

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

In the Matter of) MM Docket No. 93-17
)
Amendment of Station 73.202(b),) RM-8170
Table of Allotments,)
FM Broadcast Stations)
(Rosendale, New York))

To: Chief, Allocations Branch

DOCKET FILE COPY ORIGINAL

RECEIVED
JAN 16 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

STATEMENT IN SUPPORT OF PETITION FOR RECONSIDERATION

WMHT Educational Telecommunications (WMHT), by its attorneys, files this statement in support of the State University of New York's (SUNY) "Petition for Reconsideration" filed November 21, 1995. ^{1/}

WMHT is the licensee of Station WRHV(FM), Poughkeepsie, New York, which shares time on Channel 204A with Station WFNP(FM), licensed to SUNY at Rosendale, New York. The two stations operate in accordance with a time sharing agreement which permitted SUNY and WMHT to settle a comparative hearing. SUNY originates its programming from its New Paltz campus during the hours for which it is licensed. WMHT presently operates Station WRHV(FM) on a 24-hour basis during six months of the year and from 11-16 hours per day the remainder of the year. All programming is transmitted from a common facility.

¹ Federal Register publication of the Commission's notice of the Petition for Reconsideration was published December 19, 1995, establishing a deadline of January 3, 1996 for oppositions. Typically, parties have filed supporting comments regarding Petitions for Reconsideration on the deadline for oppositions. These supporting comments are filed in accordance with the Commission's Public Notice DA96-2, released January 11, 1996, establishing January 16, 1996 as the deadline for the filing of documents due during the budget-related and weather-related shutdowns.

No. of Copies rec'd 24
List ABCDE

WMHT participated in this rulemaking proceeding and filed in support of SUNY's efforts to secure Channel 273A for its use at Rosendale, New York. WMHT now reiterates that support. WMHT believes that the Allocations Branch erred in its failure to modify the Station WFNP license when making the allotment sought by SUNY. WMHT has planned to seek modification of the license for Station WRHV(FM) to full time operation following SUNY's conversion to operation on Channel 273A. Grant of SUNY's petition will effectively double the amount of noncommercial service available to the communities served by both stations. The erroneous action of the Allocations Branch has served to deprive the public of the benefit which will result from the parties ending their share-time arrangement for the use of Channel 204A. Even if SUNY were to seek further modification of the license of Station WFNP from noncommercial to commercial purposes, grant of SUNY's Petition will permit WMHT to transmit its noncommercial programming on a 24 hour-a-day, 7-days-a-week basis, to the benefit of the public. As outlined by SUNY in its "Petition", a modification of SUNY's license for WFNP(FM) will best serve the public interest.

Respectfully submitted,

WMHT EDUCATIONAL TELECOMMUNICATIONS

By: 
Steven C. Schaffer

SCHWARTZ, WOODS & MILLER
Suite 300, The Dupont Circle Building
1350 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202)833-1700
Its Attorneys

CERTIFICATE OF SERVICE

I, Donna Trader, Secretary in the law office of Schwartz, Woods & Miller, do hereby certify that I have on this 16th day of January, 1996, sent by First Class United States mail, postage prepaid, copies of the foregoing **STATEMENT IN SUPPORT OF PETITION FOR RECONSIDERATION** to the following:

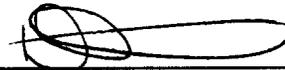
Mr. John A. Karousos*
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, NW, Room 8322
Washington, DC 20554

Mark N. Lipp, Esquire
Mullin, Rhyne, Emmons and Topel, P.C.
1225 Connecticut Avenue, N.W., #300
Washington, D.C. 20036-2604

Todd D. Gray, Esquire
Dow, Lohnes & Albertson
1255 Twenty-Third Street
Washington, DC 20037-1194

Allan G. Moskowitz, Esquire
Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, NW, Suite 1100
Washington, DC 20005

Mr. A. Wray Fitch III
Gammon & Grange, P.C.
8280 Greensboro Drive
Seventh Floor
McLean, VA 22102-3807



Donna Trader

* Hand Delivery