

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

In the Matter of )  
 )  
Broadcast Localism ) MB Docket No. 04-233  
 )

To: The Commission

**MOTION TO ACCEPT LATE-FILED COMMENTS AS TIMELY**

Entercom Rochester License, LLC; Entercom Sacramento License, LLC; Entercom Seattle License, LLC; Entercom Wichita License, LLC; and Entercom Wilkes-Barre Scranton License, LLC (collectively "*Entercom*"), by their attorneys, hereby request that the Commission to accept as timely the comments filed by each of these five entities in the above-captioned proceeding on November 2, 2004.

As explained below, Entercom experienced technical difficulties with the Commission's electronic filing system and was prevented from submitting them by the Midnight deadline on November 1, 2004. However, the filings for the five entities were successfully filed electronically within 10 minutes thereafter. No party has been prejudiced by this delay. In addition, Entercom's comments will aid the Commission's consideration of the issues before it in the localism proceeding, the subject of this matter. Acceptance of Entercom's comments as timely filed is therefore in the public interest.

In support of its motion, Entercom states:

1. The above-referenced docket involves complex legal and policy considerations with broad implications for broadcasters and the public. Entercom's comments provide the

Commission with substantive input and extensive empirical evidence of Entercom's stations' commitment to localism.

2. The deadline for electronic comment submission using the Electronic Comment Filing System ("ECFS") is Midnight on the day that comments are due. 47 C.F.R. § 1.4(f). Entercom's counsel attempted in good faith to file Entercom's comments in a timely fashion. In making Entercom's filings, however, Entercom's counsel ran into technical problems when trying to file Entercom's comments. Comments were filed for 19 separate commonly owned Entercom licensees in this proceeding. However, as the comments were being filed electronically on November 1, 2004, counsel encountered unforeseen delays because of sluggish processing and browser failures that required multiple submission attempts. These delays appeared to resolve around 11:15 p.m., possibly as the substantial demands on the Commission's electronic filing system began to ebb. Submissions of comments for 14 of the Entercom licensees were successfully filed by Midnight. Despite its best efforts, however, Entercom's counsel was unable to submit the comments for the last five Entercom entities by the filing deadline because of these unanticipated processing and computer delays. The last five of Entercom's submissions were filed successfully using ECFS beginning at approximately 12:02 a.m. EDT and ending at approximately 12:09 a.m. EDT.

3. By early afternoon on November 2, each of Entercom's filings – including the final five submissions – were available through ECFS, contemporaneous with other timely filed comments filed November 1. Therefore, Entercom's late filings prejudiced no party. The delay in the submission of Entercom's filings amounted to a matter of minutes in the middle of the night. All parties had access to Entercom's filings on November 2, contemporaneous with other

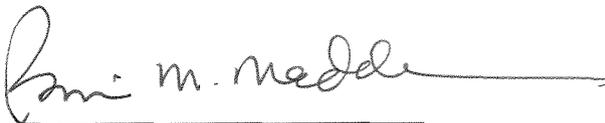
timely electronic filings. Therefore, the difficulties which Entercom experienced in filing these last five submissions caused no delay in other parties' access to the comments.

4. Given the importance of this proceeding, it is in the public interest for the Commission to accept these comments as timely filed. The empirical evidence provided by these comments will assist consideration of the matters raised in the Notice of Inquiry issued in this proceeding.

For the above-stated reasons, Entercom respectfully requests that the Commission grant its motion to accept its comments in the above-captioned proceeding as timely filed.

Respectfully submitted,

**ENTERCOM ROCHESTER LICENSE, LLC  
ENTERCOM SACRAMENTO LICENSE, LLC  
ENTERCOM SEATTLE LICENSE, LLC  
ENTERCOM WICHITA LICENSE, LLC  
ENTERCOM WILKES-BARRE SCRANTON  
LICENSE, LLC**

By:   
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Brian M. Madden  
Jean W. Benz

Leventhal Senter & Lerman PLLC  
2000 K Street, N.W. Suite 600  
Washington, DC 20006-1809  
(202) 429-8970

November 2, 2004

Its Attorneys