

FEDERAL COMMUNICATIONS COMMISSION RULES - PART 73

- (1) A copy of every application tendered for filing, with respect to which local public notice is required to be given under the provisions of §73.3580 or §73.3594; and all exhibits, letters and other documents tendered for filing as part thereof; all amendments thereto, copies of all documents incorporated therein by reference, all correspondence between the FCC and the applicant pertaining to the application after it has been tendered for filing, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto, which according to the provisions of §§0.451 through 0.461 of the rules are open for public inspection at the offices of the FCC. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the applicant, after making the reference, so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition. The file shall also contain a copy of every written citizen agreement. For purposes of this section, a citizen agreement is a written agreement between a broadcast applicant, permittee, or licensee, and one or more citizens or citizen groups, entered for primarily noncommercial purposes. This definition includes those agreements that deal with goals or proposed practices directly or indirectly affecting station operation in the public interest, in areas such as - but not limited to - community ascertainment, programming, and employment. It excludes common commercial agreements such as advertising contracts; union, employment, and personal services contracts; network affiliation, syndication, program supply contracts and so on. However, the mere inclusion of commercial terms in a primarily noncommercial agreement - such as a provision for payment of fees for future services of the citizen-parties (see "Report and Order," Docket 19518, 57 FCC 2d 494 (1976)) - would not cause the agreement to be considered commercial for purposes of this section.

NOTE.— Applications tendered for filing on or before May 13, 1965, which are subsequently designated for hearing after May 13, 1965, with local notice being given pursuant to the provisions of §73.3594, and material related to such applications, need not be placed in the file required to be kept by this section. Applications tendered for filing after May 13, 1965, which contain major amendments to applications tendered for filing on or before May 13, 1965, with local notice of the amending application being given pursuant to the provisions of §73.3580, need not be placed in the file required to be kept by this section. (Added 79-371, 7/9/79)

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- (2) A copy of every application tendered for filing by the licensee or permittee for such station which is not included in paragraph (a)(1) of this section and which involves changes in program service, which requests an extension of time in which to complete construction of a new station, or which requests consent to involuntary assignment or transfer, or to voluntary assignment or transfer not resulting in a substantial change in ownership or control and which may be applied for on FCC Form 316; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the FCC and the applicant pertaining to the application after it has been tendered for filing, and copies of all documents incorporated therein by reference, which according to the provisions of §§0.451 through 0.461 of the rules are open for public inspection at the offices of the FCC. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and there has been no change in the document since the date of filing and the licensee, after making the reference, so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition.

NOTE.—The engineering section of the applications mentioned in paragraphs (a)(1) and (2) of this section, and material related to the engineering section, need not be kept in the file required to be maintained by this paragraph. If such engineering section contains service contour maps submitted with that section, copies of such maps and information (State, county, city, street address, or other identifying information) showing main studio and transmitter location shall be kept in the file.

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- (3) A copy of every ownership report or supplemental ownership report filed by the licensee or permittee for such station after May 13, 1965, pursuant to the provisions of this part; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the FCC pertaining to the reports after they have been filed, and all documents incorporated therein by reference, including contracts listed in such reports in accordance with the provisions of §73.3615(a)(4)(i) and which according to the provisions of §§0.451 through 0.461 of the rules are open for public inspection at the offices of the FCC. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the licensee or permittee, after making the reference, so states.
- (4) Such records as are required to be kept by §73.1940 concerning broadcasts by candidates for public office. (Added 79-371. 7/9/79)
- (5) A copy of every annual employment report filed by the licensee or permittee for such station pursuant to the provisions of this part; and copies of all exhibits, letters and other documents filed as part thereof, all amendments thereto, and all correspondence between the permittee or licensee and the FCC pertaining to reports after they have been filed and all documents incorporated therein by reference and which according to the provisions of §§0.451 through 0.461 of the rules are open for public inspection at the offices of the FCC.
- (6) The Public and Broadcasting - A Procedure Manual (see FCC 74-942, 39 FR 32288, September 5, 1974). (Added 79-371. 7/9/79)
- (7) Letters received from members of the public as are required to be retained by §73.1202. (Added 79-371. 7/9/79)

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**EDITOR'S NOTE:** Section 73.3526 paragraphs (a)(8) and (a)(9) have been so completely revised as of June 27, 1986 that the previous wording is not shown.

- <sup>2</sup> (8) For commercial TV broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs should include, but is not limited to, the time, date, duration and title of each program in which the issue was treated.
- <sup>1</sup> (9) For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs should include, but is not limited to, the time, date, duration and title of each program in which the issue was treated.

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(10) Each applicant for renewal of license shall, within 7 days of the last day of broadcast of the local public notice of filing announcements required pursuant to §73.3580(h), place in the station's local public inspection file a statement certifying compliance with this requirement. The dates and times that the pre-filing and post-filing notices were broadcast and the text thereof shall be made part of the certifying statement. (Edit. Amdt. 4/3/85)

(b) RESPONSIBILITY IN CASE OF ASSIGNMENT OR TRANSFER.

(1) In cases involving applications for consent to assignment of broadcast station construction permits or licenses, with respect to which public notice is required to be given under the provisions of §73.3580 or §73.3594, the file mentioned in paragraph (a) of this section shall be maintained by the assignor. If the assignment is consented to by the FCC and consummated, the assignee shall maintain the file commencing with the date on which notice of the consummation of the assignment is filed with the FCC. The file maintained by the assignee shall cover the period both before and after the time when the notice of consummation of assignment was filed. The assignee is responsible for obtaining copies of the necessary documents from the assignor or from the FCC files. (Added 79-371, 7/9/79)

(2) In cases involving applications for consent to transfer of control of a permittee or licensee of a broadcast station, the file mentioned in paragraph (a) of this section shall be maintained by the permittee or licensee. (Added 79-371, 7/9/79)

(c) STATION TO WHICH RECORDS PERTAIN.

The file need contain only applications, ownership reports, and related material that concern the station for which the file is kept. Applicants, permittees, and licensees need not keep in the file copies of such applications, reports, and material which pertain to other stations with regard to which they may be applicants, permittees, or licensees, except to the extent that such information is reflected in the materials required to be kept under the provisions of this section. (Added 79-371, 7/9/79)

(d) LOCATION OF RECORDS.

The file shall be maintained at the main studio of the station, where such studio is located in the community to which the station is licensed, or where such studio is located outside of the community of license pursuant to authorization granted under §73.1125(a) of the rules prior to July 16, 1987, or at any accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and the file shall be available for public inspection at any time during regular business hours.

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## (e) PERIOD OF RETENTION.

The records specified in paragraph (a)(4) of this section shall be retained for periods specified in §73.1940 (2 years). The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The letters specified in paragraph (a)(7) of this section shall be retained for the period specified in §73.1202 (3 years). The "significant treatment of community issues" ~~programs~~ list specified in paragraphs (a)(8) and (9) of this section shall be retained for the term of license (5 and 7 years for TV and radio, respectively). The certification specified in paragraph (a)(10) of this section shall be retained for the period specified in §73.3580 (for as long as the application to which it refers). The records specified in paragraphs (a)(1), (2), (3), and (5) of this section shall be retained, as follows:

- (1) The applicant for a construction permit for a new station shall maintain such file so long as the application is pending before the FCC or any proceeding involving that application is pending before the courts. (If the application is granted, paragraph (e)(2) of this section shall apply.) (Added 79-371, 7/9/79)

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- (2) The permittee or licensee shall maintain such a file so long as an authorization to operate the station is outstanding, and shall permit public inspection of the material so long as it is retained by the licensee even though the request for inspection is made after the conclusion of the required retention period specified in this sub-paragraph. However, material which is voluntarily retained after the required retention time may be kept in a form and place convenient to the licensee, and shall be made available to the inquiring party, in good faith after written request, at a time and place convenient to both the party and the licensee.

Applications and related material placed in the file shall be retained for a period of ~~7 years from beginning~~ with the date ~~the application is that they are tendered for filing with the FCC,~~ with two exceptions: ~~First, engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a new or modified mode; and second, all of the material shall be retained for whatever longer period is necessary to comply with the following requirements: and ending with the expiration of one license term (five (5) years for television licensees or seven (7) years for radio licensees) or until the grant of the first renewal application of the television or radio broadcast license in question, whichever is later, with two exceptions:~~

- (i) ~~Material shall be retained until final FCC action on the second renewal application following the application or other material in question; Engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a new or modified mode; and~~

## FEDERAL COMMUNICATIONS COMMISSION RULES - PART 73

(ii) Material having a substantial bearing on a matter which is the subject of a claim against the licensee, or relating to an FCC investigation or a complaint to the FCC of which the licensee has been advised, shall be retained until the licensee is notified in writing that the material may be discarded, or, if the matter is a private one, the claim has been satisfied or is barred by statute of limitations. Where an application or related material incorporates by reference material in earlier applications and material concerning programming and related matters (Section IV and related material), the material so referred to shall be retained as long as the application referring to it. If a written agreement is not incorporated in an application tendered for filing with the FCC, the starting date of the retention period for that agreement is the date the agreement is executed. (Added 79-371, 7/9/79)

(f) Copies of any material required to be in the public file of any applicant for a construction permit, or permittee or licensee of any commercial TV or radio station shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the applicant, permittee or licensee, within a reasonable period of time which, in no event, shall be longer than seven days unless reproduction facilities are unavailable in the applicant's, permittee's, or licensee's community. The applicant, permittee or licensee is not required to honor requests made by mail, but may do so if it chooses.

[Next Page is No. 680.1]



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DECLARATION OF  
DEBORAH PELLAND

My name is Deborah Pelland. On July 16, 1990, Leibowitz and Spencer received the following documents, postage prepaid, return receipt request from Robert B. Taylor:

- (a) Letter dated July 12, 1990 from Robert B. Taylor to Joseph A. Belisle;
- (b) Letter dated April 6, 1989 from Robert B. Taylor to Donna R. Searcy;
- (c) Petition to Deny, FCC File No. BP-890103AB, dated April 6, 1989;
- (d) Letter dated July 20, 1989 from Robert B. Taylor to Donna R. Searcy; and
- (e) Petition to Deny, FCC File No. BPH-890103MD dated July 20, 1989.

These documents, comprising a total of 22 pages, were the entire contents of the envelope sent to Joseph A. Belisle at Leibowitz and Spencer. These documents, the original envelope and a memo I wrote to Joseph Belisle are attached hereto.

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

  
Deborah Pelland

Mr Joseph Belisle,

I Deborah Pelland received on this day of  
July 16, 1990 this letter and enclosures of 22 pages  
regarding WTRU FM. I have numbered, signed and date  
stamped each page.

  
Deborah Pelland  
July 16, 1990

**WTRU 99.5 FM**

*The Palm Beaches True Adult Contemporary*

July 12, 1990

Joseph A. Belisle  
Leibowitz & Spencer  
AmeriFirst Building, Suite 1450  
One SE Third Avenue  
Miami, FL 33131

Dear Mr. Belisle:

Enclosed are copies of the WTRU public file documents which I have with me today.

The complete WTRU public file is in my office at the radio station building in Jupiter. I am temporarily in Indiana on business. As we agreed in our telephone conversation today, upon returning to my Jupiter office I will photocopy the other documents in the WTRU public file and mail them to you in Miami.

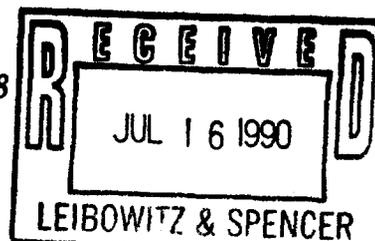
Sincerely,

*Robert B. Taylor*  
Robert B. Taylor  
Licensee, WTRU (FM)  
Licensee, WEXI (AM)

RBT/ms

enc.

500 N. Delaware Blvd. • Jupiter, FL 33458 • (407) 744-6398



April 6, 1989

Robert B. Taylor, Licensee  
WZIP-AM  
500 N. Delaware Blvd.  
P.O. Box 848  
Jupiter, FL 33458

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

RE: File No. BP-890103AB

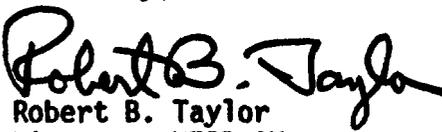
Dear Ms. Searcy:

Please find enclosed for filing the original and two copies of a "Petition to Deny."

This "Petition to Deny" is in reference to an application for a new standard broadcast station at Jupiter, FL, filed by Jupiter Broadcasting Corp., which is mutually exclusive with a renewal application for WZIP-AM (formerly WTRU-AM), Jupiter, FL, of which I am the licensee. The Jupiter Broadcasting Corp. application was accepted for filing by the Commission on March 13, 1989.

Please call the undersigned at (407) 744-6398 should there be any questions about this matter.

Sincerely,

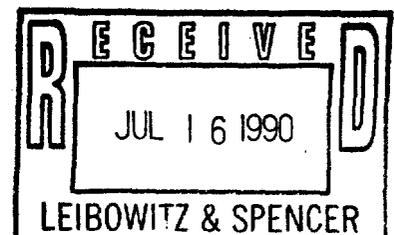


Robert B. Taylor  
Licensee, WZIP-AM

RBT/ms

cc: Paul J. Levine

Enc.



BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In re Application of

Jupiter Broadcasting Corp.

For a NEW standard broadcast station  
at Jupiter, FL (Mutually exclusive with  
the renewal application for WZIP-AM,  
formerly WTRU-AM, Jupiter, FL)

File No. BP-890103AB

To: Chief, Mass Media Bureau

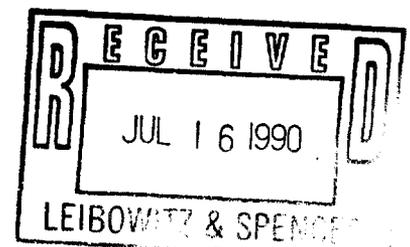
PETITION TO DENY

1) In its application Jupiter Broadcasting Corp. proposes to use the present transmitter site of WZIP-AM, Jupiter, FL for its proposed station.

2) The WZIP-AM transmitter site is controlled by the undersigned, and I hereby state for the record that the site is not and will not be available for use by Jupiter Broadcasting Corp.

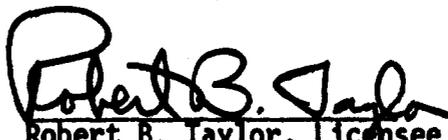
3) On March 30, 1989, the Commission eliminated the Cameron doctrine which is cited by Jupiter Broadcasting Corp. in Exhibit 3 of its application. See George E. Cameron Jr. Communications, 71 FCC 2d 460, 467 (1979).

4) Petitioner hereby requests that the application of Jupiter Broadcasting Corp. be dismissed by the Commission because it does not indicate a useable transmitter site: a) its proposed site is unavailable because I control the site and can thus state that it is not and will not be available,



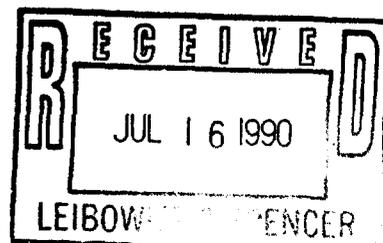
and b) the assumed availability of the site cannot be used because the Commission no longer accepts the Cameron doctrine.

Respectfully submitted,



Robert B. Taylor, Licensee  
WZIP-AM  
500 N. Delaware Blvd.  
P.O. Box 848  
Jupiter, FL 33458

Dated: April 6, 1989

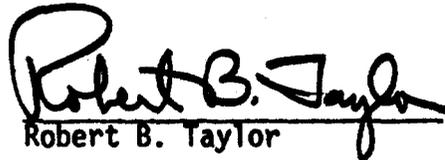


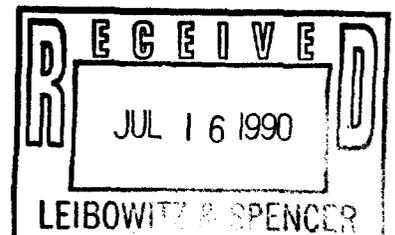
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CERTIFICATE OF SERVICE

I, Robert B. Taylor, hereby certify that on this 6th day of April, 1989, a copy of the foregoing "Petition to Deny" was mailed by United States first class mail, postage prepaid, to the following:

Paul J. Levine, Director  
Jupiter Broadcasting Corp.  
Grossman and Roth  
Grand Bay Plaza, Penthouse 1  
2665 S. Bayshore Dr.  
Miami, FL 33133

  
Robert B. Taylor



July 20, 1989

Robert B. Taylor, Licensee  
WTRU-FM  
500 N. Delaware Blvd.  
P.O. Box 848  
Jupiter, FL 33458

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

RE: File No. BPH-890103MD

Dear Ms. Searcy:

Please find enclosed for filing the original and required copies of a "Petition to Deny."

This "Petition to Deny" is in reference to an application for a new FM radio station at Jupiter, Florida, filed by Jupiter Broadcasting Corporation, which is mutually exclusive with a renewal application for WTRU-FM (formerly WKSJ-FM), Jupiter, Florida, of which I am the licensee.

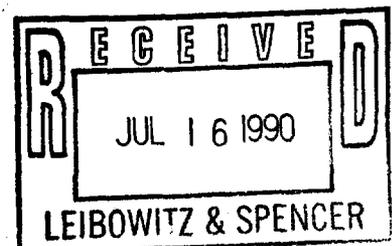
Please call the undersigned at (407) 744-6398 should there be any questions about this matter.

Sincerely,

  
Robert B. Taylor  
Licensee, WTRU-FM

RBT/ms

Enc.



BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In re Application of

Jupiter Broadcasting Corp.

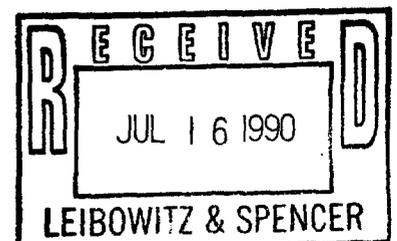
For a NEW FM radio station at  
Jupiter, FL (Mutually exclusive with  
the renewal application for WTRU-FM,  
formerly WKSJ-FM, Jupiter, FL)

File No. BPH-890103MD

To: Chief, Mass Media Bureau

PETITION TO DENY

1) Based on the evidence described below and in attached exhibits, Petitioner asserts that "Jupiter Broadcasting Corp." is using the commission's license renewal process as a means to force an existing commission licensee, myself, to sell this FM station to it. It is obvious from the chronology below that having been unsuccessful in their attempts to get me to agree to sell WTRU-FM (formerly WKSJ-FM), Jupiter, Florida, to them, the Levine group has filed its competing application against the Jupiter license in an effort to force me to accede to their demands. Therefore, the application of "Jupiter Broadcasting Corp." should be denied and dismissed by the commission.



2) The 1988 FCC Form 301 does not require a corporate applicant to list all of its equity shareholders, just individuals holding more than 50% of the applicant's voting stock. The equity shareholders of "Jupiter Broadcasting Corp." are Charles E. Reid and Paul J. Levine, both of Florida, and Philip Grabber of Kentucky. These three individuals have carefully structured their new corporation so that Charles Reid holds 100% of the votes, thus concealing from the commission the fact that both Mr. Levine and Mr. Grabber are also equity shareholders with financial interests in "Jupiter Broadcasting Corp."

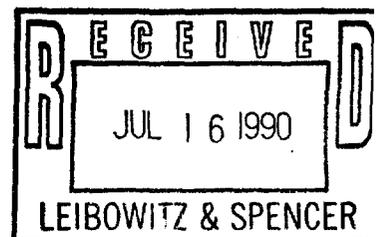
3) The following facts reveal the actual intent of "Jupiter Broadcasting Corp.":

September 10, 1987. Paul Levine phoned my office in Fort Wayne, Indiana, spoke with my employee, Patricia Harrington, and told her he wanted to purchase the Jupiter stations (both FM and AM). Under direct instructions from me, Miss Harrington told him they were not for sale.

September 14, 1987. Paul Levine sent a letter to my office in Fort Wayne (Exhibit 1) asking to purchase the Jupiter stations.

October 19, 1987. Paul Levine again phoned my office in Fort Wayne, spoke with Patricia Harrington a second time, repeated his request to purchase the stations and was again told by Miss Harrington that the stations were not for sale.

October 1987. On at least two occasions Paul Levine phoned my legal counsel in Washington, D.C., James R. Bayes of Wiley, Rein & Fielding, and told Mr. Bayes that he wanted to purchase the Jupiter stations.



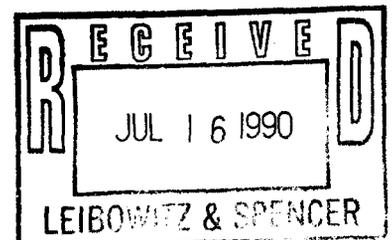
As I had previously given specific instructions to Mr. Bayes to tell any inquiring parties that the Jupiter stations were not available for sale, this is what Mr. Levine was told by Mr. Bayes.

November 6, 1987. Having already been told verbally by two different persons representing me that the Jupiter stations were not for sale, Paul Levine sent a second letter to me (Exhibit 2). Although he acknowledges in the second paragraph of this letter that he knows I do not wish to sell, he again asks me to sell the stations to him (in the first paragraph).

February 3, 1988. Apparently ignoring my multiple rejections of his previous offers, Paul Levine sent a third letter (Exhibit 3) in which he continues to pressure me to sell to him.

July 19, 1988. Charles Reid, another principal in "Jupiter Broadcasting Corp." phoned my office in Fort Wayne, Indiana, spoke with my employee, Patricia Harrington, and told Miss Harrington that he wanted to purchase the Jupiter stations. Miss Harrington advised Mr. Reid that the stations were not for sale.

January 3, 1989. Paul Levine, having joined forces with Charles Reid and a third partner, Philip Grabber, filed a competing application at the commission for the Jupiter AM and FM licenses using the name "Jupiter Broadcasting Corp."

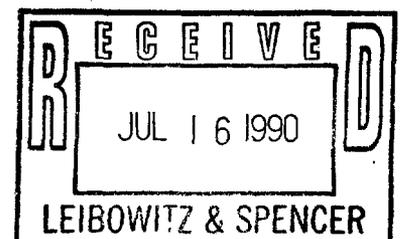


January 18, 1989. Paul Levine and Charles Reid met with me for over an hour at my WKSJ/WTRU office in Jupiter. During this meeting, both Levine and Reid stated that since I refused to sell the stations to them, they had decided to use the commission's license renewal process to try to force me to sell to them. While sitting at my desk in my office, with Mr. Reid watching, Mr. Levine told me that "Jupiter Broadcasting Corp." would withdraw its competing application for the Jupiter licenses at the FCC if I would capitulate and sell the stations to his group. He made it very clear that their competing application was an FCC authorized tool for them to use to force me to sell.

February 24, 1989; May 24, 1989; July 11, 1989. On these three occasions, while discussing other matters on the phone, Paul Levine again asked me to sell the Jupiter stations to him.

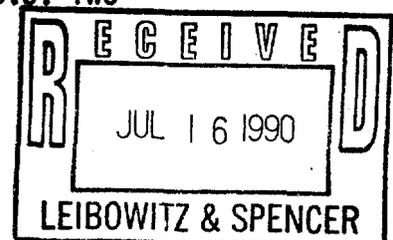
4) The Commission should dismiss the application of "Jupiter Broadcasting Corp." because recent case law before the FCC shows the rejection of a challenger with similar legal structure.

"Jupiter Broadcasting Corp." was designed and set up by one of its equity principals, a Miami attorney, Paul J. Levine. Although equity shares in the corporation are owned by at least two white men, Paul Levine of Miami and Philip Grabber of Kentucky, Mr. Levine purposely structured his corporation so all the voting shares are held by a minority person, Charles Reid, a black man.



However, in a recent commission decision the FCC Administrative Law Judge labelled the challenger's legal structure to be a "sham" when the challenger gave operating control to a black woman by naming her its general partner while the white persons with equity interests were listed as limited partners. In this case involving a license challenge to Metroplex Communication Corporation, licensee of FM station WHYI, Fort Lauderdale, Florida, by challenger Southeast Florida Broadcasting, L.P., in his ruling issued January 4, 1989 and released January 27, 1989, FCC Chief Administrative Law Judge Thomas B. Fitzpatrick wrote: "The record does not support any sound business reason for Southeast's structure, other than an attempt to garner a comparative integration credit and, as a result, it is ruled that its integration proposal is rejected as a sham." The parallel here is obvious...there is no sound business reason for "Jupiter Broadcasting Corp." to be structured the way it is (with 100% voting control held by the minority partner), other than an attempt by Paul Levine and Philip Grabber to garner a comparative integration credit.

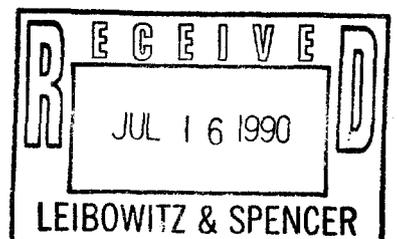
5) The commission should dismiss the application of "Jupiter Broadcasting Corp." because its legal counsel, the firm of Leibowitz and Spencer, has behaved in an unethical manner. One of the principals of this firm, Matthew L. Leibowitz, has knowingly breached the confidential attorney-client relationship which he had maintained for five years with the licensees of the Jupiter stations, U.S. Two



Broadcasting Corp., U.S. Three Broadcasting Corp., and their holding company parent corporation Group One Broadcasting Corp., whose name was later changed to R & R Broadcasting Corp. Matthew Leibowitz was retained and paid by these Jupiter licensees from early 1979 through early 1984 (see Exhibits 4 and 5). During this time much confidential financial, business and FCC license information was given to Matthew Leibowitz by the Jupiter licensees. Now Mr. Leibowitz has supplied this confidential information from his files to Jupiter Broadcasting Corp. to use in its attempt to take the FCC licenses away from the Jupiter licensees. This type of unethical behavior, a clear conflict of interest by a law firm practicing before the FCC, should not be condoned by the commission.

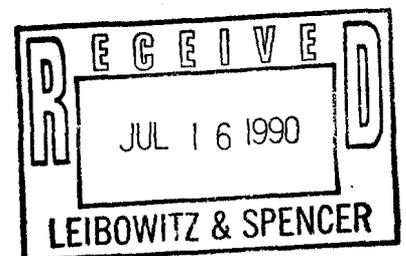
It should be noted that as licensee of WTRU-FM, I was sole stockholder in all three of these licensee corporations from 1984 through 1988 when the corporations were dissolved. The pending license renewal application before the commission for WTRU-FM is based on performance during the FCC seven year license period, 1982 through 1989, which includes up to three years during which Matthew Leibowitz served as legal counsel to the Jupiter licensees.

6) The "Jupiter Broadcasting Corp." application for 99.5 mHz at Jupiter should be dismissed by the commission because although the applicants state that they have a usable transmitter site, in fact, they do not. The town council of the town of Jupiter which



controls zoning and development, will not allow a tower to be built on the site proposed by "Jupiter Broadcasting Corp." Their site is directly on a major 4 lane highway (Alternate AIA) controlled by the Florida Department of Transportation. It is approximately 100 to 200 feet from the main tracks of the Florida East Coast Railway (FEC). It is directly on the Florida Intracoastal Waterway. None of these three, the Florida DOT, FEC railroad or the waterway commission will allow a tower that close to their facilities.

Their site is next to an office building, the Bayside 1001, in an area that is zoned for office buildings and certain types of retail only. A tower would need a special exception authorized by the Jupiter Town Council since the site is within the city limits. The council will not approve it because of the proximity of residential neighborhoods. The council policy is no towers in residential areas (see Exhibit 6). A residential planned unit development (PUD) called "Jupiter Harbour" is located directly across the intracoastal waterway from their proposed site, within 500 feet of their proposed tower. About 500 feet in the other direction, across highway Alternate A1A and the railroad tracks next to the highway, is another residential neighborhood including a church and the Jupiter public library. This includes residences on these neighborhood streets: Park Street, Florida Avenue, Old Dixie Highway and Townhall Avenue, all within the village of Jupiter.



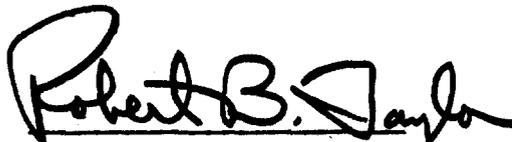
In addition, in my contacts with the Federal Aviation Administration in recent months, the FAA has advised me and others that a tower of the height proposed by "Jupiter Broadcasting Corp." would not be allowed by the FAA at that location.

7) Since the mutually exclusive application of "Jupiter Broadcasting Corp." is not a bona fide application for a license but rather is a sham and a fraud being used as a pressure tool against an existing commission licensee, this petitioner pleads for dismissal of the "Jupiter Broadcasting Corp." application for 99.5 MHz at Jupiter, Florida.

8) The call sign of WKSJ (FM) was changed to WTRU (FM) on March 30, 1989.

9) I am not represented by legal counsel at this time. This pleading is being submitted by myself as the individual licensee of WTRU (FM).

Respectfully submitted,



Robert B. Taylor, Licensee  
WTRU (FM)  
500 N. Delaware Blvd.  
P.O. Box 848  
Jupiter, FL 33458

Dated: July 20, 1989

