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Federal Communications Commission
Washington, D.C. 20554

July 26, 2001

2001 JUL 31 A 9:42

Nunzio Aldo Sergi
Managing Member
Summit Media Broadcasting, L.L.C.
180 Main Street
Sutton, WV 26601

RECEIVED

Dear Mr. Sergi:

This is in response to your letter seeking the allotment of FM channels to selected West Virginia communities, as follows: Glenville, Channel 299A; Summersville, Channels 295A and 269A; and Rainelle, Channel 266A. Additionally, you request that previously allotted FM channels at Gassaway (Channel 253A), Buckhannon (Channel 238A), and Burnsville, West Virginia (Channel 257A), be placed in a future FM Auction subsequent to FM Broadcast Auction No. 37 later this year.

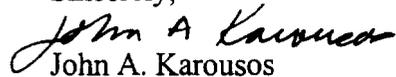
Although your proposal contains specific information as to the channel number and class of channel requested, as well as the community requested and the reason for the requested amendment, as required by Section 1.401 of the Commission's Rules, it cannot be considered as filed. The petition did not include a technical showing to demonstrate that the proposed amendments will comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules. All foreign and domestic allotments must also be considered in the showing.

Additionally, Section 1.52 of the Commission's Rules requires that the original of any document filed with the Commission by a party not represented by counsel, be signed and verified by the party and his/her address stated. Although your request was signed and an address provided, you did not include an affidavit verifying that the statements contained in your request are accurate to the best of your knowledge and belief. In the absence of such verification, the petition may be dismissed. Section 1.401(b) of the Commission's Rules concerning rule making proceedings places petitioners on notice that their proposal must conform to the requirements of Section 1.52 regarding subscription and verification. See also Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes, 5 FCC Rcd 3911, n.41 (1990).

With regard to your request that previous channel allotments at Gassaway, Buckhannon and Burnsville, West Virginia, be placed in a future FM auction subsequent to FM Broadcast Auction No. 37, the Audio Services Division of the Mass Media Bureau is responsible for announcing upcoming auctions of vacant nonreserved band allotments in the FM broadcast service. Accordingly, the Mass Media Bureau will announce a filing window period at intervals during which new station applications, as well as major change applications, may be filed. Once the auction filing window dates are announced for allotments previously created, instructions for filing applications will be released on a Public Notice, which will be placed on the Commission's Internet Web site, as well as the Audio Services Division's main page at <http://www.fcc.gov/mmb/asd/welcome2.html#NEWSBOX>.

In view of the above, you request for rule making, as filed, is unacceptable for consideration.

Sincerely,

A handwritten signature in black ink that reads "John A. Karousos". The signature is written in a cursive style with a large initial "J".

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau