to Station WKDN-FM, Camden, New Jersey, and to a construction permit in North Cape May, New Jersey. PM has no standing to raise questions with respect to these stations.

In any event, JH's short-spacing to these two stations was fully addressed in the HDO, paras. 3-4, and n. 2. The HDO found that JH's proposal meets the requirements of Sections 73.213 and 73.215 with respect to these stations. Where an HDO gives a "reasoned analysis" and fully addresses a matter, the Presiding Judge may not act. Revised Processing of Broadcast Applications, 72 FCC2d 202, 45 RR2d 1220, 1230-1231, paras. 43-46 (1979).

WHEREFORE, in view of the foregoing, JH requests that the Presiding Judge deny the motion for leave to file opposition submitted by PM.

Respectfully submitted,

MAUPIN TAYLOR ELLIS & ADAMS, P.C.

BY: 
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June 4, 1992
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CERTIFICATE OF SERVICE

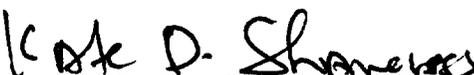
I, Kate D. Shawcross, a secretary in the law offices of Maupin Taylor Ellis & Adams, P.C., do hereby certify that on this 4th day of June, 1992, I have caused to be hand-delivered a copy of the foregoing "Opposition to Motion for Leave to File" to the following:

The Honorable Edward Luton
Administrative Law Judge
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Kate D. Shawcross *in S.T.G.*

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