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Federal Communications Commission
Washington, D.C. 20554

AUG 28 2006

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 04-318
Table of Allotments,) RM-11040
FM Broadcast Stations.)
(Culebra, Puerto Rico))

**OPPOSITION TO PETITION FOR RECONSIDERATION;
AND REAFFIRMED EXPRESSION OF INTEREST OF
RAUL G. RIVERA MENENDEZ**

TO: Office of the Secretary
ATTN: Assistant Chief (Allocations), Audio Division, Media Bureau

Raul G. Rivera Menendez ("Menendez"), through counsel, hereby
reaffirms his previously expressed interest in the vacant Channel 291B allotment
at Vieques, Puerto Rico (the "Vieques Allotment").

As Menendez has continued interest in the Vieques Allotment, he opposes
the Petition for Reconsideration (the "Petition") filed on August 11, 2006, by
Western New Life, Inc., of the Commission's prior decision in the above-
captioned matter. As Menendez wishes an opportunity to obtain a construction
permit for the Vieques Allotment, he continues to oppose the allocation scheme
in the Notice of Proposed Rulemaking ("NPRM") that commenced this
proceeding.

As the Commission itself noted in the NPRM, "[i]t is Commission policy not
to delete a channel in which interest has been expressed." *Culebra, P.R.*, DA 04-
2500 (Aug. 12, 2004) at ¶4. The Commission should honor this policy and send the
Vieques Allotment to auction rather than delete it. Indeed, as the Commission

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further noted: “[i]f an expression of interest is filed during the comment period in this proceeding, we will retain Channel 291B at Vieques for future auction.” *Id.* As Menendez has now filed an expression of interest in the Vieques Allotment, the Commission should retain Channel 291B at Vieques, as stated.

As shown, established policy holds that the public interest lies in maintaining the Vieques Allotment in that community as a party has now expressed interest. Therefore, the Commission has no grounds to reallocate this spectrum to neighboring Culebra, and should terminate this rulemaking proceeding.

Nothing on the record, either in the proceeding below, or in the Petition, should lead to any other conclusion, as the rules and law here are absolutely clear.

Therefore, the Petition should be dismissed and the Vieques Allotment should remain as it stands.

Respectfully submitted,



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August 28, 2006

CERTIFICATE OF SERVICE

I, Carla M. Whitlock, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the OPPOSITION TO PETITION FOR RECONSIDERATION; AND REAFFIRMED EXPRESSION OF INTEREST OF RAUL G. RIVERA MENENDEZ was sent this 28th day of August, 2006 by e-mail where indicated and via United States First Class Mail, postage prepaid, to the following:

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