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Before the  
**Federal Communications Commission**

Washington, D.C. 20554

In the Matter of	) MM Docket No. 96-25
	)
Amendment of Section 73.202(b),	) RM-8752
Table of Allotments,	)
FM Broadcast Stations,	)
(Forest Acres, South Carolina)	)

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To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

APR 11 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULEMAKING**

Kuhel Communications ("Kuhel"), by and through counsel, and pursuant to §1.415 and §1.420(d) of the Commission's Rules (47 C.F.R. §1.415 & §1.420(d)), hereby submits its Comments in support of Notice of Proposed Rulemaking, DA 96-203, released March 4, 1996 ("NPRM"), in the above-captioned proceeding.<sup>1</sup>

In support whereof, the following is shown:

1. Kuhel was the party that submitted the Petition For Rulemaking ("Petition") that led to adoption of the NPRM. In its Petition, Kuhel demonstrated that: (a) Forest Acres, South Carolina, is a "community" deserving its first local

<sup>1</sup> The NPRM set April 25, 1996, as the deadline for filing comments in this proceeding. Therefore, these Comments are timely-filed.

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service; and (b) the allotment of Channel 232A can be accomplished in compliance with the Commission's spacing and city grade coverage requirements.<sup>2</sup>

2. If the Commission allots Channel 232A to Forest Acres, South Carolina, Kuhel (or an affiliated entity) will apply for a construction permit for the facilities and, upon grant, will construct a station on the channel.

3. Consequently, the public interest will be served by amending the FM Table of Allotments as follows:

**South Carolina**

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Forest Acres	---	232A

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<sup>2</sup> The reference coordinates for Channel 232A at Forest Acres are short-spaced to Station WPUB-FM, Channel 232A at Camden, South Carolina. However, the license for Station WPUB-FM was modified to specify operation on Channel 274A pursuant to MM Docket No. 93-47. See Report and Order, 10 FCC Rcd 7204 (1995). A copy of these comments is being served on the licensee of WPUB-FM.

**WHEREFORE**, the above premises considered, it is respectfully requested that the Commission grant Kuhel's Petition For Rulemaking and that §73.202(b) be amended in conformance with the above.

Respectfully submitted,

**KUHEL COMMUNICATIONS**



By: \_\_\_\_\_

Gary S. Smithwick  
Shaun A. Maher

Its Attorneys

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April 10, 1996

**CERTIFICATE OF SERVICE**

I, Denise Lynn Felice, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 10th day of April 1996, copies of the foregoing were mailed via first class mail, postage pre-paid, to the following:

Ms. Sharon McDonald (\*)  
Allocations Branch  
Federal Communications Commission  
2000 M Street, N.W  
5th Floor  
Washington, DC 20554

Kershaw Radio Corporation  
P.O. Box 753  
Camden, South Carolina 29020  
(Licensee of Station WPUB-FM)

(\*): By Hand Delivery

  
Denise Lynn Felice