

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

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In the Matter of)
)
Amendment of Section 73.202(b), **DOCKET FILE COPY ORIGINAL**
Table of Allotments,) MB Docket No. 03-144
FM Broadcast Stations,) RM-10733
(Gunnison, Crawford, and Olathe,) RM-10788
Breckenridge, Eagle, Fort Morgan,) RM-10789
Greenwood Village, Loveland, and Strasburg,)
Colorado, and Laramie, Wyoming))

Request for Reconsideration

To the Chief, Audio Division, Media Bureau

Dana J. Puopolo ("petitioner") respectfully requests the Commission reconsider the decision set forth in the Report and Order in the above captioned proceeding. In support the following is stated:

1. In his reply comments, petitioner suggested that Mayflower-Crawford Broadcasting ("MCB") request the Commission allot one of two available class C3 frequencies at Crawford, CO instead of the requested C2 channel. MCB replied that it had no interest in a lesser class channel, but has now notified the Commission that it now has no interest in the channel 272C2 allotment at Crawford and instead requests the Commission allot FM channel 274C3 to Crawford, CO. Channel 274C3 can be allotted to Crawford with a slight site restriction, as shown by spacing studies submitted both by MCB and earlier by petitioner.
2. Since MCB no longer has any interest allotting channel 272C2 to Crawford, the Commission can now allot FM channel 299C3 to Gunnison, CO, as originally proposed by petitioner. Additionally, it is no longer necessary to force station KVLE-FM to change its frequency from channel 272A, a frequency it has occupied for decades.

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3. Additionally, removal of the MCB counterproposal allows the Commission to also grant the proposal advanced by KGGM, LLC and others to allot FM channel 272A at Greenwood Village, CO. In the Report and Order, the Commission reversed existing case law in a way that seems to petitioner is clearly not in the public interest, convenience and necessity. Specifically, for decades the Commission has permitted a licensee to change its allotment reference coordinates in connection with a rulemaking proceeding. The instant Report and Order changed this policy. Petitioner strongly believes that FM licensees need the flexibility that the earlier Commission policy allowed them and this new policy serves no one well.
4. Therefore, petitioner respectfully requests the Commission allot FM channel 299C3 to Gunnison, Colorado as originally proposed. If the Commission does so, petitioner will file an application to activate channel 299C3. If his application is granted, he will quickly build and operate the proposed station. Petitioner also respectfully requests that the Commission reconsider its policy change concerning allotment reference coordinates in rulemaking proceedings by giving licensees the flexibility they need to better serve the public interest. The flexibility to change allotment reference coordinates in rulemaking proceedings specifically allows licensees to improve coverage without hurting any other FM licensees, permittees and pending rulemakings. It is needed to help make the best use of FM spectrum that is getting more crowded by the day.
5. Petitioner hereby states and affirms that the statements given in this Request for Reconsideration are his, and are accurate to the best of his knowledge.

Respectfully submitted,



Dana J. Puopolo
2134 Oak St., Unit C
Santa Monica, CA 90405
October 25, 2004

CERTIFICATE OF SERVICE

I, Dana J. Puopolo do certify that I have caused to be mailed on this 26th day of October, 2004, by first class mail, postage prepaid, copies of the forgoing "Request for Reconsideration" to the following:

Peter Doyle, Chief
Media Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Mark N. Lipp, Esq.
J. Thomas Nolan, ESQ.
Vinson & Elkins, LLP
1455 Pennsylvania Ave., N.W.
Washington, D.C. 20554
(Counsel for KAGM, LLC and On-Air family, LLC)

Pilgrim Communications, Inc.
54 Monument Ave.
Indianapolis, IN 46204
(Licensee of KVLE-FM)

Lewis J. Paper, Esq.
Dickstein, Shapiro, Morin and Oshinsky, LLP
2101 L St., N.W.
Washington, D.C. 20007-1536
(Counsel to AGM-Nevada, AGM-Rocky Mountain Broadcasting I, LLC and Salisbury Broadcasting Colorado, LLC)

Raymond B. Grochowski, Esq.
Latham & Watkins
555 11th St., N.W.
Washington, D.C. 20004-1304
(Counsel to Regent Broadcasting of Fort Collins, Inc.)

Law Offices of Scott C. Cinnamon
1090 Vermont Avenue, N.W. #144
Washington, D.C. 20005
(Counsel to Mayflower-Crawford Broadcasting)



Dana J. Puopolo