

ORIGINAL

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 07-296
Table of Allotments,) RM-11412
FM Broadcast Stations)
(Irvington, Kentucky and French Lick,)
Indiana))

FILED/ACCEPTED

AUG 11 2008

Federal Communications Commission
Office of the Secretary

To: Marlene H. Dortch, Secretary, Federal Communications Commission
To the Attention of Chief, Media Bureau

SUPPLEMENTAL COMMENTS

L. Dean Spencer (the "Petitioner"), pursuant to the republished August 1, 2008
Notice of Proposed Rule Making and Order to Show Cause (DA 08-1722), by his
attorneys, hereby submits his Supplemental Comments in this proceeding. The
Petitioner filed his original comments on January 14, 2008¹.

Petitioner incorporates by reference the information submitted in his October 10,
2007 Petition for Rule Making requesting that Section 73.202(b) of the Commission's
rules, the FM Table of Allotments, be amended as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Irvington, KY	---	261A ²
French Lick, IN	261A	229A ³

¹ A *Notice of Proposed Rule Making and Order to Show Cause* was originally released on January 11, 2008 (DA-08-69) but was not published in the Federal Register.

² The proposed reference coordinates of Channel 261A at Irvington, Kentucky are 37° 56' 52" North Latitude, 86° 24' 54" West Longitude.

³ WFLQ(FM) is currently licensed to FM Channel 261A at French Lick, Indiana. A substitution of channels from Channel 261A to Channel 229A is requested at the licensed transmitter site of WFLQ(FM) which is located at 38° 35' 41" North Latitude, 86° 36' 48" West Longitude.

Provided that Channel 261A is allotted to Irvington, the Petitioner will continue the prosecution of his Irvington FCC Form 301 Application (FCC File No. BNPH-20071010ACC) and, if awarded a construction permit, build the station promptly.

Petitioner restates that, provided his construction permit application is granted, he will reimburse the WFLQ licensee for its reasonable expenses in changing channels pursuant to the Commission's guidelines set forth in *Circleville, Ohio*, 8 FCC 2d 159 (1967).

Accordingly, L. Dean Spencer respectfully requests that the Commission allot Channel 261A to Irvington, Kentucky, and substitute Channel 229A for Channel 261A at French Lick, Indiana.

Respectfully submitted,

L. DEAN SPENCER

By: 
John F. Garziglia
His Attorney

Womble Carlyle Sandridge & Rice, PLLC
1401 I Street, NW
Seventh Floor
Washington, DC 20005
(202) 857-4455

August 11, 2008

CERTIFICATE OF SERVICE

I, John F. Garziglia, hereby certify that on this 11th day of August, 2008, a copy of the foregoing "Comments" was sent via U.S. Mail, postage prepaid, to the following:

*Victoria M. McCauley
Audio Division, Media Bureau
Federal Communications Commission
Room 2-A232
445 12th Street, S.W.
Washington, DC 20554

William G. Willis
Willtronics Broadcasting
P.O. Box 100
French Lick, IN 47432
(Licensee of WFLQ, French Lick, IN)



John F. Garziglia

* Via Hand Delivery