

ORIGINAL

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MM Docket No. 00-138
Table of Allotments,)	RM-9896
Digital Television Broadcast Stations.)	
(Boca Raton, Florida))	

To: Chief, Video Services Division

PETITION FOR LEAVE TO FILE SUPPLEMENTAL REPLY COMMENTS

1. Sherjan Broadcasting Co., Inc. ("Sherjan") hereby requests leave to file the attached Supplemental Reply Comments in this proceeding.

2. Sherjan filed initial comments on October 10, 2000, opposing the proposed DTV channel allotment change on the ground that it would cause interference, by virtue of prohibited contour overlap, to Sherjan's Station WJAN-CA and to Station WFUN-LP and that the proponent had not shown that there were any "technical problems" that would justify priority over a Class A station under the Community Broadcasters Protection Act of 1999. Channel 63 of Palm Beach, Inc. ("Channel 63") and Guenter Marksteiner ("Marksteiner") filed reply comments on October 25, 2000, disputing Sherjan and arguing that the interference area to WJAN-CA will be masked by virtue of interference from a pending application by WZVN-DT, Naples, Florida, and that there will be no prohibited interference to WJAN-CA or WFUN-LP in any event based on the Longley-Rice Method.

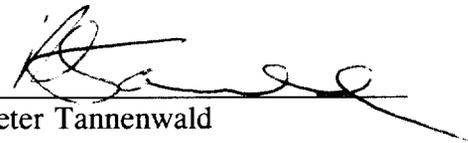
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3. The arguments and engineering showings of Channel 63 and Marksteiner were advanced for the first time in their reply comments. They were not made in the petition for rule making in RM-9896 or in initial comments, so Sherjan never saw them and never had any opportunity to rebut them. The public interest requires a complete record, and the introduction of completely new material in reply comments justifies affording Sherjan the opportunity it would have had to respond had those arguments been advanced in initial comments. Accordingly, Sherjan submits that acceptance of its Supplemental Reply Comments is justified both in the public interest and as a matter of fairness.

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November 23, 2000

Respectfully submitted,



Peter Tannenwald

Counsel for Sherjan
Broadcasting Co., Inc.

CERTIFICATE OF SERVICE

I, Tracy L. Trynock, do hereby certify that I have, this 23rd day of November, 2000, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Petition for Leave To File Supplemental Reply Comments" to the following:

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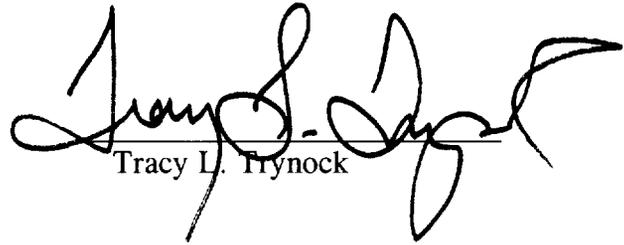
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Tracy L. Hynock