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

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JUN 22 2006

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-409
Table of Allotments)	RM-11108
FM Broadcast Stations)	RM-11234
(Port Norris, New Jersey, Fruitland,)	
Maryland, and Chester, Lakeside, and)	
Warsaw, Virginia) ¹)	

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

MOTION TO ACCEPT AMENDED COUNTERPROPOSAL

CXR Holdings, LLC ("CXR"), licensee of Station WDYL(FM), Chester, Virginia, by its counsel, hereby moves for acceptance of the accompanying "Amended Counterproposal." The amendment to CXR's December 27, 2004 Counterproposal is necessary due to a recent decision interpreting the FCC's ownership rules. In support hereof, CXR states as follows:

1. In its Counterproposal, CXR proposed, *inter alia*, to (i) delete Channel 298B1 at Fruitland, Maryland, (ii) allot Channel 299B1 at Willards, Maryland at a new site, and (iii) modify the license of Station WKHI(FM) accordingly. CXR included the statement of Great Scott Broadcasting ("Great Scott") consenting to this change as an exhibit to its Counterproposal. However, counsel for Great Scott subsequently learned based on discussions with Bureau staff and a recent Bureau decision that if a change in city of license to Station WKHI(FM) were approved by the Commission, Great Scott would be required to divest one or more stations

¹ Princess Anne and Willards, Maryland have been deleted from the caption.

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pursuant to Section 73.3555, Note 4 of the Commission's Rules.² Thus, CXR and Great Scott have developed an engineering solution that would permit Station WKHI(FM) to remain licensed to Fruitland, Maryland. This proposal is discussed in detail in the Amended Counterproposal filed contemporaneously with this pleading.

2. Acceptance of CXR's Amended Counterproposal is warranted based on the changed circumstances in this proceeding. *See Springfield, Tennessee, et al.*, 18 FCC Rcd 25628 (2003) (the Bureau accepted a revised proposal due to the fact that a change in community of license would contravene the Commission's new multiple ownership rules); *see also Littlefield, Wolfforth and Tahoka, Texas*, 12 FCC Rcd 3215, n. 4 (1997). Also, the Commission has previously accepted amendments to proposals "because they will facilitate resolution of [a] case based upon a full and complete factual record without prejudicing any other party." *Murrieta, California, et al.*, 17 FCC Rcd 19458, n. 4 (2002).

² See Letter from Peter H. Doyle, Chief, Audio Division, to Sally A. Buckman, counsel to Galaxy Communications, L.P., March 23, 2006 (DA 06-644).

WHEREFORE, for the foregoing reasons, the Commission should accept CXR's Amended Counterproposal.

Respectfully Submitted,

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June 22, 2006

CERTIFICATE OF SERVICE

I, Diana Gonzales, in the law firm of Vinson & Elkins, do hereby certify that I have on this 22nd day of June, 2006, unless otherwise noted, caused to be mailed by first class mail, postage prepaid, copies of the foregoing “**Motion to Accept**” to the following:

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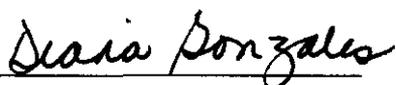
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