WTRU(AM)] had been repaired and was simply awaiting completion of the FM channel change to resume operations. Exhibit 12, pp.16-17. These same representations were reiterated in Mr. Taylor's October 31, 1988 request for extension of AM silence authority. Indeed this October 31st request went so far as to represent that the licensee was reassembling a station staff and was "taking the other necessary steps to put WKSY and WTRU back in operation." Exhibit 12, pp. 18-19.

43. Despite Mr. Taylor's repeated assurances that WEXI(AM) was repaired and ready to return to the air, the station remained silent from March of 1987 until its' deletion in January, 1992. It was silent even though its FM counterpart resumed operating in May 1989. The last Commission document authorizing Mr. Taylor to keep WEXI(AM) silent expired on April 27, 1989. Exhibit 12, p. 22. Unquestionably, Mr. Taylor kept station WEXI(AM) silent in violation of Rule 73.1740 and deceived the Commission concerning his activities to return station WEXI(AM) to the air.

44. In view of the foregoing, JBC submits that the following issues should be specified against Robert B. Taylor:

> To determine whether Robert B. Taylor kept Station WEXI(AM) off-the-air without authority and, if so, the effect thereof upon his qualifications to remain a Commission licensee.
>
> To determine whether Robert B. Taylor misrepresented facts or lacked candor in the requests for authority to keep Station WEXI(AM) off-the-air and, if so, the effect thereof upon his qualifications to remain a Commission licensee.
>
> To determine whether facts beyond the control of Robert B. Taylor required Station WEXI(AM) to remain off-the-

air for over four years and, if not, the effect thereof upon his qualifications to remain a Commission licensee.

LOCAL PUBLIC NOTICE ISSUE

45. Section 311 (a) of the Communications Act and Rule 73.3580 require that renewal applicants provide local notice of the filing of their renewal applications. Proof of this local notice is to be placed in the public inspection file of the station to be renewed. See Rule 73.3580(h). No proof of local notice is contained in the WEXI/WTRU public inspection file. Accordingly the following local public notice issue should be specified against Mr. Taylor in this proceeding:

> To determine whether Robert Taylor gave local public notice of the filing of the WEXI/WTRU renewal applications as required by 47 U.S.C. § 311(a) and 4 7 C.F.R. § 73.3580 and, if not, the effect upon his qualifications to remain a licensee.

PUBLIC PROGRAMMING ISSUE

46. The only non-statutory programming obligation of a broadcaster is to discuss issues of concern to its community of license. The basis of this obligation is the overriding concern that citizens of the United States be well informed on issues affecting themselves and their communities. Deregulation of Radio, 49 RR2d 1, 9 (1981). Accordingly a programming issue is warranted when a station "is doing very little, or nothing, to address through its programming issues facing the community." 49 RR2d at 19.

47. Under the present license renewal scheme, the Commission does not conduct a review of uncontested licensees' programming

performance. Instead it presumes compliance with programming obligations and relies upon citizen participation in the renewal process to raise programming matters. Deregulation of Commercial Television, 56 RR2d 1005, 1018-19 (1984). The Commission's license renewal process contemplates that "the information necessary to conduct an in-depth review of a licensee's performance will be available at the station in the public inspection file. "Renewal of License, 49 RR2d 740, 747 (1981).

48. The public file data the Commission relies upon to establish a licensee's public interest programming performance is the licensee's issues/programs list. In Deregulation of Radio, 104 FCC 2d 505, 507 (1986), the Commission adopted the U.S. Court of Appeals for the District of Columbia Circuit's view that the issues/programs list is a quarterly list of programs which, in the exercise of the broadcaster's good faith judgement, represent the most significant treatment by the station of the issues that the licensee believed to be of community concern.[37]

49. In Office of Communication of the United Church of Christ v. FCC, supra, the Court gave the following explanation of the function of an issues/programs list containing the most significant programs broadcast by a licensee:

> The relative benefits of such a list are obvious. By referring to this list a petitioner to deny would be able to determine whether a broadcaster had provided significant coverage of some set of issues of community concern. The petitioner would be able to assert that by the broadcaster's own admission the programs on this list represented the most significant treatment

[37]See Office of Communication of the United Church of Christ v. FCC, 779 F. 2d 702; 59 RR2d 895 (D.C. Cir. 1985).

> by that broadcaster of issues that the broadcaster itself thought to be of community concern. If the petitioner could submit affidavits explaining why such programs failed to meet the most minimum qualitive standards, serious doubt would be cast on the overall adequacy of the broadcaster's programming. For if the broadcaster's best programs (i.e., its listed programs) were adequate [sic], it is questionable whether the broadcaster's unlisted programming would pass muster. Although the Commission would retain substantial discretion in each case to evaluate the probative value of such a showing, common sense suggests that a petitioner to deny would usually come quite close to showing that such a record made renewal of a license prima facie inconsistent with the public interest.

779 F. 2d at _____; 59RR2d at 904-05.

50. The public file at Robert Taylor's stations WEXI/WTRU contains no issues/programs lists. JBC submits that this is an admission by Mr. Taylor that his stations have broadcast no programs treating issues of community concern. Moreover during the lengthy period Mr. Taylor took stations WEXI/WTRU off-the-air, the stations certainly failed to broadcast programs treating issues of community concern. These facts establish prima facie that stations WEXI/WTRU failed to meet their public interest programming obligations.

51. In view of the foregoing, JBC asks that the following issues be specified against Robert Taylor:

To determine with respect to Robert B. Taylor:

(a) Whether and to what extent station WTRU broadcast programs treating issues of community concern.

(b) Whether in light of the evidence adduced pursuant to (a), above, license renewal for station WTRU is warranted.

ENVIRONMENTAL MISREPRESENTATION ISSUE

52. The "Environmental Statement" that Mr. Taylor submitted with the WEXI(AM) renewal application stated "Workers and the general public will not be exposed to unsafe RF radiation levels because access to the WTRU(AM) [now WEXI(AM)] antenna is impeded and highly improbable". Exhibit 9, p.3. This statement was false. The WEXI(AM) tower stood in an open field with unimpeded access. It was safe, but only because the station was not operating.

53. Mr. Taylor's false environmental statement was filed in September 1988. Four months later, Mr. Taylor was writing the Commission to justify his continued silence authority for Station WEXI(AM). In a letter dated January 23, 1989, Mr. Taylor detailed the construction necessary to return WEXI(AM) to the air. He wrote "Prior to resuming operation, WTRU must complete antenna independence measurements and field strength measurements as part of a proof of performance. WTRU also must erect a fence in order to meet American National Standards Institute (ANSI) guidelines regarding radio frequency radiation. Until these requirements are completed, WTRU [now WEXI(AM)] will not be able to resume broadcasting operations". Exhibit 12, p. 21.

54. The facts set out above demonstrate that Mr Taylor has given the Commission conflicting information concerning whether access to the WEXI antenna is impeded. Apparently Mr. Taylor has adapted his factual representations to the divergent results he sought from the Commission. When the desired result was compliance

with the Commission's environmental rules, access to Station WEXI's antenna was impeded. When the desired result was continued silence authority, Station WEXI(AM) needed to construct a fence.

55. In view of Mr. Taylor's apparent willingness to deceive the Commission concerning Station WEXI(AM)'s compliance with environmental requirements, the following issue should be specified in this proceeding:

> To determine whether Robert B. Taylor misrepresented facts or lacked candor in his representations to the Commission regarding access to the WEXI(AM) tower and, if so, the effect on Robert B. Taylor's qualifications to remain a licensee.

RULEMAKING ABUSE ISSUE

56. By Notice of Proposed Rule Making, DA88-1136, released August 3, 1988, the Commission proposed to allot FM Channel 288A to Jupiter, Florida, as the community's second FM channel. To avoid competition to WEXI/WTRU from another Jupiter radio station, Robert Taylor had U.S. Three Broadcasting Corporation ("U.S. Three") file a counterproposal in the Jupiter rule making proceeding.[38] Specifically, Mr. Taylor proposed using Channel 288A roughly 50KM north of Jupiter at White City, Florida.

57. Robert Taylor filed the White City counterproposal September 23, 1988. At that time, Mr. Taylor's Jupiter stations had been silent for 18 months because of his financial inability

[38]This counterproposal, filed with the Commission on September 23, 1988, is appended hereto as Exhibit 16.

to keep them operating. Nonetheless, in the White City counterproposal, U.S. Three professed its intention to apply for Channel 288A if it was allotted to White City.

58. The fiscal absurdity inherent in Mr. Taylor's White City counterproposal was not lost on the proponents of the Channel 288A, Jupiter allotment. Kenneth Dawson, in his Reply Comments in Opposition to Counterproposal of U.S. Three Broadcasting Corporation, declared under penalty of perjury that Mr. Taylor's Jupiter AM and FM station were off-the-air and that the stations' abandoned facilities were a shambles. Stephen Rowland's Reply Comments to Counterproposal concluded that "U.S. Three's counterproposal must be deemed highly suspect, insofar as its requisite commitment to apply for a construction permit at White City is facially incredible."

59. Robert Taylor responded to Kenneth Dawson's and Stephen Rowland's allegations on December 9, 1988.[39] He specifically denied Mr. Dawson's allegation that the Jupiter stations' building and equipment were allowed to become a shambles, claiming that U.S. Three had maintained both. He restated the intention of U.S. Three "to apply for a construction permit for a new station to operate on that channel [Channel 288A, White City] and, if authorized, promptly to construct the proposed station."

60. It is now apparent that Robert Taylor misrepresented facts, lacked candor and abused the Commission's rule making

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[39]A copy of Mr. Taylor's response is appended hereto as Exhibit 17.

process in orchestrating the White City counterproposal to the Jupiter FM rulemaking. While the Commission allotted a White City FM Channel at Mr. Taylor's request,[40] neither Mr. Taylor nor U.S. Three applied for the allotment. Mr. Taylor was unable to finance operation of his Jupiter, Florida stations at the time he committed to construct and operate the White City station. His claim that the Jupiter stations were maintained was false. On January 30, 1992, more than four years after Mr. Taylor removed Station WEXI(AM) from the air, the station was deleted without having been restored to operation.

61. JBC submits that Mr. Taylor's actions in advocating the White City counterproposal raise the following issues:

> To determine whether Robert Taylor misrepresented facts or lacked candor concerning (a) the intention of U.S. Three to apply for an FM construction permit at White City, Florida and/or (b) the maintenance of Mr. Taylor's Jupiter, Florida stations, and if so, the effect upon Mr. Taylor's basic qualifications.
>
> To determine whether Robert Taylor abused the Commission's processes by his activities in the Jupiter, Florida FM rule making, MM Docket No. 88-366.

Financial Qualifications Issue

62. There is reason to believe that Robert Taylor lacked the financial ability to operate his Jupiter Florida, radio stations. First, and most obvious, is the fact that Mr. Taylor did not return the Jupiter AM station to operating status. Next, in November, 1990, Mr. Taylor again engaged in drastic staff reductions similar to the action that preceded his closing of Stations WEXI/WTRU in

---

[40] Jupiter, Florida, 4 FCC Rcd. 5295 (1989).

1987.[41] At least some of the discharged station staff were not paid wages owed. Ex. 13, p. 1. Further, Mr. Taylor broadcast the copyrighted programs of Toby Arnold and Associates, without the copyright holder's permission, in an effort to avoid programming costs. Id.

63. Finally, in December, 1990, Mr. Taylor ceased financing Station WTRU's operations. He simply leased the station to Dr. Ramon Hernandez. Dr. Hernandez proceeded to change the station's format to Spanish language and operate the station using his own equipment and staff. This arrangement lasted until June 23, 1991 when Robert Taylor locked Dr. Hernandez out of the station. A copy of Mr. Taylor's agreements with Dr. Hernandez and a sworn statement concerning this arrangement are contained in the verified complaint for Injunctive and Other Relief appended hereto as Exhibit No. 19.

64. In view of the facts set out above, the following financial issue should be specified against Mr. Taylor:

To determine with respect to Robert B. Taylor:

(a) the cost of operating Station WTRU(FM)

(b) the source and availability of funds to operate Station WTRU(FM).

(c) whether, in light of the evidence adduced pursuant to (a) and (b), above, whether Robert Taylor is financially qualified.

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[41]In November, 1990, Mr. Taylor fired the entire air staff of WTRU(FM) in an effort to save money at the station. See Ex. 13, p. 1.

RULE 73.3523 ISSUE

65. Rule 73.3523 precludes a renewal challenger that dismisses its application prior to an Initial Decision from accepting any consideration for the withdrawal of its application. It requires a renewal applicant to certify that he has not paid any consideration in exchange for withdrawal of a challenger's application.

66. In November 1991, Robert B. Taylor wrote to Paul Levine and offered JBC a joint venture or management agreement in exchange for the dismissal of JBC's Jupiter, Florida applications. See Declaration of Paul J. Levine, appended hereto as Exhibit 18. In a subsequent telephone conversation, Mr. Levine informed Mr. Taylor that FCC Rules prohibited JBC from accepting anything of value for the dismissal of its applications. Id.

67. Despite Mr. Levine's explanation of FCC settlement restrictions, Mr. Taylor renewed his offer to JBC of a joint venture/management agreement in a letter to Paul J. Levine dated December 9, 1991. Therein, Mr. Taylor offered to provide JBC his affidavit stating that there was no linkage between his proposed contracts and any perceived FCC settlement. Ex. 18 at p. 6. He suggested that the agreements be drafted as "neutral and independent business contracts" that did not mention "anything regarding the FCC." Id.

68. Mr. Taylor's letter of December 9, 1991 was an offer to perjure himself to deceive the Federal Communications Commission concerning a proposed settlement's compliance with Rule 73.3523.

While JBC obviously did not accept Mr. Taylor's offer, the offer, itself, raises serious questions concerning Mr. Taylor's character qualifications. JBC submits that the following issue should be specified against Mr. Taylor:

> To determine with respect to Robert B. Taylor:
>
> (a) Whether he intentionally offered to compensate JBC for the dismissal of its applications, in contravention of Rule 73.3523;
>
> (b) Whether he offered to provide a false affidavit in connection with the settlement of a comparative license renewal proceeding; and
>
> (c) Whether in light of the evidence adduced pursuant to a and b; above, he has the basic qualifications to remain a broadcast licensee.

STRIKE THREAT ISSUE

69. Alan H. Potamkin holds an option to purchase non-voting stock in JBC. He also holds an attributable ownership interest in the licensee of Station WPBF-TV, Channel 25, Tequesta, Florida.

70. On December 9, 1991, Robert Taylor wrote Paul Levine, JBC's secretary/treasurer, a letter regarding settlement of this proceeding. Therein, Mr. Taylor characterized JBC's principals as "the front men for Potamkin", claiming that "Potamkin, the real-party-in-interest, is deliberately concealed from the FCC" in JBC's application. Mr. Taylor's December 9, 1991, letter concluded with the following threat to file against the license renewal application of Station WPBF-TV:

> As you know, I would like to continue to be in the radio business in Jupiter-Tequesta. However if the renewal of my radio licenses continues to be challenged, I would consider getting into the local

> TV business. My associates and I are aware that the present licensee of channel 25 is ignoring its city of license, Tequesta, among other shortcomings, and we would consider filing a competing application for channel 25 when its 5 year license expires.[42]

71. The licenses for Florida's television stations expired on February 1, 1992. See Rule 73.1020 (a)(3). Construction permit applications conflicting with Florida television renewals were due to be filed January 2, 1992. See 73.3516(e). While Mr. Taylor did not actually file a renewal challenge to Station WPBF-TV, the timing of his threat to JBC was calculated to have the maximum impact on settlement. Specifically, he threatened to challenge WPBF's renewal just three weeks before the cut-off for competing applications in the Florida television renewal proceedings.

72. Threatening to file a renewal challenge to coerce a comparative FM applicant to withdraw its application is a serious abuse of the Commission's processes. Such threats are considered overt attempts to obstruct or subvert the prosecution of a competing application. If successful, they deprive the Commission of a real and meaningful choice between competing applicants. See James C. Sliger, 41 RR2d 1541 (Rev. Bd. 1977). Mr. Taylor's attempt to extort dismissal of JBC's application merits specification of the following issue:

> To determine whether Robert Taylor used the threat of filing an application in conflict with the renewal application of Station WPBF-TV and/or his possession of derogatory information concerning Station WPBF-TV in an effort to induce Jupiter Broadcasting Corp. to dismiss its application in this proceeding; and if so, to determine the effect of such conduct on Taylor's

[42]See Exhibit No. 18 at p. 8.

qualifications to be a Commission licensee.

PAST BROADCAST RECORD ISSUE

73. The facts set out above demonstrate, prima facie, that Robert Taylor's past broadcast record as owner of Stations WEXI(AM) and WTRU(FM) was unusually poor. He kept the stations off-the-air without legitimate justification and, sometimes, without authority. He failed to maintain a public inspection file. He maintained no public records on issues affecting the stations' service area or on programs broadcast to treat those issues. He misrepresented the status of the stations' public file. He failed to comply with the public notice requirements of the Communications Act and the Commission's Rules. He made false representations in an FM rule making in an attempt to avoid additional competition for his stations. He misappropriated copyrighted material for broadcast over Station WTRU(FM). He attempted to extort a settlement in this proceeding through threats to challenge the renewal of Station WPBF-TV, Channel 25, Tequesta, Florida. The comparative issue in this proceeding should include the following issue exploring Mr. Taylor's unusually poor past broadcast record.

> To determine whether Robert B. Taylor's past broadcast record as owner or controlling shareholder of Stations WEXI/WTRU, Jupiter, Florida is unusually poor and, if so, the effect on the applicant's comparative qualifications.

INEPTNESS ISSUE

74. The facts set out above establish, prima facie, that Robert Taylor violated Rule 73.3526 with respect to maintenance of a public file; misrepresented the status of his stations' public

files to the Commission; violated Rule 73.1740 with respect to discontinuing broadcast operations; misrepresented facts concerning the discontinuance of his stations' broadcast operations; violated Rule 73.3580 with respect to local public notice of the filing of renewal applications; misrepresented facts concerning compliance with ANSI guidelines for exposure of workers to RF radiation; abused the Commission's rule making process; misrepresented facts in a Commission rule making; and attempted to extort a settlement in this proceeding by threatening to oppose a license renewal application. JBC submits, and the facts indicate, that Mr. Taylor intentionally violated the rules and policies discussed above. However, to provide for the event that proof demonstrates Mr. Taylor's derelictions were the result of gross incompetence instead of willful design, the following ineptness issue should be specified against Mr. Taylor:

> To determine whether there have been repeated errors, inaccuracies, nondisclosures of material facts, and/or inadvertent statements in Mr. Taylor's submissions to the Commission and, if so, whether they reflect such negligence, carelessness, ineptness, or disregard of the Commission's processes that the Commission cannot rely upon Mr. Taylor to fulfill the duties and responsibilities of a licensee.[43]

FORFEITURE NOTICE

75. Rule 1.229(f) provides that in cases where an applicant has made misrepresentations to the Commission or has engaged in other misconduct during the application process, enlarged issues

[43] See Beamon Advertising, Inc., 1 RR2d 285, 290 (Rev. Bd. 1963).

"include notice that, after hearings on the enlarged issue and upon a finding that the alleged misconduct occurred and warrants such a penalty, in addition to or in lieu of denying the application, the applicant may be liable for a forfeiture up to the maximum statutory amount."

76. JBC has alleged facts establishing, prima facie, that Mr. Taylor's renewal applications misrepresent the status of the WEXI/WTRU public file; that his renewal application misrepresents the fact concerning Station WEXI(AM)'s compliance with ANSI standards for exposure to RF radiation; that Mr. Taylor misrepresented facts in numerous requests for authority to keep stations WEXI/WTRU off-the-air; and that he attempted to extort settlement of this proceeding through threats of a renewal challenge to Station WPBF-TV. Under these circumstances, the following notice should be included in the order adding the issues requested against Mr. Taylor:

Notice of Opportunity for Hearing

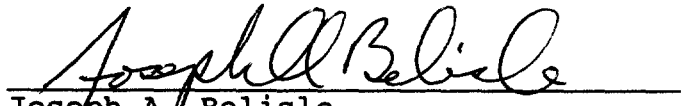
> Robert B. Taylor is now notified, pursuant to 47 C.F.R. § 1.80 (g), that if it develops that he has misrepresented facts or lacked candor (a) in the documents he submitted to the Commission in support of requests for silence authority for Stations WEXI/WTRU, or (b) in the renewal applications he submitted for Station WEXI/WTRU, or (c) in the documents he submitted in the Jupiter/White City Florida FM Rule Making proceeding, or if it develops that he attempted to extort a settlement of this proceeding through threats of filing a renewal challenge to Station WPBF-TV, Channel 25, Tequesta, Florida, then he will have violated 47 CFR 1.17 (duty to submit truthful written statements and responses) and 47 CFR 73.1015 (applicants not to submit to the Commission any written statement containing a misrepresentation or material omission bearing on any matter within the Commission's jurisdiction) and will have abused the Commission's application process through

attempted extortion. Under those circumstances, Robert Taylor will be liable for a forfeiture of up to $25,000 per violation (with each day of a continuing violation constituting A separate violation) up to a maximum of $250,000 for any single act or failure to act.

CONCLUSION

77. In view of the foregoing, JBC asks that appropriate issues be specified against Robert Taylor in this proceeding.

Respectfully submitted,



Joseph A. Belisle
Counsel for
Jupiter Broadcasting Corporation

Leibowitz & Spencer
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Miami, Florida 33131

(305) 530-1322

CERTIFICATE OF SERVICE

I, Tania M. Rehman, hereby certify that the attached First Petition To Enlarge Issues Against Robert B. Taylor submitted on behalf of Jupiter Broadcasting, Corp. was sent this 22nd day of May, 1992 to the following persons by U.S. mail, first class postage prepaid:

Honorable Walter C. Miller
Administrative Law Judge
2000 L Street, N.W.
Room 213
Washington, D.C. 20036

Mr. Robert B. Taylor
Station WTRU(FM)
500 North Delaware Blvd.
Jupiter, Florida 33458

Norman Goldstein, Esquire
Hearing Branch
2025 M Street, NW
Room 7212
Washington, DC 20554

Tania M. Rehman

Tania M. Rehman

$\int$

EXHIBIT 1

DECLARATION OF
PAUL J. LEVINE

My name is Paul J. Levine. On January 18, 1989, Charles Reid and I visited the studios of Stations WEXI(AM) and WTRU(FM) at 500 North Delaware Boulevard in Jupiter, Florida. Mr. Robert Taylor was present at the studios. We asked Mr. Taylor to see the stations' public file. Mr. Taylor showed us copies of Jupiter Broadcasting Corp.'s applications and the Jose Oaks petition to deny Mr. Taylor's license renewals. He had no other documents.

I declare under penalty of perjury that the matters set out above are true.

Paul J. Levine

Paul J. Levine

EXHIBIT 2

DECLARATION OF
CHARLES E. REID

My name is Charles E. Reid. On July 12, 1990 Joseph A. Belisle and I visited the studios of Stations WEXI(AM) and WTRU(FM) at 500 North Delaware Boulevard in Jupiter, Florida. We asked Mr. Steve May, who was then the stations' program director, to see the public file.

When Mr. May could not locate a public file, he telephoned Mr. Robert Taylor. Joseph Belisle and Robert Taylor had a conversation about the public file. Mr. Belisle and I left without having seen the public file.

On August 20, 1990, I returned to the studios of Stations WEXI/WTRU and asked Mr. May for the stations' public file. Mr. May had no public file materials for me to examine.

I declare under penalty of perjury that the matters set out above are true.

Charles E. Reid

EXHIBIT 3

DECLARATION OF
TANIA M. SANCHEZ

My name is Tania M. Sanchez. On July 12, 1990 I typed the attached letter and sent it, via Federal Express, to Mr. Robert B. Taylor, Stations WEXI(AM) and WTRU(FM), 500 North Delaware Boulevard, Jupiter, Florida 33458.

I declare under penalty of perjury that the matters stated above are true.

Tania M. Sanchez

Tania M. Sanchez

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TELECOPIER (202) 872-0604

July 12, 1990

VIA FEDERAL EXPRESS

Mr. Robert B. Taylor
Stations WEXI(AM) and WTRU(FM)
500 North Delaware Boulevard
Jupiter, Florida 33458

Dear Mr. Taylor:

This is to confirm the conversation we had this morning with respect to the public file for Stations WEXI(AM) and WTRU(FM), Jupiter, Florida. Steve May was unable to make this file available to Chuck Reid and me this morning when we stopped by the stations' studios. However, you have agreed to copy the public file and send it to me within a week. I have agreed to pay your photocopying and postage costs.

To assist you in identifying the documents I am seeking, I left a copy of the public file rule, Rule 73.3526, with Steve May. I'm enclosing a second copy of the rule with this letter. The specific documents I need are described in subparts (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(9) and (a)(10) of Rule 73.3526.

Thank you for your cooperation in this matter.

Sincerely yours,

Joseph A. Belisle

JAB:tms

cc: Mr. Charles Reid

(f) Affidavits filed pursuant to this section shall be executed by the applicant, permittee or licensee, if an individual; a partner having personal knowledge of the facts, if a corporation or association. (Revised 83-152, 4/7/83)

(g) Requests and affidavits which relate to an application which has not been designated for hearing shall bear the file number of such application. If the affiant is also an applicant, the affidavit shall also bear the file number of affiant's pending application(s). Requests and affidavits which relate to an application which is designated for hearing shall bear the file number of that application and the hearing docket number and will be acted on by the presiding officer. (Revised 83-152, 4/7/83)

(h) For the purposes of this section an application shall be deemed to be "pending" before the FCC and a party shall be considered to have the status of an "applicant" from the time an application is filed with the FCC until an order of the FCC granting or denying it is no longer subject to reconsideration by the FCC or to review by any court. (Revised 83-152, 4/7/83)

73.3526 LOCAL PUBLIC INSPECTION FILE OF COMMERCIAL STATIONS.

(a) RECORDS TO BE MAINTAINED.

Every applicant for a construction permit for a new station in the commercial broadcast services shall maintain for public inspection a file containing the material described in paragraph (a)(1) of this section. ~~(~~Every permittee or licensee of an AM, FM or TV station in the commercial broadcast services shall maintain for public inspection a file containing the material described in paragraphs (a)(1), (2), (3), (4), (5), (6), (7) and ~~(11)~~ (10) of this section. In addition, every permittee or licensee of a TV station shall maintain for public inspection a file containing the material described in paragraphs (a)(8) ~~and (9)~~ of this section;~~)~~ every permittee or licensee of an AM or FM station shall maintain for public inspection a file containing material described in paragraph (a)~~(10)~~ (9) of this section. The material to be contained in the file is as follows:

RULES SERVICE CO. COPYRIGHT, 1985 WASHINGTON, D.C.