

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

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FCC Mail Room

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 08-243
Table of Allotments)	
FM Broadcast Stations)	RM-11490
(Culebra, Puerto Rico, Charlotte Amalie, and)	
Christiansted, Virgin Islands))	

To: Office of the Secretary, FCC

OPPOSITION TO PETITION FOR RECONSIDERATION

La Mas Z Radio Corporation ("La Mas"), by its counsel, hereby submits its Opposition to the Petition for Reconsideration ("Petition") filed by OCC Acquisitions ("OCC") in connection with the Report and Order, DA 10-1062, released June 14, 2010 ("R&O"), in the above-referenced docket.¹ For the reasons set forth below, OCC's Petition should be denied.

1. La Mas filed timely Comments in this proceeding that offered the Commission a counterproposal to what was proposed by Western New Life ("WNL") and set forth in the Notice of Proposed Rule Making ("NPRM") in this proceeding. La Mas' suggested changes allowed WNL's station WNVE to have a different channel allotted to Culebra so that WNVE could be licensed after fifteen years in limbo and preserved a vacant Class B allotment at Charlotte Amalie, VI, that that the NPRM proposed to delete, just by changing channels. The only other action necessary was issuing an Order to Show Cause to the licensee on Channel 236B at Christiansted asking

¹ This Opposition is timely filed as FCC Public Notice of the filing of the Petition was released on September 2, 2010, and the Federal Register publication occurred on September 14, 2010.

why that station should not be ordered to move to Channel 224B without having to change its antenna site.

2. OCC also filed Comments in response to the NPRM opposing WNL's proposed deletion of the vacant Charlotte Amalie channel stating that it "remains interested in an FM station at this community, and intends to submit an application when a filing window opens and participate in an auction should one become necessary."² Adopting OCC's proposal would have kept the allotment in Charlotte Amalie that WNL proposed to delete, but left Culebra without a viable channel for WNL's station. La Mas' proposal left a Class B channel in Charlotte Amalie for OCC to apply for.

3. After due consideration, the Commission's R&O adopted La Mas' counterproposal by substituting Channel 271A for Channel 254A at Culebra, substituting Channel 237B for Channel 271B at Charlotte Amalie, and modifying the license of Station WJKC to substitute Channel 224B for Channel 236B at Christiansted.³

4. OCC's Petition argues that maintaining Channel 271B at Charlotte Amalie and adding another allotment on Channel 237B at Charlotte Amalie, would result in a preferential arrangement of allotments as compared to a scenario that would result in one allotment at Charlotte Amalie and one allotment at Culebra. An examination of the number of FM stations already licensed to Charlotte Amalie and the number of vacant allotments already available there is helpful. Charlotte Amalie, with a population of just 15,697, is already served by six licensed full-power FM facilities. In addition, there are three vacant FM allotments assigned and available there.

² OCC Comments at p.1.

³ Radio 95 Incorporated, the licensee of Station WJKC, did not file any comments with respect to the involuntary channel change proposed in this docket, so it is deemed to have consented to that change.

5. Substituting Channel 237B for Channel 271B leaves the community with the same three vacant allotments it has at present and provides Culebra with a single *usable* allotment. Adding the Channel 237B allotment to the existing Channel 271B allotment at Charlotte Amalie would create a *fourth* vacant allotment there and leave the community of Culebra without a licensed first local service. The arrangement adopted in the R&O providing Culebra with one allotment and leaving Charlotte Amalie with nine allotments (six licensed and three vacant) is a more equitable distribution of channels which is the goal of the FCC's allocation policies.⁴

6. OCC also asks the Commission to change long standing policy and place the burden of reimbursing the costs of WKJC's channel change upon WNL rather than upon the party that eventually acquires and constructs upon the allotment that will finally require WKJC to change frequency. That is not necessary as La Mas has already stated, and restates here, that it will apply for the new frequency at Charlotte Amalie and if the successful applicant, will reimburse the licensee for the channel change.

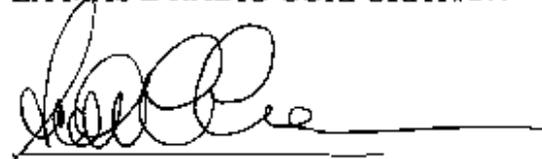
⁴ OCC bases its argument on the notion that the Station already provides first local service to the community of Culebra. La Mas respectfully disagrees. The Station provides only a secondary service at this point, no more permanent than an FM translator. Upholding this decision can be seen as advancing priority three of the Commission's allotment priorities by providing a *permanently licensed* first local service to the community of Culebra, fulfilling a promise that was made to that community over 15 years ago.

WHEREFORE, La Mas requests that the Commission affirm its decision in the R&O and deny OCC's Petition for Reconsideration.

Respectfully submitted,

LA MAS Z RADIO CORPORATION

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September 29, 2010

CERTIFICATE OF SERVICE

I, Scott C. Cinnamon, do certify that I have on this 29th day of September, 2010, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Opposition to Petition for Reconsideration" to the following:

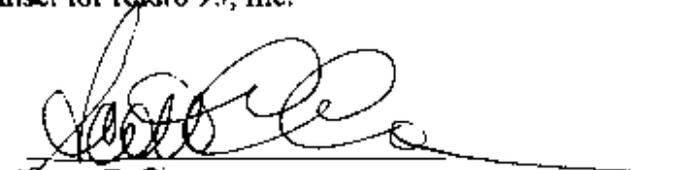
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