

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

RECEIVED

JUN 12 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Windthorst, TX))

To: Mr. John Karousos, Chief
Allocations Branch

OPPOSITION TO "Request for Reconsideration"

Mark Aulabaugh, licensee of station KSEY-FM, Seymour, TX, submits this OPPOSITION to the June 1, 2000 letter from counsel for Windthorst Radio Broadcasting Company ("WRBC"), which requested reconsideration of the FCC staff's return of WRBC's March 28, 2000 Petition for Rule Making.

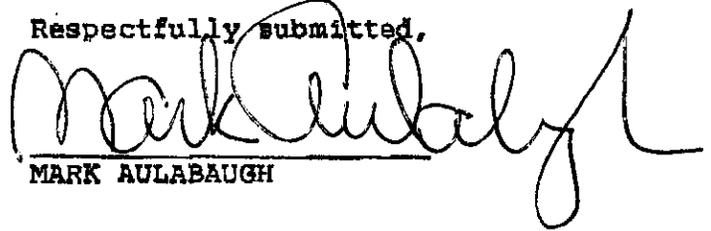
On April 6, 2000, I filed an application to upgrade my operating FM station, pursuant to a valid FCC allotment. See 47 CFR 73.202(b) [FCC Table of FM Allotments].

My application has been "accepted for filing" by the FCC and should be granted in order maximize my station's FM service area.

The FCC properly returned WRBC's Petition to allocate a new FM station at Windthorst, TX. As the FCC's May 24, 2000 letter correctly notes, that Petition proposes an allotment that is unlawfully short-spaced to a valid FM allotment [channel 230C2 at Seymour, TX]. On that basis alone, and without recourse to any 1993 letter or any other factor, the Petition had to be returned

under FCC rules and policy. The return of WRBC's Petition was the FCC's only lawful response and WRBC's request for reconsideration must be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Aulbaugh', written over a horizontal line.

MARK AULBAUGH

June 9, 2000

cc: Vincent A Pepper
1776 K Street, NW #200
Washington, DC 20005

Counsel for WRBC