

operation on Channel 223A at Black River, New York, in lieu of operation on Channel 223A at Old Forge, New York (collectively, the "Proposal").

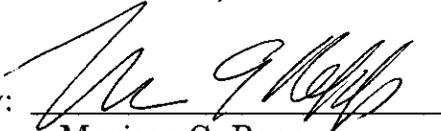
The Division stated in the *NPRM* that the Proposal warrants consideration because it would provide Black River with its first local service. *NPRM* at ¶ 4. Furthermore, the Division recognized that the facility for Channel 233A at Old Forge is not constructed and that the loss of a potential service does not raise the same level of concern as that of an existing service. *Id.* In the Petition, which it hereby incorporates by reference, Radioactive demonstrated that Black River deserves its own local transmission service.

A statement from Radioactive affirming that it will apply for the allotment if changed as proposed is attached.

For the foregoing reasons, the Commission should adopt the changes in the Table of Allotments set out in the *NPRM* and should approve the proposed modification of the Permit pursuant to Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

RADIOACTIVE, LLC

By: 
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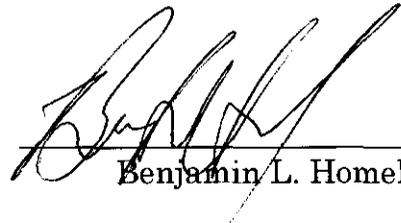
December 23, 2005

DECLARATION

I, Benjamin L. Homel, declare as follows:

1. I am President and Member of Radioactive, LLC (“Radioactive”).
2. Radioactive holds a construction permit to build a new FM station on Channel 223A, Old Forge, New York, FCC File No. BNPH-20050103AFU (Facility ID No. 164250) (the “Permit”). The facility is not constructed. Upon adoption of the proposed rulemaking to amend Section 73.202, Table of Allotments, FM Broadcast Stations (Old Forge and Black River, New York) as proposed in MB Docket No. 05-279, Radioactive intends to apply for a modification of the Permit to operate on Channel 223A at Black River, New York.
3. If granted the construction permit for operation on Channel 223A at Black River, New York, Radioactive will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate.



Benjamin L. Homel

Executed this 22th day of December, 2005.