

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

In the matter of _____) Docket No. MB

Amendment of Section 73.207,) RM-11727
73.211, 73.215 and 73.3573 of the)
Commission's Rules relating to)
Minimum Distance Separation)
Between Stations, Station Classes)
Power and Antenna Height)
Requirements, Contour Protection)
For Short Space FM Assignments,)
And Processing FM Broadcast)
Station Applications.)

To: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Media Bureau

COMMENTS IN SUPPORT OF FORMAL RULEMAKING

Comes now, Mark Heller, President of Metro North Communications, Incorporated, (hereinafter, 'Metro North') submitting its Comments in support of the above-captioned proceeding. Metro North is the licensee of WEMP-FM, Two Rivers, Wisconsin.

Clearly, both proposals presented by the Commission's comments are in the public interest and represent a 'fair and efficient' use of the broadcast spectrum. The establishment of a Class C-4 is appropriate.

First, the Commission has done a reclassification of an FM broadcast service previously, establishing the Class C0 for FM stations that do not use the entire height and or power of their Class C station.

Secondly, as asserted by the original Petitioner, namely SSR Communications, Incorporated, that 'no interference will be caused to existing stations as a result of the creation of this new class'.

We wish to dispute the assertion in the its original filing, that SSR and MMTC alleged that a benefit would be focused on benefiting minority broadcasters, which would seem to pick one group of broadcasters over another. Metro North asserts, after much study, that this amendment would be a benefit to *ALL* (emphasis added) broadcasters, who have stations affected by an FM power increase.

Finally, the reducing of ‘overprotection’ of other FM stations is a reasonable and appropriate means to recover valuable FM spectrum and to create opportunities for new and / or improved FM service.

Metro North wishes to direct the Commission to read MM Docket 98-93, Second Report and Order, FCC File No. 00-368 which details the overprotection of warehousing of signals, to the detriment of others.

CONCLUSION

Petitioner requests that the Commission fully consider this proposal, as presented. This proposal will promote fair and efficient use of the FM broadcast spectrum and a substantial population base of the United States will benefit improved FM service, as a result. Metro North asks that a Notice of Proposed Rulemaking be issued in the proceeding in a timely manner.

Sincerely,

METRO NORTH COMMUNICATIONS, INCORPORATED

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