

DUPLICATE RECEIVED

MAY 10 1988

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

Federal Communications Commission
Office of the Secretary

In re Application of
**SOUTHWEST EDUCATIONAL MEDIA FOUNDATION
OF TEXAS, INC.**

For construction permit, new FM
Stanton, TX

REC'D MASS MED BUR

BPED-870918NF

MAY 16 1988

To: Chief, Mass Media Bureau

PUBLIC REF ROOM

SUPPLEMENT TO PETITION FOR RECONSIDERATION

Southwest Educational Media Foundation of Texas, Inc. ("Semoft"), by its counsel, herewith submits this supplement to its petition for reconsideration of the Commission's action of April 15, 1988, returning the above-captioned application as unacceptable for tender. In support whereof, the following is stated:

1. The instant supplement consists of the attached sworn declaration of T. Kent Atkins, president of Semoft, in which he states that he contacted the Commission staff prior to filing the referenced application and was advised that the city grade contour requirement was inapplicable to non-commercial applicants filing under a window.

2. Mr. Atkins further states that this opinion was again confirmed by a member of the Commission staff on February 2, 1988. These facts illustrate Semoft's diligence in reviewing the Commission's rules and seeking confirmation of the rules from the Commission's staff. It further illustrates the fact that Semoft did not receive adequate notice of any change in the rules despite Semoft's diligence in seeking the required information.

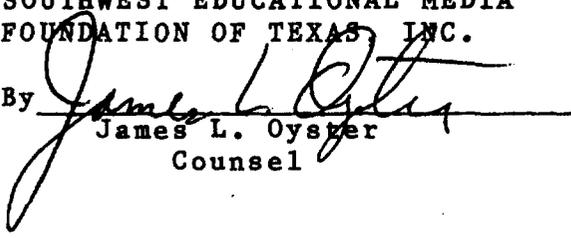
Respectfully submitted,

Law Offices
JAMES L. OYSTER
8315 Tobin Road
Annandale, VA 22003-1101
(703) 573-6765

May 10, 1988

SOUTHWEST EDUCATIONAL MEDIA
FOUNDATION OF TEXAS, INC.

By


James L. Oyster
Counsel

AFFIDAVIT OF FACT

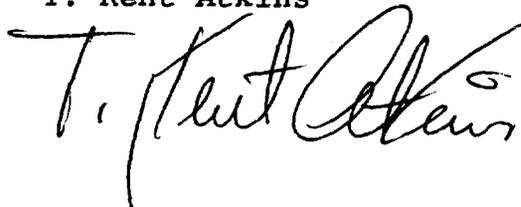
I, T. Kent Atkins, president of Southwest Educational Media Foundation of Texas, Inc., do testify and solemnly affirm that on or about April 30, 1987, I called the FM branch of the Federal Communications Commission and ask to speak with an engineer about the matter of whether a non-commercial applicant filing under a window assigned to a commercial channel would be required to locate it's 70 dBu contour over the city of license. I was told by this staff member that it was not applicable to non-commercial applicants.

On or about February 2, 1988, I personally visited Mr. Jim Crutchfield, a supervisor in the FM division. In the course of the conversation I again ask him about the 3.16 mV/m contour requirements over the city of license. I was again told that it was never required for a non-commercial applicant.

All of the above statements are true and correct are made under penalty of perjury.

Signed:

T. Kent Atkins

A handwritten signature in black ink, appearing to read "T. Kent Atkins", written in a cursive style.

President of
Southwest Educational Media
Foundation of Texas, Inc.

Date: May 2, 1988