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Before the
Federal Communications Commission
Washington, D.C. 20554

OCT - 4 2004

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Culebra, Puerto Rico))

MB Docket No. 04-318
RM-11040

**COMMENTS AND EXPRESSION OF INTEREST
OF RAUL G. RIVERA MENENDEZ**

TO: Office of the Secretary
ATTN: Assistant Chief (Allocations), Audio Division, Media Bureau

Raul G. Rivera Menendez ("Menendez"), through counsel, hereby expresses his interest in the vacant Channel 291B allotment at Vieques, Puerto Rico (the "Vieques Allotment"). As Menendez wishes an opportunity to obtain a construction permit for the Vieques Allotment, he opposes its deletion and the concomitant allotment of Channel 291A to the adjacent island community of Culebra, Puerto Rico that was proposed in the Notice of Proposed Rulemaking (the "NPRM") commencing this proceeding.

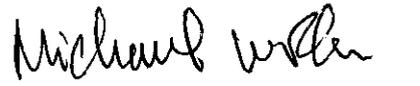
As the Commission itself noted in the NPRM, "[i]t is Commission policy not to delete a channel in which interest has been expressed." *Culebra, P.R.*, DA 04-2500 (Aug. 12, 2004) at ¶14. The Commission should honor this policy and send the Vieques Allotment to auction rather than delete it. Indeed, as the Commission further noted: "[i]f an expression of interest is filed during the comment period in this proceeding, we will retain Channel 291B at Vieques for future auction." *Id.* As

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Menendez has now filed an expression of interest in the Vieques Allotment, the Commission should retain Channel 291B at Vieques, as stated.

As shown, established policy holds that the public interest lies in maintaining the Vieques Allotment in that community as a party has now expressed interest. Therefore, the Commission has no grounds to reallocate this spectrum to neighboring Culebra, and should terminate this rulemaking proceeding.

Respectfully submitted,



Francisco R. Montero
Michael W. Richards
Counsel to Raul G. Rivera Menendez

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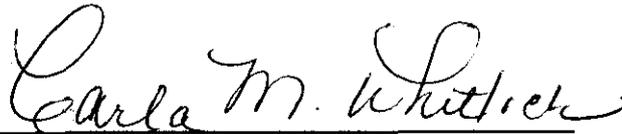
October 4, 2004

CERTIFICATE OF SERVICE

I, Carla M. Whitlock, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the COMMENTS AND EXPRESSION OF INTEREST OF RAUL G. RIVERA MENENDEZ was sent this 4th day of October, 2004 by e-mail where indicated and via United States First Class Mail, postage prepaid, to the following:

Scott C. Cinnamon, Esq.
Law Offices of Scott C. Cinnamon, PLLC
1090 Vermont Ave., NW, Suite 800, #144
Washington, DC 20005

Mr. John A. Karousos *
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

A handwritten signature in cursive script that reads "Carla M. Whitlock". The signature is written in black ink and is positioned above a horizontal line.

Carla M. Whitlock

* Via E-mail