

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FILED/ACCEPTED

MAY 28 2009

Federal Communications Commission  
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b)	)	
Table of Allotments	)	MB Docket No. 03-44
FM Broadcast Stations	)	RM - 10650
(Water Mill and Noyack, New York)	)	RM - 11396
	)	

To: Office of Secretary  
Attn: The Commission

**MOTION TO ACCEPT SECOND SUPPLEMENT**

Sacred Heart University, Inc. ("SHU"), licensee of Station WSUF(FM), Noyack, New York, by its counsel, hereby requests, pursuant to Section 1.115(d) of the Commission's Rules, acceptance and consideration of the accompanying Second Supplement in this proceeding. The purpose of this Supplement is to inform the Commission that Station WEDY-DT, New Haven, Connecticut, will be operating on Channel 6 post-transition. One of the reasons cited in the *Memorandum Opinion and Order*<sup>1</sup> was the anticipated elimination of protection to a different Channel 6 station. However, the protection to be afforded to WEDY-DT will adversely impact the operation of WSUF and warrants grant of SHU's counterproposal in this proceeding. The Commission may accept this Supplement as a matter within its discretion.<sup>2</sup>

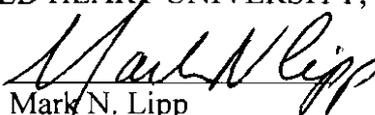
<sup>1</sup> 23 FCC Rcd 12790 (Media Bureau 2008).

<sup>2</sup> See *Beasley Broadcast Group, Inc.*, 23 FCC Rcd 15949, note 37 (2008) (acceptance of supplement to consider new information related to facts considered by Bureau); *A-O Broadcasting Corporation*, 23 FCC Rcd 603, note 81 (2008) (acceptance of a supplement with information regarding legislation enacted after applicant's last opportunity to present such information).

WHEREFORE, for the foregoing reasons, SHU respectfully requests acceptance of the accompanying Second Supplement.

Respectfully Submitted,

SACRED HEART UNIVERSITY, INC.

By: 

Mark N. Lipp  
Scott Woodworth  
Wiley Rein LLP  
1776 K Street, NW  
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Its Counsel

May 28, 2009

**CERTIFICATE OF SERVICE**

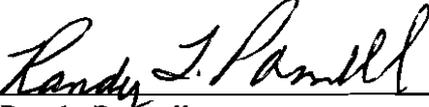
I, Randy Pannell, in the law firm of Wiley Rein LLP, do hereby certify that I have on this 28th day of May, 2009, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Motion to Accept Second Supplement**" to the following:

Andrew J. Rhodes\*  
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\*Via Hand Delivery

  
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Randy Pannell