

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
(Table of Allotments) )  
FM Broadcast Stations )  
 )  
Charlotte Amalie, Virgin Islands )

MM Docket No. 92-244  
RM-8027

To: Chief, Mass Media Bureau  
Policy and Rules Division  
Allocations Branch

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COMMENTS

Robert E. Miller, Jonathan Cohen and Arthur V. Belendiuk d/b/a Calypso Communications ("Petitioner"), permittee of a new FM station to be constructed at Charlotte Amalie, Virgin Islands,<sup>1</sup> hereby files comments on the Commission's Notice of Proposed Rule Making<sup>2</sup> in which it proposes to amend Section 73.202(b) of the Rules by substituting Channel 267B for Channel 246B at Charlotte Amalie, Virgin Islands.

The substitution will serve the public interest because it will allow Petitioner to promptly construct the facility. Currently, Channel 247 is being used in Tortola, British Virgin Islands, only twenty miles from Charlotte Amalie. The use of Channel 246B would create harmful electrical

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<sup>1</sup> Petitioner's application (File No. BPH-870707MI) was granted June 25, 1991. (Public Notice, Report No. 21150, released July 1, 1991).

<sup>2</sup>MM Docket No. 92-244, DA 92-1370, released November 10, 1992.

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interference. In its Notice of Proposed Rule Making, the Commission confirmed Petitioner's engineering study which found that Channel 267B would be an acceptable replacement for Channel 246B.

Petitioner also requests that station WVN(X)(FM)'s construction permit be modified pursuant to Section 316(a) of the Communications Act of 1934, as amended, to specify operation on Channel 267B in lieu of channel 246B.

Petitioner specifically represents that in the event Channel 267B is allotted to Charlotte Amalie it will promptly construct the station.

WHEREFORE, Petitioner respectfully requests that the Commission adopt its petition and amend Section 73.202(b) of the Rules as follows:

U.S. Virgin Islands

	<u>Present</u>	<u>Proposed</u>
Charlotte Amalie	246B	267B

Respectfully submitted,  
CALYPSO COMMUNICATIONS

By:   
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Its Attorney

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December 16, 1992