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July 29, 1992

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

Federal Communications Commission
Office of the Secretary

RE: Westerville Radio Partners
BPH-911230MF
Channel 280A
Westerville, Ohio

Dear Ms. Searcy:

Enclosed for filing on behalf of Ohio Radio Associates, Inc. are an original and four (4) copies of its supplement to petition to deny and dismiss the application of Westerville Radio Partners a/k/a Kyong Ja Matchak.

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

Respectfully submitted,

MAUPIN TAYLOR ELLIS & ADAMS, P.C.

BY: 
Stephen T. Yelverton
Attorneys for Ohio Radio
Associates, Inc.

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FM EXAMINERS

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

JUL 29 1992

Federal Communications Commission
Office of the Secretary

In Re Application of:)	
)	
WESTERVILLE RADIO PARTNERS)	File No. BPH-911230MF
a/k/a KYONG JA MATCHAK)	
)	
)	
Application for Construction)	
Permit for a new FM station,)	
Channel 280A, Westerville,)	
Ohio)	

TO: Chief, Audio Services
Division

SUPPLEMENT TO PETITION TO DENY AND DISMISS THE APPLICATION
OF WESTERVILLE RADIO PARTNERS A/K/A KYONG JA MATCHAK

Ohio Radio Associates, Inc. ("ORA"), by its attorneys, pursuant to Sections 73.3584(a) and 73.3587 of the Commission's Rules, hereby submits this supplement to petition to deny and dismiss the application of Westerville Radio Partners a/k/a Kyong Ja Matchak ("WRP"). On March 26, 1992, ORA filed a petition to deny and dismiss the application of WRP. In support of its supplement, ORA submits the following comments.

ORA, in its petition to deny and dismiss, contended that the application of WRP must be dismissed with prejudice because it proposes a short-spacing of 6.84 km. In a comparative hearing, a short-spaced application cannot be considered where other applications propose fully-spaced and technically suitable tower sites. See, e.g., North Texas Media, Inc. v. FCC, 778 F.2d 28, 34 (D.C. Cir. 1985). ORA and one other applicant in this proceeding propose such acceptable tower sites and no party has contested their availability and suitability.

ORA submits this supplement to report a recent Commission decision reaffirming the policy of dismissal of short-spaced

applicants in comparative hearings were fully-spaced and technically suitable tower sites are not shown to be unavailable. Jemez Mountain Broadcasters, FCC 92-273, paras. 2 and 12, rel. July 1, 1992. Although that case involved a waiver of Section 72.207 and the Commission may allow about spaced applicants to be

CERTIFICATE OF SERVICE

I, Sue W. Swinson, a secretary in the law offices of Maupin Taylor Ellis & Adams, P.C., do hereby certify that on this 29th day of July, 1992, I have caused to be hand delivered or mailed, U.S. mail, postage prepaid, a copy of the foregoing "Supplement to Petition to Deny and Dismiss the Application of Westerville Radio Partners a/k/a Kyong Ja Matchak" to the following:

Dennis Williams, Chief*
FM Branch
Room 332
Federal Communications Commission
Washington, D.C. 20554

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Sue W. Swinson

Hand Delivery*

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