

DOCKET FILE COPY ORIGINAL

ANN BAVENDER*
HARRY F COLE
ANNE GOODWIN CRUMP
VINCENT J CURTIS JR
PAUL J FELDMAN
FRANK R JAZZO
M SCOTT JOHNSON*
EUGENE M LAWSON, JR
MITCHELL LAZARUS
STEPHEN T LOVELADY*
SUSAN A MARSHALL
HARRY C MARTIN
ALISON J MILLER
LEE G PETRO*
RAYMOND J QUIANZON
MICHAEL W RICHARDS*
JAMES P RILEY
KATHLEEN VICTORY
JENNIFER DINE WAGNER*
LILIANA E WARD
HOWARD M WEISS
NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L C
ATTORNEYS AT LAW
11th FLOOR, 1300 NORTH 17th STREET
ARLINGTON, VIRGINIA 22209-3801

OFFICE (703) 812-0400
FAX (703) 812-0486
www.fhhlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J KRYS
U S AMBASSADOR (ret)
OF COUNSEL
DONALD J EVANS
FRANCISCO R MONTERO
EDWARD S O'NEILL*
ROBERT M GURSS*
WRITER S DIRECT

RECEIVED

MAY - 7 2004

703-812-0453
petro@fhhlaw.com

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
May 7, 2004

By Hand Delivery

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

RE: MB Docket No.: 04-114, RM-10924, RM-10925
Hubbardston, Michigan - Channel 279A
Living Proof, Inc., Petitioner - FRN: 0006-2429-11

Dear Ms. Dortch:

Living Proof, Inc., by and through its attorneys, hereby submits these Comments in support of its Petition for Rulemaking to reserve the above-reference vacant commercial FM allotment for noncommercial use.

Should there be any questions regarding this matter, please contact undersigned counsel.

Sincerely,

Harry C. Martin
Lee G. Petro

Counsel for Living Proof, Inc.

Enclosures

No of Copies rec'd 0+4
List ABCDE

RECEIVED

Before the
Federal Communications Commission MAY - 7 2004
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of: }
 }
Amendment of Section 73.202(b), }
Table of Allotments, }
FM Broadcast Stations }
 }
(Hubbardston, Michigan) }

MB Docket No.: 04-114
RM-10924
RM-10925

TO: CHIEF, MEDIA BUREAU

COMMENTS

Living Proof, Inc. ("Living Proof"), by and through its attorneys, hereby submits these Comments in support of the reservation of Channel 279A, Hubbardston, Michigan, for noncommercial use. Living Proof submitted a Petition for Rulemaking on November 21, 2003, in response to the *Public Notice*⁵ establishing a filing window for reserving existing, vacant commercial FM allotments. On April 14, 2004, the FCC released a Notice of Proposed Rulemaking proposing the reservation of the allotment for NCE use.⁶

As noted in the Petition, the reservation of the allotment would deliver 3,212 persons their first NCE service, 42,052 persons their second NCE service, and would best serve the public interest. Living Proof continues to support this allotment, and intends to file an application for the allotment should the Commission reserve the allotment for NCE use.

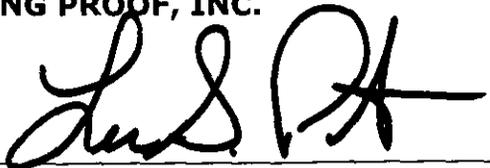
⁵ *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, Public Notice, DA 03-2990 (rel. Sept. 30, 2003) (the "Public Notice").

⁶ *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Various)*, DA-04-963 (rel. April 14, 2004).

Therefore, Living Proof, Inc., respectfully requests that the Commission grant the Petition for Rulemaking, and reserve Channel 243C3 at Horseshoe Beach, Florida.

Respectfully submitted,

LIVING PROOF, INC.

By: 

Harry C. Martin
Lee G. Petro

Fletcher, Heald & Hildreth PLC
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209
Telephone - 703-812-0400
Telecopier - 760-812-0486

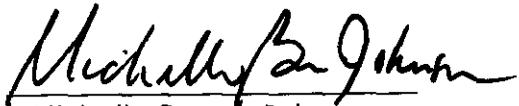
Its Counsel

May 7, 2004

CERTIFICATE OF SERVICE

I, Michelle Brown Johnson, a Secretary with the law firm of Fletcher, Heald & Hildreth PLC, certify that I have sent the foregoing "COMMENTS", via first-class mail to the following:

John Crigler, Esquire
Garvey Schubert Barer
1000 Potomac Street, N.W.
Fifth Floor
Washington, DC 20007

By: 
Michelle Brown Johnson

May 7, 2004