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August 14, 2002

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AUG 14 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

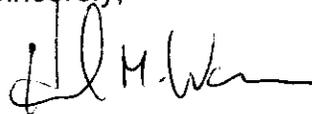
Re: MB Docket No. 02-76
RM-10405

Dear Madame:

Enclosed for filing in the above-referenced rulemaking are an original and four copies of Counterproponents' Motion for Leave to File Response to Reply Comments on Counterproposal and the Response.

Should there be any questions, please contact the undersigned counsel.

Sincerely,



Howard M. Weiss

HMW/emo
Enclosures

cc: Mr. John Karousos (w/encls.)
H. Barthen Gorman, Esquire (w/encls.)
Gary Smithwick, Esquire (w/encls.)
Lauren Colby, Esquire (w/encls.)

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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MD Docket No. 02-76
Table of Allotments) RM-10405
FM Broadcast Stations)
(Crisfield, Maryland, Belle Haven,)
Nassawadox, Exmore and Poquoson,)
Virginia))

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AUG 14 2002

To: Assistant Chief, Audio Division
Media Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**COUNTERPROponents' MOTION FOR LEAVE TO FILE RESPONSE
TO REPLY COMMENTS ON COUNTERPROPOSAL**

Commonwealth Broadcasting, L.L.C., and Sinclair Telecable, Inc., dba Sinclair Communications (collectively "Counterproponents"), hereby move for leave to respond to the Reply Comments on Counterproposal filed by Tidewater Communications, Inc. ("Tidewater"), filed on July 16, 2002. In support hereof, the following is shown:

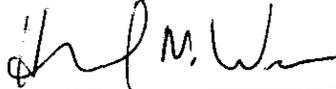
1. Tidewater asserts, inter alia, that the Counterproponents have not specified a viable site for the proposed Poquoson, Virginia, allotment because the proposed site is offshore. Tidewater further asserts that Counterproponents have not established that Belle Haven is a cognizable community for allotment purposes, that Poquoson is not an independent community for the purpose of determining whether it is entitled to a first local service, and that the Counterproposal should be denied because it would leave Cape Charles, Virginia, without a cognizable aural service.

2. With respect to each of these contentions, Tidewater has mischaracterized the facts, both by affirmative misstatements and/or by material omission. In order to

ensure a complete and accurate record, Counterproponents ask that they be permitted to respond. This is particularly critical with regard to Tidewater's inaccurate charge that there is no suitable site for the Poquoson allotment, its failure to mention a letter regarding Poquoson submitted to the Commission by the President of the Virginia Peninsula Chamber of Commerce prior to the comment deadline and re-submitted in Counterproponents' June 4, 2002 Erratum and Supplement¹ and Tidewater's utterly incomplete and misleading description of Belle Haven. In fairness, a Commission decision as to whether the public interest would be served by adoption of the Counterproposal requires consideration of the full record on these issues. The Commission's inquiry should not be limited to allegations made for the first time in a reply pleading. See, Brightwood, Oregon, DA 01-2484, Chief, Allocations Branch, October 26, 2001 at n.6.

WHEREFORE, the premises considered, this Motion should be granted and the attached Response considered on its merits.

Respectfully submitted,
COMMONWEALTH BROADCASTING, L.L.C.
and
SINCLAIR TELECABLE, INC.,
DBA SINCLAIR COMMUNICATIONS

By: 
Howard M. Weiss, Esquire
FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209
(703) 812-0400
Their Counsel

August 14, 2002

¹ This pleading is inexplicably not indexed on the Commission's Electronic Comment Filing System ("ECFS"), but a copy stamped as received is attached to Counterproponents' Response for reference.

CERTIFICATE OF SERVICE

I, Evelyn M. Ojea, hereby certify that on this 14th day of August, 2002, I caused copies of the foregoing Motion for Leave to File Response to Reply Comments on Counterproposal and the Response to be delivered, via United State Postal Service, or as otherwise specified, to the following individuals:

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Smithwick & Belendiuk, P.C.
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Evelyn M. Ojea