

ORIGINAL

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

FILED/ACCEPTED

FEB 12 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b))
FM Table of Allotments,)
FM Broadcast Stations.)
(Port Chester, New York and Stamford)
Connecticut))

MB Docket No. 06-193¹
RM-11345

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

COMMENTS
OF COX RADIO, INC.

Cox Radio, Inc. ("Cox"), licensee of radio station WCTZ(FM), Channel 244A, Stamford, Connecticut, by its attorneys and pursuant to Sections 1.415, 1.419 and 1.420 of the Commission's Rules (47 C.F.R. §§ 1.415, 1.419, 1.420), hereby submits these comments regarding the above-captioned *Notice of Proposed Rule Making* ("Notice") released by the Commission on December 22, 2006.² The *Notice* seeks comment on Cox's request, as set forth in its *Petition for Rule Making* dated December 28, 2004 ("*Petition*"), that the Commission amend the FM Table of Allotments by reallocating Channel 244A from Stamford, Connecticut to

¹ Cox notes that the FCC docket number for this proceeding, Docket No. 06-193, appears to have been assigned to two different proceedings, one in the Media Bureau and one in the Wireline Competition Bureau. Should the Media Bureau change the docket number in this proceeding, Cox requests that the Commission associate the instant Comments with the appropriate docket number.

² The *Notice* references station WKHL(FM), the former call sign of WCTZ(FM).

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Port Chester, New York, as the community's first local transmission service and modifying WCTZ(FM)'s authorization accordingly.

Cox hereby confirms its continuing interest in the proposal as set forth in the *Petition*, which is incorporated herein by reference. Upon the Commission's grant, Cox will timely apply for authorization to operate WCTZ(FM) on Channel 244A at Port Chester and implement the change in accordance with the Commission's rules.

Cox also herein takes the opportunity to correct the record regarding the short spacings implicated by Cox's proposal. As Cox described in its *Petition*, WCTZ(FM) and WQHT(FM) have been continuously short spaced since at least 1964 pursuant to Section 73.213(a) of the Commission's rules, and WCTZ(FM) and WTSX(FM) have been continuously short spaced since 1989 pursuant to Section 73.213(c). Footnote three in the *Notice*, however, mistakenly describes "a grandfathered pre-1989 short spacing to WQHT(FM), Channel 246B, New York, New York," and a grandfathered pre-1964 short spacing to WTSX(FM), Channel 244A, Port Jervis, New York.³ These two stations should be switched. In addition, the footnote describes a short spacing to WHBE(FM), Channel 244A, East Hampton, New York. WHBE(FM), however, changed its call sign prior to release of the *Notice* to WEHN(FM), and the station now has a license to operate on Channel 245A. See FCC File Nos. BPH-20050815AAC; BLH-20060210ABT. As a result, this station is no longer short spaced to WCTZ(FM). All told, Cox believes that footnote three should read as follows:

The following existing approved short spacings would not change: Grandfathered pre-1964 short-spacings to Stations WQXR-FM, Channel 242B, New York, New York; WTIC-FM, Channel 243B, Hartford, Connecticut; and WQHT(FM), Channel 246B, New York, New York; and a grandfathered, pre-1989 short-

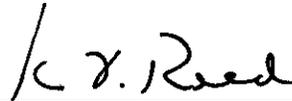
³ *Port Chester, New York and Stamford, Connecticut*, 21 FCC Rcd 14733, ¶ 2 n.3 (MB 2006).

spacing to WTSX(FM), Channel 244A, Port Jervis, New York. *See* Section 73.213 of the Commission's rules, 47 C.F.R. § 73.213(a) and (c).

THEREFORE, for the reasons herein and previously set forth in the *Petition*, Cox respectfully requests that the Commission promptly adopt the changes proposed in the *Notice*.

Respectfully Submitted,

COX RADIO, INC.

By: 

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