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January 2, 2003

File No. 20764-101-63

SUBMITTED VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

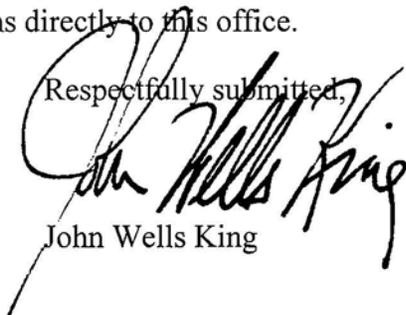
Re: MM Docket 99-325
Digital Audio Broadcasting Systems and Their Impact on Terrestrial Broadcasting
Subject: REPLY

Dear Ms. Dortch:

On behalf of Glen Clark & Associates, I transmit herewith in connection with the above-referenced proceeding, its "Reply To 'Reply Comments To Petition For Reconsideration'" in response to the opposition styled "Reply Comments To The December 10 Petition For Reconsideration By Glen Clark & Associates" filed December 23, 2002, by The Amherst Alliance, Virginia Center for the Public Press and 32 other parties.

Kindly communicate any questions directly to this office.

Respectfully submitted,



John Wells King

JWK:gr
Enclosure

cc: Donald J. Schellhardt, Esquire, with enclosure

please reply to JOHN WELLS KING jking@gsblaw.com TEL (202) 298-2520

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the matter of:)
)
Digital Audio Broadcasting Systems and) MM Docket 99-325
Their Impact on Terrestrial Broadcasting)
TO: The Commission

REPLY TO
“REPLY COMMENTS TO PETITION FOR RECONSIDERATION”

On December 23, 2002, there was filed on behalf of The Amherst Alliance, Virginia Center for the Public Press, and 32 other parties (collectively, the “Alliance”), a document titled “Reply Comments To The December 10 Petition For Reconsideration By Glen Clark & Associates” (“Alliance Opposition”).¹ Glen Clark & Associates (“GCA”), by its counsel and pursuant to Section 1.45 of the Commission’s rules, hereby replies to the Alliance Opposition as follows.

¹ The Alliance Opposition and its certificate of service are dated December 20, 2002. However, they appear to have been posted with the U.S. Postal Service on December 23, 2002. They were received by counsel on December 27, 2002. Regardless, this Reply is timely filed under Section 1.45 of the Commission’s rules.

THE PETITION FOR RECONSIDERATION WAS TIMELY FILED

The Alliance Opposition contends that the December 10, 2002, filing by GCA of a petition for reconsideration in this proceeding (the "GCA Petition") was untimely and for this reason, should be denied.² The GCA Petition was timely filed in accordance with the Commission's rules.

Section 1.429(d) provides that a petition for reconsideration "shall be filed within 30 days from the date of public notice of such action, as that date is defined in §1.4(b)." Section 1.4(b)(1) provides that the date of public notice for documents in notice and comment rulemaking proceedings is the date of publication of the document or a summary of the document in the Federal Register.

A summary of the *First Report & Order* in this proceeding, FCC 02-286, was published in the Federal Register on December 23, 2002. 67 Fed.Reg. 78193. Therefore, a petition for reconsideration may be filed on or before January 22, 2003.

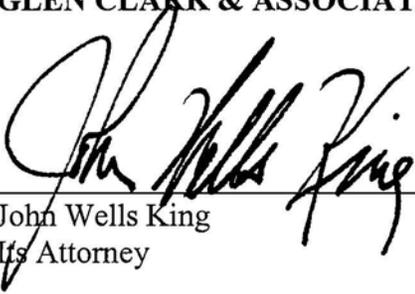
² The Alliance claims that although the GCA Petition was electronically filed December 10, 2002, it "was not posted on the Electronic Comment Filing System (ECFS) until December 15, 2002." Alliance Opposition at 3. GCA is uncertain how the Alliance came by this impression. So far as GCA is aware, the GCA Petition was immediately available, and in any event, was posted by December 12, 2002, when the GCA Petition was supplemented with a table of contents and executive summary.

Accordingly, the GCA Petition was timely filed.

Respectfully submitted,

GLEN CLARK & ASSOCIATES

By:



John Wells King
Its Attorney

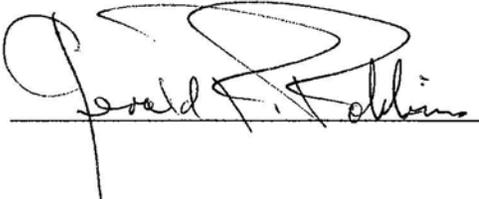
GARVEY SCHUBERT BARER

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January 2, 2003

CERTIFICATE OF SERVICE

The undersigned, Gerald Robbins, an employee of Garvey Schubert Barer, hereby certifies that this Reply To "Reply Comments To Petition For Reconsideration" was served this date upon Donald J. Schellhardt, Esquire, 45 Bracewood Road, Waterbury CT 06706, counsel for the parties collectively referred to herein as the "Alliance," by U.S. Postal Service, First Class postage prepaid.



Gerald F. Robbins