

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 00-53
Table of Allotments,)	RM-9823
FM Broadcast Stations)	
(Detroit Lakes and Barnesville,)	
Minnesota; Enderlin, North Dakota))	

To: Chief, Allocations Branch

REPLY

Enderlin Broadcasting Company ("EBC") herein replies to the "Consolidated Opposition to Petitions for Reconsideration" filed by Clear Channel Broadcasting Licenses, Inc., a subsidiary of Clear Channel Communications, Inc. (together "Clear Channel") in the above-captioned proceeding.

Through its opposition, Clear Channel attempts to resurrect the argument made by its predecessor, T & J Broadcasting, Inc. ("T & J"), that EBC's counterproposal to allot Channel 233C1 to Enderlin, North Dakota, was entitled to no consideration because of a purported failure to include a "expression of interest." That matter was addressed in numerous pleadings¹ filed prior to issuance of the *Report and Order* in this proceeding, DA 01-2987 (Chief, Allocations Branch, released December 21, 2001). Notwithstanding T & J's arguments, EBC's counterproposal was given

¹ E.g., EBC's "Reply Comments," filed May 30, 2000; T & J's "Reply to Comments and Counterproposal," filed May 30, 2000; "Reply Comments of Triad Broadcasting Co., LLC" ("Triad"), filed May 30, 2000.

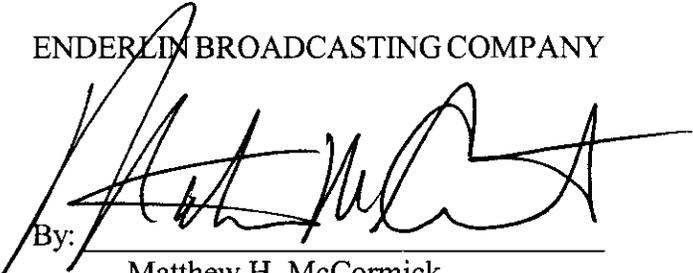
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substantive consideration. *E.g., Report and Order*, ¶ 10 (noting the need to compare Barnesville and Enderlin because alternative channels were not available at either community).

Had it wished to challenge the fact that the Allocations Branch gave substantive consideration to EBC's counterproposal, Clear Channel was obligated to file a petition for reconsideration by the applicable deadline, February 7, 2002. Clear Channel failed to do so and therefore is deemed to have waived the "expression of interest" issue.²

WHEREFORE, in light of all circumstances present, EBC's Petition for Reconsideration should be GRANTED, the reference coordinates for the allotment of Channel 236C1 at Barnesville, Minnesota, should be CHANGED to NL 46-40-27, WL 96-13-39 and Channel 233C1 should be ALLOTTED at Enderlin, North Dakota with reference coordinates of NL 46-25-00, WL 97-15-00.

ENDERLIN BROADCASTING COMPANY

By: 

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March 21, 2002

² Moreover, as discussed in detail in EBC's and Triad's reply comments, EBC's counterproposal clearly constituted an expression of interest. Moreover, any conceivable ambiguity regarding EBC's interest in the Enderlin allotment disappeared with the filing of EBC's Erratum on May 18, 2000, some 12 days prior to the deadline for reply comments. T & J clearly suffered no prejudice.

CERTIFICATE OF SERVICE

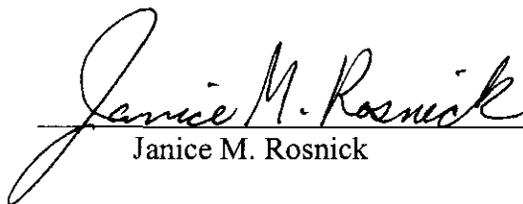
I, Janice M. Rosnick, hereby certify that on this 21st day of March, 2002, copies of the foregoing REPLY were mailed, first-class, postage prepaid, to the following:

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