

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
Creation of a Low Power Radio Service)	MM Docket No. 99-25
And)	
Translator Auction)	AUC-03-83-B (Auction 83)
)	

To: The Commission

REPLY TO OPPOSITION TO
EMERGENCY MOTION TO DISMISS
Emergency Petition
For Freeze on Pending FM Translator Applications

Edgewater Broadcasting, Inc. ("EB"), Radio Assist Ministry, Inc. ("RAM"), and World Radio Link, Inc. ("WRL") (collectively, the "Ministries") hereby reply to the Opposition to Emergency Motion to Dismiss the Emergency Petition For Freeze on Pending FM Translator Applications (the "Petition") filed by Media Access Project on behalf of Prometheus Radio Project, REC Networks, Office of Communication of the United Church of Christ, Inc. ("UCC"), National Federation of Community Broadcasters, Future of Music Coalition, Free Press, Center on Democratic Communication of the National Lawyers Guild, and New America Foundation (collectively, "Petitioners") on March 15, 2005 (the "Opposition") and request that the Commission dismiss the Petition.

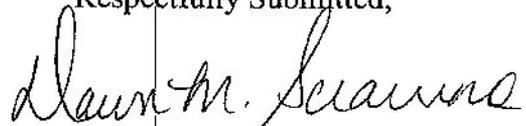
The Opposition does little more than repeat Petitioners' unsubstantiated allegations and attempts to justify its procedural failings with *post hoc* rationalizations. The Petition against the Ministries was filed for the sole purpose of seeking political advantage in the pending LPFM reconsideration. The Petition lacks any specific

allegation that would raise a material question of fact as to whether the Ministries violated the Communications Act of 1934, as amended, or any rule or regulation of the Commission. The Petition is also untimely and procedurally defective. Therefore, the Ministries request that the Commission dismiss the Petition.

Furthermore, the Commission, in its *Second Order on Reconsideration and Further Notice of Proposed Rulemaking*, FCC 05-75, released March 17, 2005 (“*Second Order*”), imposed a freeze on the processing of pending applications for new FM translators filed in the Auction 83 Window. *Second Order* at ¶ 33. As a result of the *Second Order*’s freeze, the Petition has been rendered moot.¹ Therefore, the Commission must dismiss the Petition as moot.

Based on the foregoing, Edgewater Broadcasting, Inc., Radio Assist Ministry, Inc., and World Radio Link, Inc. respectfully request that the Commission promptly dismiss the Petition.

Respectfully Submitted,



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March 18, 2005

¹ The *Second Order* did not even acknowledge the Petition or the Ministries’ Motion to Dismiss the Petition much less address the allegations raised against the Ministries therein. The freeze imposed by the *Second Order* is not the result of Petitioners’ unsubstantiated allegations, but originates from questions raised in the Commission’s Broadcast Localism proceeding. *Second Order* at ¶ 33.

Certificate of Service

I, Dawn M. Sciarrino, a member of the Bar of the District of Columbia, hereby state under penalty of perjury that a copy of the foregoing Reply to Opposition Emergency Motion to Dismiss was served on the following parties by prepaid postage in the United States Mail on March 18, 2005.

March 18, 2005

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