

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED & INSPECTED
SEP 26 2003
FCC - MAILROOM

In the matter of)
Amendment of Section 73.202 (b),) MB Docket No. 03-155
FM Broadcast Stations) RM-10735
(Montauk, New York))

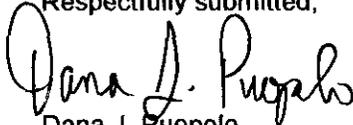
Supplemental Comments of Petitioner

To the Chief, Allocations Branch:

1. Dana J. Puopolo ("Petitioner") respectfully submits these supplemental comments in response to supplemental comments submitted by Cox Radio, Inc. and CXR Holdings, Inc ("CXR") dated September 15, 2003. Petitioner respectfully asks for the Commission's permission to file these comments because he believes he must respond to CXR's late filed comments. CXR claims to have filed their comments specifically to clarify the record concerning their conversations with an owner of land within the area to locate FM channel 261A at Montauk, NY. Petitioner has no objection to that part of CXR's supplemental comments, however he does have a problem with the last paragraph of their comments where they are trying to add new information, rather than clarify information formerly submitted. Specifically, petitioner refers to their comments where they give "their opinion" that no property is available in the area to locate space for a transmitter site. Also, they state that petitioner has not provided the Commission with a "reasonable assurance of tower availability". As petitioner stated in his reply comments, he believes that there is ample privately owned land available for use as a potential transmitter site. Petitioner again reminds the Commission that reasonable assurance of availability of a potential tower site is not required by the Commission at the allotment stage; it is only required when a long form (form 301) application for a construction permit is filed for an already existing allotment. Petitioner believes that by putting the "cart before the horse", CXR is attempting to cloud the allotment proceeding. Therefore, petitioner respectfully requests that the Commission strike the last paragraph (and footnotes 5 and 6) of CXR's supplemental comments from the record.

2. Petitioner hereby verifies and affirms that the statements given within these Supplemental Comments are his, and are accurate to the best of his knowledge.

Respectfully submitted,



Dana J. Puopolo
2134 Oak Street, Unit #C
Santa Monica, CA 90405
September 19, 2003

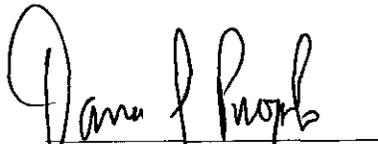
No. of Copies made 0+3
List ABCDE

Certificate of Service

I, Dana J. Puopolo, hereby certify that a true and correct copy of the foregoing "Supplemental Comments of Petitioner" was sent on this 19th day of September, 2003 via first class mail, postage pre-paid as indicated, to the following:

Kevin F. Reed
Dow, Lohnes & Alberston, PLLC
1200 New Hampshire, Avenue, Suite 800
Washington, D.C. 20036

Peter Tannenwald
Irwin, Campbell and Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite 200
Washington, D.C. 20036-3101


Dana J. Puopolo