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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FILED/ACCEPTED

OCT - 7 2008

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
)  
Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations )  
(Irvington, Kentucky and French Lick, )  
Indiana) )

MM Docket No. 07-296  
RM-11412

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

REPLY 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 Reply Comments in this proceeding.

On September 22, 2008, Willtronics Broadcasting, the licensee of Radio Station  
WFLQ (FM), French Lick, Indiana, filed an "Opposition to Proposed Rulemaking and  
Order to Show Cause". WFLQ, in its opposition, recites the 25 years that WFLQ has  
operated, the fact that it is the only full service radio station licensed to French Lick, the  
fact that its licensee is a husband/wife owner, and the Petitioner's health condition, in  
opposing a change in the WFLQ channel from Channel 261A to Channel 229A. WFLQ  
does not challenge the Section 307(b) preferences that clearly show the public interest

would be served by a new allotment at Irvington, Kentucky which would be made available through the proposed WFLQ channel change.

Notably, WFLQ does not cite any case law in support of its opposition. There is a reason for this. There is, in fact, no case law that supports WFLQ's objections to the proposed channel change. In fact, FCC case law uniformly supports a change in channels for an existing station to enable the allotment of a first local transmission service.

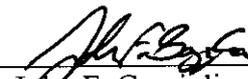
The Petitioner, as required, restated its present intention to apply for the channel if it is allotted, and, if authorized, to build the station promptly. Further, Petitioner has stated his commitment to reimburse the WFLQ licensee for reasonable costs in changing channels. Nothing more is needed. WFLQ points to no Commission rule, case or policy that requires otherwise. Further, WFLQ's ruminations about the Petitioner's health is insulting and has no place in an FCC pleading. The fact that WFLQ found it necessary to place such irrelevant material into its pleading shows its desperation and lack legitimate reasons to oppose the change in channels. Mr. Spencer is in fact doing well today, regaining full health, feeling great and regaining his strength every day.

WFLQ has advanced no reason why under well-established Commission case law that Channel 261A should not be allotted to Irvington, Kentucky with a substitution of Channel 229A for Channel 261A at French Lick, Indiana, and a modification of the WFLQ (FM) license accordingly.

WHEREFORE, for the reasons above, and for the reasons stated in the  
Petitioner's August 11, 2008 Supplemental Comments, an allotment of Channel 261A at  
Irvington, Kentucky is respectfully requested.

Respectfully submitted,

**L. DEAN SPENCER**

By:   
John F. Garziglia  
His Attorney

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October 7, 2008

**CERTIFICATE OF SERVICE**

I, John F. Garziglia, hereby certify that on this 7<sup>th</sup> day of October, 2008, a copy of the foregoing "Reply Comments" was sent via U.S. Mail, postage prepaid, to the following:

- \* Victoria M. McCauley  
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John F. Garziglia

\* Via Hand Delivery