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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In re Applications of |) | MM DOCKET NO. 93-107 |
| |) | |
| DAVID A. RINGER |) | File No. BPH-911230MA |
| |) | through |
| <u>et al.</u> |) | File No. BPH-911231MC |
| |) | |
| For Construction Permit |) | |
| Channel 280A |) | |
| Westerville, Ohio |) | |

To: The Review Board

**MASS MEDIA BUREAU'S COMMENTS ON
PETITION FOR LEAVE TO AMEND AND AMENDMENT**

1. On May 9, 1994, David A. Ringer ("Ringer") filed a petition for leave to amend and amendment. The Mass Media Bureau submits the following comments.

2. Ringer seeks to amend his engineering and financial¹ proposals. Ringer explains that his originally specified site has been sold and that the new owner will not give him assurance that he can use it in the event Ringer's application is granted. Ringer further explains when he learned of the sale of his original site and the refusal of the new owner to give him the requisite assurance, and sets forth the steps he has taken to secure a new site. In this regard, Ringer now proposes to side-mount his antenna on an existing tower owned by The Ohio State University.

¹ The Bureau's comments are limited to the amendment of Ringer's engineering proposal.

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3. The engineering staff of the Bureau has reviewed Ringer's technical proposal and has determined that it is in compliance with the Commission's Rules. Further, it appears that Ringer has demonstrated good cause for acceptance of his amendment in accordance with Section 73.3522(b)(1) of the Commission's Rules. See also Erwin O'Conner Broadcasting Co., Inc., 22 FCC 2d 140 (Rev. Bd. 1970).

4. Accordingly, assuming that Ringer's new financial proposal is acceptable, the Bureau submits that Ringer's petition for leave to amend should be granted and his amendment accepted. However, as recognized by Ringer, he may not improve his comparative position as a result of the amendment. See Women's Broadcasting Coalition, Inc., 59 RR 2d 730, 733 (1986).

Respectfully submitted,
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Federal Communications Commission
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May 18, 1994

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, hereby certifies that she has on this 18th day of May, 1994, sent by regular U.S. mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Comments on Petition for Leave to Amend and Amendment" to:

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