

FCC MAIL SECTION
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

MAY 11 4 17 PM '92

Room 222
ORIGINAL
FILE

IN REPLY REFER TO:

Peter Tannenwald
Arent Fox ~~Kintner~~ ^{RECEIVED BY}
Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D. C. 20036-5339

Dear Mr. Tannenwald:

This is in response to the petition for rule making which you submitted on behalf of CUB Radio, Inc., requesting the substitution of Channel 221C3 for Channel 221A at Manitowoc, Wisconsin, and modification of the license for Station WLTU to specify operation on Channel 221C3.

We have reviewed your proposal and find that it is unacceptable for consideration. At your specified site (44-08-51 and 87-47-19), the allotment of Channel 221C3 at Manitowoc is short-spaced to the proposed substitution of Channel 221B1 for Channel 221A at Sun Prairie, Wisconsin, in MM Docket No. 91-104. See 6 FCC Rcd 2068 (1991). The deadline for filing counterproposals in that docket expired June 10, 1991. Therefore, your petition constitutes an untimely counterproposal to MM Docket No. 91-104. While not a basis for returning your petition, we note that the allotment of Channel 221C3 at Manitowoc is also short-spaced to the allotment site of Channel 222C3, Clintonville, Wisconsin. The license for Station WJMQ, Channel 221A, Clintonville, was modified in MM Docket No. 89-548 to specify operation on Channel 222C3. See 6 FCC Rcd 5783 (1991). Station WJMQ was granted a construction permit on April 24, 1992 (BPH-911220ID). Channel 221C3, Manitowoc, would be fully spaced to the construction permit site at Clintonville. Were we to accept your petition, a final resolution of the proceeding could be delayed until Station WJMQ was licensed at the construction permit site.

Therefore, we are returning your for rule making.

Sincerely,

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

Enclosure

cc: CUB Radio, Inc.
Station WLTU(FM)
Post Office Box 1990
Manitowoc, Wisconsin 54221

bcc: Office of the Secretary
Room 222 (2 copies) Petition filed 4/29/92