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Before the
Federal Communications Commission
Washington, D.C. 20534

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | |
| Table of Allotments, |) | MM Docket No. 00-123 |
| FM Broadcast Stations. |) | RM-9903 |
| (Rincon, Puerto Rico) |) | |
| |) | |

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: December 12, 2001

Released: December 20, 2001

By the Commission:

1. The Commission has before it an Application for Review filed by Jose J. Arzuaga, Jr., d/b/a Ocean Communications directed to the staff Memorandum Opinion and Order in this proceeding. 16 FCC Rcd 8868 (2001). International Broadcasting Corporation filed an Opposition to Application for Review and Ocean Communications filed a Reply. We have reviewed the staff Memorandum Opinion and Order and find that there are no errors of law that would warrant reversing the staff action.¹ We deny the Application for Review.

2. Accordingly, IT IS ORDERED, That the aforementioned Application for Review filed by Jose J. Arzuga, Jr. d/b/a Ocean Communications IS DENIED.

3. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

¹ In its Application for Review, Ocean Communications refers to, for the first time, "small islands" off the coast of Desecheo Island where a transmitter could be located. In addition to the fact that the Application for Review sets forth new facts on which the staff has not had the opportunity to consider in contravention of section 1.115 (c) of the Rules, we note that there is no evidence of reasonable assurance of the actual availability of a transmitter site at this alternative location.