

LAW OFFICES
HEBERT, SPENCER, CUSIMANO & FRY, L.L.P.
OLD WARDEN'S HOUSE
701 LAUREL STREET
BATON ROUGE, LOUISIANA 70802-5692

RECEIVED & INSPECTED
SEP 15 2004
FCC - MAILROOM

TELEPHONE
225-344-2601
TELECOPIER
225-387-1714
A LEON HEBERT
1914-2000

CHARLES L. SPENCER*
V. CHARLES CUSIMANO
MARK W. FRY†
*ALSO MEMBER OF D.C. BAR
†LOUISIANA CERTIFIED
PUBLIC ACCOUNTANT (INACTIVE)

September 14, 2004

FEDERAL EXPRESS

DOCKET FILE COPY ORIGINAL

Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capital Heights, MD 20746

**Re: *Comments in Opposition to Notice of Proposed Rule Making
Rosepine, Louisiana (MB Docket No. 04-270)***

Dear Ms. Dortch:

We are writing on behalf of our client, New South Communications, Inc., licensee of commercial radio broadcast station KJLO-FM, Monroe, Louisiana. Enclosed are an original and four copies of Comments in Opposition to Notice of Proposed Rule Making for Channel 281A at Rosepine Louisiana.

Sincerely,

HEBERT, SPENCER, CUSIMANO & FRY, L.L.P.



Charles L. Spencer

CLS/bsb
Enclosures
cc: Mr. Robert H. Holladay (w/encls.)

No. of Copies rec'd
List ABCDE

014

**Before The
Federal Communications Commission
Washington, DC 20554**

RECEIVED & INSPECTED

SEP 15 2004

FCC - MAILROOM

In the Matter of)	
)	
Amendment of Section 7.202(b))	MB Docket No. 04-270
Table of Allotments)	RM-11012
FM Broadcast Stations)	
(Rosepine, Louisiana))	

To: Office of the Secretary

COMMENTS IN OPPOSITION TO PROPOSED RULE MAKING

New South Communications, Inc. ("New South"), through undersigned counsel, hereby submits these comments in response to the multiple docket **Notice of Proposed Rule Making** adopted on July 21, 2004 and released on July 26, 2004 (the "NPRM").

The NPRM proposes in relevant part to amend the FCC's FM Table of Allotments contained in 47 CFR Section 73.202(b) to allot Channel 281A at Rosepine, Louisiana. The coordinates specified by the petitioner for this proposed new allocation are Latitude 30°-55'-24" North and Longitude 93°-20'-24" West.

Pursuant to 47 CFR Sections 1.415 and 1.419, New South hereby opposes allocation of Channel 281A at Rosepine, Louisiana. New South is the FCC licensee of commercial radio broadcast station KJLO-FM, Monroe, Louisiana. KJLO-FM operates on its licensed assignment of Channel 281C at the coordinates Latitude 32°-39'-36.0" North and Longitude 92°-05'-15.0" West. The NPRM states that the "allotment requires a site restriction of 5.5 kilometers

(3.4 miles) west to avoid a short-spacing to the licensed Station KJLO-FM, Channel 281C, Monroe, Louisiana.” New South opposes any allotment of Channel 281A to Rosepine that would fail to meet the minimum distance separation requirements of 47 CFR Section 73.207 of the Commission’s Rules with respect to KJLO-FM and thus would cause prohibited co-channel interference to the authorized operations of KJLO-FM.

For the foregoing reasons, New South respectfully requests that the proposed allocation of Channel 281A at Rosepine, Louisiana BE DENIED.

Respectfully submitted,

By Attorneys:

HEBERT, SPENCER, CUSIMANO & FRY, L.L.P.
701 Laurel Street
Baton Rouge, LA 70802-5692
Phone: (225) 344-2601
Fax: (225) 387-1714

By: Charles L. Spencer
Charles L. Spencer

Counsel for New South Communications, Inc.

**Before The
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Section 7.202(b))	MB Docket No. 04-270
Table of Allotments)	RM-11012
FM Broadcast Stations)	
(Rosepine, Louisiana))	

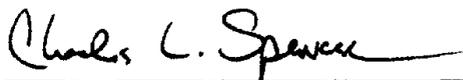
CERTIFICATE OF SERVICE

I, Charles L. Spencer, hereby certify that on this 14 day of September, 2004, courtesy copies of the foregoing Comments in Opposition to Proposed Rule Making of New South Communications, Inc. were sent via first class mail, postage prepaid to the following:

Mr. Charles Crawford
4553 Bordeaux Avenue
Dallas, TX 75205

Mr. Gene A. Bechtel
Law Office of Gene Bechtel
Suite 600, 1050 17th Street, N.W.
Washington, DC 20036

Mr. John A. Karousos
Assistant Chief, Audio Division
Media Bureau
Federal Communications
Commission
445 12th Street, S.W.
Washington, D.C. 20554



Charles L. Spencer