

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

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In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Port Norris, New Jersey) )

MB Docket No. 04-409  
RM-11108

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

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**MOTION TO DISMISS**

In a counterproposal filed in the above referenced proceeding on Dec 27, 2004, CXR Holdings, Inc. ("CXR") licensee of Station WDYL (FM), Chester, Virginia, proposed to change the channel and class of WDYL from Channel 266A to Channel 265B1 and to change the station's community of license from Chester, Virginia, to Lakeside, Virginia. In that counterproposal, CXR specified reference coordinates of 37-36-08 NL; 77-22-09 WL.

The Popular Assembly of New Horizons 3000 and His Successors, ("Newhorizons"), is the licensee of WYOU-LP, Williamsburg, VA. WYOU received its construction permit July 10, 2003 and has been serving the Williamsburg community since 12/22/2004.

CXR's counterproposal, if granted by the Commission will cause severe interference to the WYOU-LP 60 dBu signal. As indicated in the attached maps - the new contour of WDYL will completely encompass Newhorizon's 60 DBU contour. This will cause WYOU to cease operations and the Williamsburg area will be deprived of this valuable non-commercial resource for the sake of a for profit entity. Though more population may be served by the CXR proposal, CXR's intentions are clearly not focused on the Williamsburg area only. Nor does CXR have the educational and community interests that a non commercial station can and continues to provide. The grant of the CXR proposal will not serve the public interest, quite the contrary.

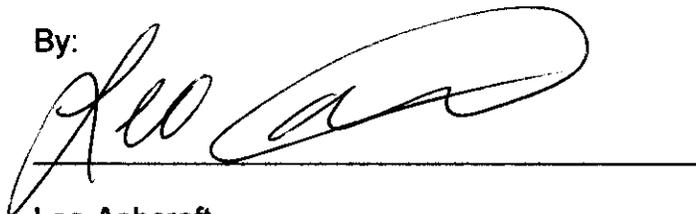
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While making this decision the Commission should weigh the importance of NCE radio to the communities served. By granting the CXR counter petition - the Commission will be in essence saying they do not value NCE "Non-Profit" radio and that Commercial radio "For Profit" should take precedence. Further, such action would be a message to the general public that the Commission is not interested in their needs and only of those of Commercial interests. To order another LPFM off of the air as in the WFBP-LP Taylors, SC case would clearly indicate a David versus Goliath attitude towards community radio. It was our sincere hope that with the recent staff changes - the attitude towards community, NCE and LPFM radio had changed. Granting the CXR proposal would be a clear indication from the Commission that nothing has changed and it is business as usual at the Commission. Denying the CXR proposal would send a clear message that the Commission now has the public's interest at heart rather than that of for profit entities looking to make a buck.

Therefore Newhorizon respectfully requests the Commission deny the CXR counterproposal. Commission denial of the CXR counterproposal would serve the public interest.

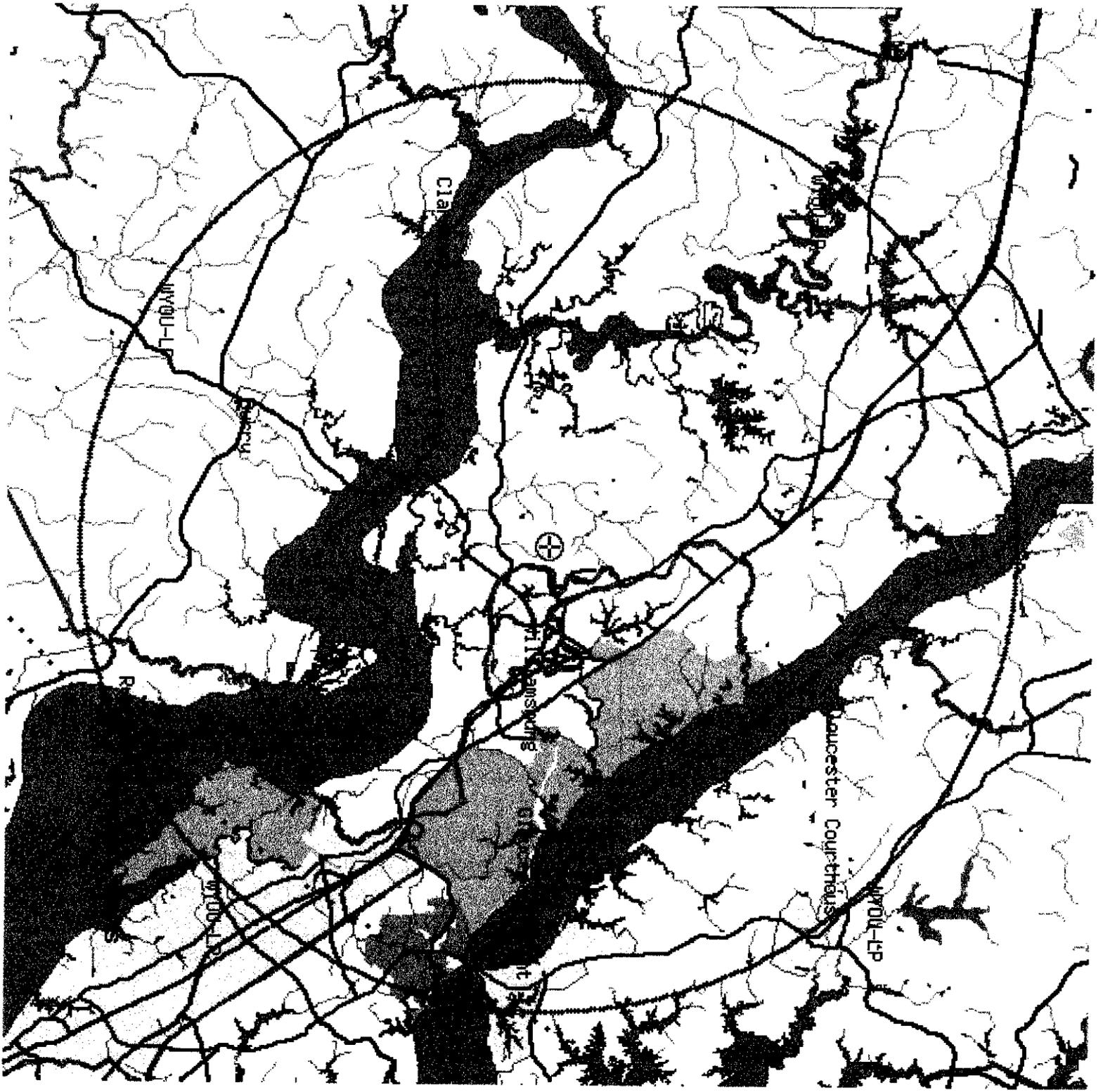
Respectfully submitted,  
The Popular Assembly of New  
Horizons 3000 and His Successors

By:

A handwritten signature in black ink, appearing to read "Leo Ashcraft", written over a horizontal line.

Leo Ashcraft  
Engineering Consultant  
1511 South Jefferson Ave  
Mount Pleasant, TX 75455  
903-577-9191

May 11, 2005



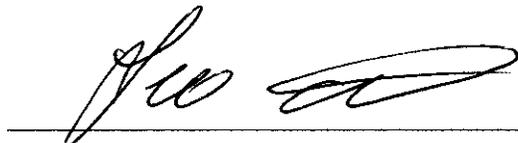
**CERTIFICATE OF SERVICE**

**I CERTIFY UNDER PENALTY OF PERJURY THAT THE ENNCLOSED DOCUMENTS  
WERE DISPATCHED TO THE FOLLOWING PARTIES TO THIS PROCEEDINNG BY  
U.S. MAIL ON 5/11/2005**

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**LEO ASHCRAFT**  
*Consultant for NewHorizons*