

ORIGINAL

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

20 1 2 12 PM '92
AUDIO SERVICES
DIVISION

In re Application of)
)
KYONG JA MATCHAK)
)
For a Construction Permit for a)
New FM Station on Channel 280A at)
Westerville, Ohio)

File No. BPH-911230MF

To: Chief, Audio Services Division

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OPPOSITION TO SUPPLEMENT
TO PETITION TO DENY AND DISMISS

1. On July 29, 1992, Ohio Radio Associates, Inc ("ORA") filed a pleading styled "Supplement to Petition to Deny and Dismiss the Application of Westerville Radio Partners a/k/a Kyong Ja Matchak," Ms. Matchak hereby submits here Opposition to the Supplement.^{1/}

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2. In its March 26, 1992 Petition to Deny, ORA maintained that, because Ms. Matchak's application proposed a transmitter site that is short-spaced with that of Station WTTT-FM, Tiffin, Ohio, the application should be dismissed. As Ms. Matchak demonstrated in her Opposition, because her application specifies a directional antenna and expressly requests processing under Section 73.215 of the Commission's Rules, her application is fully consistent with those Rules. As she noted, the cases cited by ORA in its Petition, which relate to applications filed before Section 73.215 was

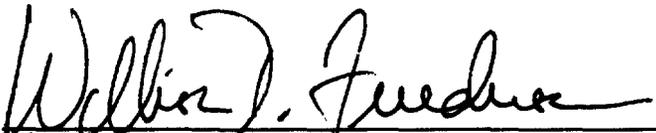
^{1/} Because ORA's subject pleading is unauthorized by the Commission's Rules, it should be stricken. Out of an abundance of caution however, Ms. Matchak is submitting her Opposition to the Supplement.

promulgated in 1989, are inapposite. That Rule permits an applicant to request processing of an FM application proposing a short-spaced site where, as here, the application complies with certain technical requirements.

3. By its Supplement, ORA brings to the attention of the Commission the recent action in Jemez Mountain Broadcasters, FCC 92-273, released July 1, 1992. ORA significantly fails to note that the application in that case was filed on March 10, 1988, prior to the effective date of Section 73.215. As such, like the precedent cited by ORA in support of its Petition, Jemez Mountain Broadcasters is inapposite to the Commission's consideration of Ms. Matchak's captioned application.

Respectfully submitted,

KYONG JA MATCHAK

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August 31, 1992

CERTIFICATE OF SERVICE

I, Lilly A. Whitney, a secretary in the law offices of Gurman, Kurtis, Blask and Freedman, Chartered, do hereby certify that I have on this 31st day of August, 1992, had copies of the foregoing "OPPOSITION TO SUPPLEMENT TO PETITION TO DENY AND DISMISS" mailed by U.S. first class mail, postage prepaid, to the following:

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