

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 73.202 (b)
Table of Allotments,
FM Broadcast Stations
Rincon, Puerto Rico

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MM Docket No. 00-123 /
RM-9903

To: The Chief, Allocations Branch

OPPOSITION TO PETITION FOR RECONSIDERATION

International Broadcasting Corporation ("IBC"), licensee of Station WVOZ, Channel 299B, Carolina, Puerto Rico, by its attorney, hereby submits its opposition to the petition filed by Jose J. Arzuaga, Jr., d/b/a Ocean Communications ("Ocean"), requesting the Commission to reconsider its decision in its *Report and Order*, DA 01-255, released February 2, 2001, denying the petition filed by Ocean to allot FM Channel 300B to Rincon, Puerto Rico.

1. As a matter of public interest the Commission denied the requested allotment because of unrefuted evidence that the proposed transmitter site, located on Desecheo Island and in the Desecheo National Wildlife Refuge, will not be available to an applicant. Petitioner now states, without further specifics, that Ocean will locate its transmitter on a ship. However, the Notice of Proposed Rule Making for Channel 300B specified the specific coordinates of 18° 23' 06" W, 67° 29' 51" W, as the transmitter site meeting the minimum distance separation requirements with respect to Channel 297B in Arecibo and Channel 299B in Carolina. These coordinates identify a site on Desecheo Island – not on a ship. Ocean has failed to make any

showing how a transmitter location on a ship will meet the required minimum separation requirements, much less how the operation of an FM transmitter on a ship will meet the Commission's technical requirements. In short, Ocean is making an entirely new proposal without any factual basis, a concession that it has no reasonable assurance of a transmitter site.

2. Ocean's contention that it was precluded from filing a response to IBC's submission concerning Descheo Island is baseless. There is nothing in the Commission's rules prohibiting Ocean from filing a pleading with respect to IBC's letter which was served on counsel for Ocean.

3. Lastly, Ocean's comments with respect to IBC's motives in filing its comments are purely speculative and irrelevant to consideration of the facts presented to the Commission concerning Descheo Island's availability as a transmitter site. Notwithstanding this conjecture, the material presented to the Commission by IBC is in the public interest and the Commission properly ruled in assessing its materiality.

4. In sum, Ocean's petition is devoid of any basis for overturning the Commission's decision rejecting the proposed allotment.

Respectfully submitted,

INTERNATIONAL BROADCASTING
CORPORATION

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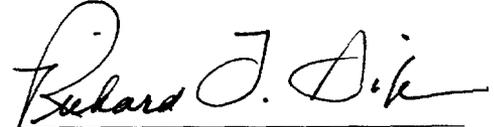
Date: March 13, 2001

CERTIFICATE OF SERVICE

I, Richard F. Swift, hereby certify that on this 13th day of March, 2001 true and correct copies of the foregoing **Opposition to Petition for Reconsideration** have been served by first class U.S. Mail, postage prepaid on the following:

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