

ORIGINAL

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

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 09-18
Table of Allotments,) RM-11513
FM Broadcast Stations,)
(Dulac, Louisiana))

FILED/ACCEPTED

APR 27 2009

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

Federal Communications Commission
Office of the Secretary

MOTION FOR LEAVE TO FILE LATE COMMENTS

Sunburst Media-Louisiana, LLC ("Sunburst"), by its counsel, hereby requests leave to file late Comments to the *Notice of Proposed Rule Making (NPRM)*, DA 09-490, released February 27, 2009. The Comments, which are being filed separately, relate to Sunburst's proposed substitution of Channel 230A for vacant Channel 242A at Dulac, Louisiana.

There is a considerable body of case law that supports the notion that the Commission has discretion to accept late filed Comments where there is no adverse impact on any other proposal. *See e.g., Willows, California*, 11 FCC Rcd 9180 (1996); *Bagdad and Chino Valley, Arizona*, 11 FCC Rcd 14459 (1996).¹ Based on Sunburst's review of the record in this proceeding, no other party filed comments, and thus, acceptance of Sunburst's Comments will not have an adverse impact on any other proposal.

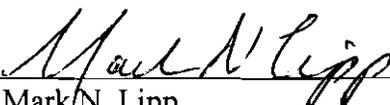
¹ The Commission also found no prejudice to opposing parties in the following cases: *Horseshoe Beach and Otter Creek, Florida*, 13 FCC Rcd 12703 (1998); *Weaverville, California*, 12 FCC Rcd 2965 (1997); *Lake Havasu City, Arizona*, 10 FCC Rcd 6522 (1995); *Christiansted, Virgin Islands*, 10 FCC Rcd 8078 (1995); *Patterson, California*, 7 FCC Rcd 1719 (1992); *Keokuk and Washington, Iowa*, 6 FCC Rcd 364 (1991); *Weston and Webster Springs, West Virginia*, 5 FCC Rcd 1006 (1990); *Vancouver, Washington and Coos Bay and Corvallis, Oregon*, 4 FCC Rcd 839 (1989).

No. of Copies rec'd 044
List ABCDE

Accordingly, Sunburst respectfully requests that the Commission accept its late filed
Comments.

Respectfully submitted,

SUNBURST MEDIA-LOUISIANA, LLC

By:  _____
Mark N. Lipp
Scott Woodworth
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
TEL: 202.719.7503

Its Counsel

Dated: April 27, 2009

12989866 1

CERTIFICATE OF SERVICE

I, Randy Pannell, in the law firm of Wiley Rein LLP, hereby certify that I have on this 27th day of April, 2009, caused to be hand-delivered, a copy of the foregoing "**Motion**" to the following:

Andrew J. Rhodes
Federal Communications Commission
Audio Division, Media Bureau
445 12th Street, SW
Washington, DC 20554



Randy Pannell