

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

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In the matter of)
Amendment of Section 73.202 (b),) MB Docket No.04-305
Table of Allotments)
FM Broadcast Stations) RM-10980
(Oak Harbor, Washington))

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REPLY COMMENTS

To the Chief, Allocations Branch:

1. Dana J. Puopolo ("petitioner") respectfully submits his comments in the above captioned proceeding. The Commission has proposed to allot FM channel 289A to Oak Harbor, Washington as its first full time local service. Jodesha Broadcasting ("Jodesha") submitted comments and a counterproposal, as did Bible Broadcasting Network ("BBI"). Dr. Sandra Woodruff ("Woodruff") has filed a request for outright dismissal of the rulemaking all together claiming that it interferes with Canadian stations and/or allotments.

2. In instances where FM stations and/or allotments are proposed near border areas, the Commission relies upon working agreements with the affected countries. The proposed FM channel complies with all requirements of the working agreement with Canada that is in place at this time. The Commission has said they will coordinate the proposal with Canada. FM channel 289A at Oak Harbor meets all required domestic distance separation requirements. Therefore, Woodruff's request must be denied.

3. BBI proposes that the Commission reserve channel 289A for non-commercial use. They have provided a showing that that shows Oak Harbor receiving less than two full time non-commercial services. This is very easy to do, simply because Oak Harbor has NO full time local services now. When reading the *Commission's Reexamination of the Comparative Standards for Noncommercial Educational Applicants, 15FCC Rcd (2000)* ("NCEA"), petitioner's understanding is that meeting the requirements spelled out in NCEA does not guarantee noncommercial reservation of a commercial channel, rather that the Commission will decide based upon the merits of each situation. Oak Harbor (and Island County) presently have no full time local service whatsoever. Petitioner believes they deserve a full time local commercial station that will air locally originated programming and advertisements from local businesses as opposed to one running religious network programming originating from thousands of miles away (as BBN does; see their web site: <http://www.bbnradio.org/bbn/>).

4. Jodesha's counterproposal proposes the allotment of FM channel 289A to Sedro-Wooley, WA instead of Oak Harbor. Jodesha claims that since daytime only AM station KWDB is licensed to Oak Harbor and Sedro-Wooley has no such local service, it must be preferred over Oak Harbor. While it is true that Oak Harbor has a 500 watt daytime only AM station licensed to it, both it and all of Island County, an island in the middle of Puget Sound have no full time service at all. Oak Harbor is over twice the size of Sedro-Wooley and Island County has over 70,000 residents according to the 2000 census. Also, it does not escape petitioner's attention that Jodesha's proposal for channel 289A at Sedro-Wooley also would allow Jodesha's KJET-FM to increase from a class C2 station to a class C1 one.

5. Fortunately, several alternate channels are available for use at Sedro-Wooley. FM channels 270A, 277A and 297A can be used at at Jodesha's reference coordinates. Therefore, it is easily possible for the Commission to allot FM channels to both communities.

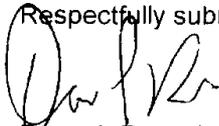
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6. Petitioner respectfully requests that the Commission allocate FM channel 289A to Oak Harbor as its first full time commercial station. If the Commission does as proposed, petitioner intends to apply for the station, bid for it, and if granted the station build it quickly so Oak Harbor and Island County can have a local radio station they can be proud of.

7. Petitioner hereby verifies and affirms that the statements given in this petition for rulemaking are his, and are accurate to the best of his knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dana J. Puopolo', written over the typed name.

Dana J. Puopolo
2134 Oak Street #C
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October 11, 2004

CERTIFICATE OF SERVICE

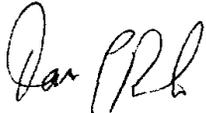
I, Dana J. Puopolo do hereby certify that a copy of the foregoing Reply Comments was mailed by First Class U.S. Mail, postage prepaid this 12th day of October, 2004 to the following:

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Dana J. Puopolo