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August 27, 2003

Office Of The Secretary
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

**RE: Update On Latest Developments Involving In Band On Channel (IBOC)
Digital Radio (FCC Docket 99-325)**

Dear FCC Commissioners and Staff:

As the Commission knows, I am the attorney for 40 different parties who have joined forces to challenge the Commission’s “interim” authorization of In Band On Channel (IBOC) Digital Radio. On October 25, 2002, we filed, in FCC Docket 99-325, a Petition For Reconsideration which challenges the FCC’s IBOC approval Order of October 11, 2002.

During the intervening 10 months, the Commission has neither granted or denied our Petition For Reconsideration. Nor has it addressed our Petition in any other manner.

During the same time frame, however, developments outside the Commission have continued to generate new evidence that the FCC’s “interim” approval of IBOC was an error. We have, therefore, found ourselves submitting over the last several months an entire series of letters in this Docket -- simply to keep the public record up to date as the additional evidence against IBOC has accumulated.

The latest development has arisen from the developer of the IBOC technology itself.

iBiquity Corporation, in response to severe and accelerating criticism of its product, has recently taken 2 actions: (1) it has replaced its former Chief Executive Officer, and 2 other top corporate leaders, with new personnel; and (2) it has withdrawn the original version of its IBOC technology from the market, replacing it with a supposedly “new and improved” technology that features a different codec.

While iBiquity is clearly hoping to market its technology with “a clean slate”, in pursuing this strategy it has implicitly admitted that the old slate was dirty.

We ask the Commission to consider this obvious question:

If iBiquity Corporation was mistaken, and/or misleading, in its past representations to the Commission, why should the Commission accept at face value its representations now?

Respectfully submitted,

Don Schellhardt, Esquire
And President, THE AMHERST ALLIANCE
Attorney For The 40 Anti-IBOC Petitioners

CC: Leonard Kahn, P.E., of KAHN COMMUNICATIONS