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Before the
FEDERAL COMMUNICATIONS COMMISSION JAN 14 2005
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In re Application of

EDWARD A. SCHOBER

For Construction Permit

File No.: BNPFT-20030825AIW

FM Translator Station
Manahawkin, New Jersey
Facility ID No. 142127

TO: Marlene H. Dortch, Secretary

ATTN: Chief, Media Bureau

PETITION FOR RECONSIDERATION

1. Press Communications, LLC ("Press Communications"), by its attorneys and pursuant to Section 1.106 of the Commission's rules, respectfully requests that the Media Bureau reconsider the grant of the application for a new FM translator to serve Manahawkin, New Jersey filed by Edward A. Schober ("Schober") as the Audio Division failed to adequately consider the pleading submitted by Press Communications in the proceeding.¹

2. Press Communications is the licensee of WBBO(FM), Channel 253A, Ocean Acres, New Jersey ("WBBO"), and has participated in the proceeding initiated by the January 29, 2004 Petition to Deny filed by Millennium Shore License Holdco, LLC ("Millennium") and the January 30, 2004 Petition to Deny filed by Jersey Shore Broadcasting Corporation ("Jersey Shore").²

¹ The grant of the application filed by Schober (BNPFT-20030825AIW) was placed on Public Notice December 15, 2004 (Report No. 45882). Therefore, this Petition for Reconsideration is timely filed.

² The FCC granted the assignment of WBBO from Millennium to Press Communications on May 30, 2003. See BALH-20030401AYK. The assignment was consummated effective August 9,

3. The Opposition filed by Schober in response to the Petition to Deny was extremely late filed and should have been dismissed. Press Communications pointed out in its Reply that the Petition to Deny had been timely filed on January 29, 2004 but that Schober did not file his Opposition until August 5, 2004, long after the 10 day deadline imposed by the Commission's rules. 47 C.F.R. § 1.45(b). The Commission's rules required Schober to file his opposition by the deadline of February 11, 2004.³

4. Pursuant to 47 C.F.R. §§ 73.3584 and 1.45, a pleading cycle is established in the following manner. Any party in interest may file a petition to deny any application, as originally filed, or as amended so as to require a new file number. Petitions to deny must be filed within 30 days after issuance of a public notice of acceptance for filing of the application. The applicant may file an opposition within 10 days after the petition is filed and a reply may be filed within 5 days. No other pleadings may be filed unless requested or authorized by the Commission. *See* 47 C.F.R. § 1.45(c) and *Edwards, Pruitt/Owen, Bott and Miller*, 5 FCC Rcd. 2968, n. 4 (March 13, 1990), wherein late filed and unauthorized pleadings were not considered since the late-filer demonstrated a complete disregard for the Commission's established pleading cycle. Certainly, an Opposition filed approximately 6 months after the established deadline demonstrates a complete disregard for the Commission's rules by Schober. While Press Communications made this point in its Reply, the lateness issue was simply ignored by the staff.

5. Additionally, Press Communications requested in its Reply that any action in this proceeding be deferred until after a decision is made in response to the Petition for Rulemaking filed by the New Jersey Broadcasters Association ("NJBA"). The NJBA filed a Petition for

2004. As Millenium's successor-in-interest, Press Communications subsequently filed a Reply to Schober's Opposition on August 24, 2004.

Rulemaking on May 27, 2004, seeking, among other relief, a freeze on the grant of certain new FM translators and low power FM radio stations within the State of New Jersey (“NJBA Rulemaking”). Press Communications filed Comments supporting the NJBA Rulemaking, including the deferral on additional FM translator grants. While the Commission has solicited comments on the NJBA Rulemaking, no further action has been taken. Press Communications understands the myriad issues that confront the Audio Division and require its focus and attention. Nevertheless, we urge the Commission to move forward on the relief requested in the NJBA Rulemaking and defer further action on FM translator applications, like Schober’s. Therefore we respectfully urge the Bureau to reconsider the grant of Schober’s application for a new FM translator to serve Manahawkin, New Jersey, to dismiss Schober’s Opposition as being untimely filed, and to dismiss Schober’s application or defer action on all translator applications within the State of New Jersey, including Schober’s application, until the NJBA Rulemaking is considered.

Respectfully submitted,



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January 14, 2005


³ Additionally, Schober did not request a waiver of the Commission’s rules, or additional time to file an opposition.

CERTIFICATE OF SERVICE

I, Mary Jane Thomson, hereby certify that on this 14th day of January, 2005, copies of the foregoing Petition for Reconsideration have been served by hand delivery or first-class United States mail, postage prepaid, upon the following:

James D. Bradshaw, Associate Chief*
Audio Division, Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Edward A. Schober
402 Tenth Avenue
Haddon Heights, New Jersey 08035



Mary Jane Thomson

*Denotes hand delivery.