

ENVIRONMENTAL STATEMENT

Required by Section 1.311 of the Commission's rules.
Submitted with renewal application for:
WTRU (AM), Jupiter, Florida
U.S. Two Broadcasting Corporation
Dated: September 22, 1988

Licensee's statement:

"Workers and the general public will not be exposed to unsafe RF radiation levels because access to the WTRU (AM) antenna site is impeded and highly improbable."

Robert B. Taylor
PRESIDENT
U.S. TWO BROADCASTING CORP.

Plaintiff James Tucker,

Court Case # CL-87-2174-AO
Circuit Palm Beach

Defendant U. S. Three Broadcasting, etc.

Attorney J. Terence Mcmanus, Esq.
P.O. Box 14125
North Palm Beach, Fl. 33408

Type of Writ SUMMONS & copy & copy of complaint

Serve U. S. THREE BROADCASTING Corp.,

Cost
Service \$ 12.00
Check 0147
pd

Address 500 N. Delaware Blvd.
Jupiter, Fl. 33458

Received this writ on the 26 Day of March A.D. 87 and served the same on the within named Corporation Party Garnishee Defendant Witness at M on the day of A. D. 19 in Palm Beach County, Florida.

- INDIVIDUAL By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading.
SUBSTITUTE By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading by leaving the copies at (his/her) usual place of abode with any person residing therein above the age of 15 years, to wit:

(Name and Relationship) and informing the person of the contents thereof (as defined in F.S. 48.031 (1).)

- CORPORATE By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading to as of said corporation: in the absence of the President, Vice President, Cashier, Treasurer, Secretary, General Manager, Director, Resident Agent or any officers. (as defined in F.S. 48.081)

- WITNESS By delivering a true copy of this writ with the date and hour of service endorsed thereon by me.
SUBSTITUTE WITNESS By delivering a true copy of this writ with the date and hour of service endorsed thereon by me at (his/her) usual place of abode, with any person residing therein above the age of 15 years, to wit: and informing the person of the contents thereof. (Name and Relationship) (as defined in F.S. 48.031 (2).)

- POSTING By posting on the premises located at a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of Pleadings attached as the above named tenant was not available for personal service.

MISCELLANEOUS The premises of the radio station appears to be leased for a period of time. The local phone number has been changed to 719/484-0580. I received no answer for another number given in copy book of 636-3194. Several attempts to reach Mr. McManus at this location were rejected.

RICHARD P. WILLE, SHERIFF OF PALM BEACH COUNTY, FLORIDA
By Deputy Sheriff

UNEXECUTED

Note Only that service indicated by the X is Applicable to this return - all other portions should not be considered.

DUPLICATE

RECEIVED

APR 30 1987

FCC
Office of the Secretary

April 30, 1987

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WKSJ(FM) and WTRU(AM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 1, 1987, U.S. Three Broadcasting Corporation and U.S. Two Broadcasting Corporation, licensees of WKSJ(FM) and WTRU(AM), Jupiter, Florida, advised the Commission that the stations had temporarily suspended operations effective April 1, 1987.

As the Commission's records will reflect, WKSJ(FM) has heretofore operated on Channel 244A (96.7 MHz). In its Second Report and Order in Docket No. 2139, 47 RR 2d 1280 (1980), the Commission changed the Jupiter FM channel assignment from 244A to 296A in order to accommodate a new allotment at Homestead, Florida. The Commission, however, permitted WKSJ to continue to operate on Channel 244 until a permittee for the new Homestead station had been selected. In March of 1986, the Commission issued a construction permit for the Homestead FM station to Radio Intermart Corporation. After extended negotiations between U.S. Three and Radio Intermart concerning reimbursement for the expense U.S. Three will incur in connection with the frequency change necessary to accommodate the new FM station, U.S. Three agreed to vacate Channel 244A. To that end, WKSJ(FM) temporarily suspended operations on April 1, 1987. Because WTRU(AM) simulcasts the WKSJ programming, the AM station also suspended operations on that date. U.S. Three understands that WKSJ may not resume operations on Channel 244 and, consistent with the Commission's 1980 rulemaking decision, the station would be required to resume operations on Channel 296A.

However, on or about February 27, 1987, Silicon East Communications Corporation ("SEC"), licensee of WVTI(FM), Melbourne, Florida submitted a petition for rulemaking to

Mr. William J. Tricarico
April 30, 1987
Page 2

permit WVTI to upgrade from Class A to Class C2 facilities. In order to accommodate the WVTI upgrade, SEC proposes that the Commission substitute Channel 258A for the current, but as yet unused, allotment of Channel 296A at Jupiter, Florida. U.S. Three has no objection to the proposed channel substitution, and has this day filed a statement in support of SEC's petition for rulemaking. However, U.S. Three is deeply concerned by the prospect of making two substantial frequency changes, possibly within the space of a few months, in order to accommodate changes in the Table of Allotments proposed by other parties. The licensee's present financial condition does not permit it to absorb the potentially devastating impact of repeated disruptions of its operations and the need to establish, and then reestablish, an identity on a new channel. In addition, U.S. Three respectfully submits, the public interest would not be served by two such rapid changes in the frequency on which WKSJ is required to operate.

Accordingly, it is hereby respectfully requested that WKSJ and its sister AM station, WTRU, be permitted to remain silent pending the Commission's disposition of the SEC petition for rulemaking. U.S. Three and U.S. Two Broadcasting Corporation will undertake to reinstitute service on WKSJ and WTRU expeditiously once it is determined on which frequency the FM station will operate permanently.

Should any question arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,


James R. Bayes
Counsel for WKSJ and WTRU

cc (BY HAND)
Gordon Malick

363

TELEGRAPHIC MESSAGE

NAME OF AGENCY FEDERAL COMMUNICATIONS COMMISSION	PRECEDENCE ACTION: NL INFO:	SECURITY CLASSIFICATION MAIL BRANCH MAY 26 1987
ACCOUNTING CLASSIFICATION COLLECT	DATE PREPARED 5/26/87	FILE SENT VIA WESTERN UNION
FOR INFORMATION CALL		
NAME FM BRANCH AUDIO SERVICES DIVISION	PHONE NUMBER 632-7166	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:
U.S. THREE BROADCASTING CORPORATION
RADIO STATION W-K-S-Y (FM) (PHONE MAIL)
C/O ROBERT TAYLOR WXKE (FM)
2541 GOSHEN ROAD
FT. WAYNE, IN 46808
PHONE (219) 484-0580

REFERENCE 8920-GDG. RELET BAYES 4-30-87. SPECIAL TEMPORARY
AUTHORITY GRANTED THRU 8-1-87 TO REMAIN SILENT PENDING
PROPOSED RULEMAKING. NECESSARY MAINTAIN PRESCRIBED LIGHTING.
THIS AUTHORITY APPLICABLE TO FM STATION ONLY. AUTHORITY
FOR WTRU (AM) MUST BE SECURED FROM AM BRANCH, MASS MEDIA BUREAU.

DENNIS WILLIAM, BRANCH CHIEF
GLENN GREISMAN, C.I.S.
MASS MEDIA BUREAU, FCC

cc: EIC MIAMI
JAMES R. BAYES, ESQ.

lmb/MMB:asd

SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006

JAMES R. BAYES
(202) 429-7064

July 31, 1987

RECEIVED

JUL 20 1987

F.M. BRANCH

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WKSJ(FM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida.) A copy of U.S. Three's April 30 request is attached.

As indicated in the April 30 letter, U.S. Three has already been directed to change frequencies once, from its original Channel 244A to Channel 296A. The licensee's present financial condition does not permit it to absorb the impact of repeated dislocations of its operations and the need to establish, and then reestablish, its identity on a new channel. Consequently, U.S. Three requested authority for WKSJ to remain silent pending the Commission's disposition of the Jupiter/Melbourne rulemaking proceeding.

The Commission granted U.S. Three's request by telegram dated May 26, 1987, and granted WKSJ special temporary authority to remain silent through August 1, 1987. The Commission's Notice of Proposed Rulemaking in the Jupiter/Melbourne proceeding was not released until July 2, 1987, however, and comments and reply comments are not due until August 24 and September 8, 1987, respectively. Accordingly, U.S. Three remains uncertain as to the channel on which it will ultimately be required to resume permanent

WILEY, REIN & FIELDING

Mr. William J. Tricarico
July 31, 1987
Page 2

operations. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended pending further developments in the Jupiter/Melbourne rulemaking proceeding. U.S. Three is hopeful that the situation will be clarified by the contents of comments and reply comments, and that once the comment deadline in the rulemaking proceeding has passed, it will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes
Counsel for U.S. Three
Broadcasting Corporation

cc: Dennis Williams (BY HAND)
Glenn Greisman (BY HAND)

DUPLICATE

April 30, 1987

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Accordingly, it is hereby respectfully requested that WKSJ and its sister AM station, WTRU, be permitted to remain silent pending the Commission's disposition of the SEC petition for rulemaking. U.S. Three and U.S. Two Broadcasting Corporation will undertake to reinstitute service on WKSJ and WTRU expeditiously once it is determined on which frequency the FM station will operate permanently.

Should any question arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,


James R. Bayes
Counsel for WKSJ and WTRU

cc (BY HAND)
Gordon Malick

TELEGRAPHIC MESSAGE

NAME OF AGENCY FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION NL INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION COLLECT	DATE PREPARED 5-26-87		FILE
FOR INFORMATION CALL			
NAME FM BRANCH AUDIO SERVICES DIVISION	PHONE NUMBER 632-7166	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	
THIS SPACE FOR USE OF COMMUNICATION UNIT			

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:
U.S. THREE BROADCASTING CORPORATION
RADIO STATION W-R-S-Y (FM) (PHONE MAIL)
C/O ROBERT TAYLOR WYKE (FM)
2541 GOSHEN ROAD
FT. WAYNE, IN 46808
PHONE (219) 484-0580

REFERENCE 8920-GDG. RELET BAYES 4-30-87. SPECIAL TEMPORARY
AUTHORITY GRANTED THRU 8-1-87 TO REMAIN SILENT PENDING
PROPOSED RULEMAKING. NECESSARY MAINTAIN PRESCRIBED LIGHTING.
THIS AUTHORITY APPLICABLE TO FM STATION ONLY. AUTHORITY
FOR WTRU (AM) MUST BE SECURED FROM AM BRANCH, MASS MEDIA BUREAU.

DENNIS WILLIAM, BRANCH CHIEF
GLENN GREISMAN, C.I.S.
MASS MEDIA BUREAU, FCC

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TELEGRAPHIC MESSAGE

NAME OF AGENCY FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION: NL INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION COLLECT		DATE PREPARED 8-3-87	FILE
FOR INFORMATION CALL			
NAME FM BRANCH/AUDIO SERVICES DIVISION	PHONE NUMBER 632-3954	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. THREE BROADCASTING CORPORATION
 RADIO STATION W K S Y (F M) (PHONE & MAIL)
 C/O ROBERT TAYLOR WXKE (F M)
 2541 GOSHEN ROAD
 FT. WAYNE, IN. 46808
 PHONE: 219-464-0580

MAIL BRANCH

AUG 3 1987

SENT VIA WESTERN UNION

REFERENCE 8920-GDG. RELET BAYES 7-31-87. TERMS AND CONDITIONS
 COMMISSION TELEGRAM 5-26-87 EXTENDED THRU 11-1-87.

DENNIS WILLIAMS, BRANCH CHIEF
 GLENN GRETSMAH, C.T.S.
 MASS MEDIA BUREAU, FCC

CC: ETC MIAMI
 JAMES R. BAYES, ESQ.

gdg/MSB:asd

SECURITY CLASSIFICATION

PAGE NO. NO. OF PGS.

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006

JAMES R. BAYES
(202) 429-7064

October 30, 1987

RECEIVED

NOV 2 1987

FM BRANCH

Mr. William J. Tricarico
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: WKSJ (FM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ (FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, *inter alia*, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida.) The Commission granted U.S. Three's request by telegram dated May 26, 1987, and granted WKSJ special temporary authority to remain silent through August 1, 1987.

By letter dated July 31, 1987, U.S. Three requested that its authorization to remain silent be extended pending further developments in the Jupiter/Melbourne rulemaking proceeding. The Commission granted this request by telegram dated August 3, 1987, and extended the authorization to remain silent through November 1, 1987. A copy of U.S. Three's requests are attached.

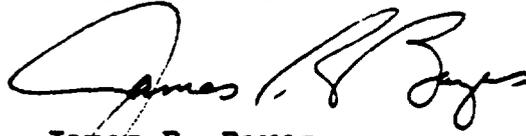
As the rulemaking proceeding necessitating the extension is still ongoing, U.S. Three remains uncertain as to its ultimate channel placement. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations, and the subsequent extension of that suspension, still obtain. U.S. Three, however, has been advised that the principal impediment to completion of the rulemaking was a competing proposal for allotment of Channel 258A to Tequesta, Florida. U.S. Three has also been advised that the proposal has been withdrawn. U.S. Three is, there-

Mr. William J. Tricarico
October 30, 1987
Page 2

fore, optimistic that the rulemaking will be completed shortly, but respectfully requests that its authorization to remain silent be extended further until the rulemaking proceeding is resolved. Once the issue is finally resolved, U.S. Three will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes
Counsel for U.S. Three
Broadcasting Corporation

JRB/mld
Enclosures

cc: Dennis Williams (BY HAND)
Glenn Greisman (BY HAND)
Robert Taylor

425
DUPLICATE

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006

JAMES R. BAYES
(202) 429-7064

July 31, 1987

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

RECEIVED
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FCC
Office of the Secretary

Re: WKSJ(FM), Jupiter, Florida

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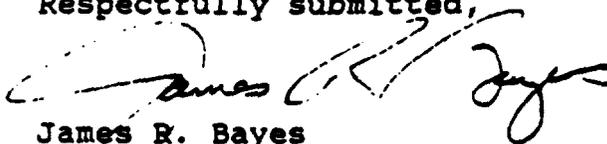
WILEY, REIN & FIELDING

Mr. William J. Tricarico
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Respectfully submitted,



James R. Bayes
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cc: Dennis Williams (BY HAND)
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April 30, 1987
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Counsel for WKSJ and WTRU

cc (BY HAND)
Gordon Malick

TELEGRAPHIC MESSAGE

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ACCOUNTING CLASSIFICATION COLLECT	DATE PREPARED 11-5-87	FILE	
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NAME FM BRANCH/AUDIO SERVICES DIVISION	PHONE NUMBER 632-3954	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	
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 C/O ROBERT TAYLOR WAKE (F M)
 2541 COSHEN ROAD
 FT. WAYNE, IN. 46808
 PHONE: 219-484-0530

REFERENCE 8920-CDG. RELET BAYES 10-30-87.

TERMS AND CONDITIONS COMMISSION TELEGRAM 5-26-87

EXTENDED THRU 2-1-88.

DENNIS WILLIAMS, BRANCH CHIEF
 GLENN GREISMAN, C.I.S.
 MASS MEDIA BUREAU, FCC

CC: JAMES R. BAYES, ESQ.
 NIC MIAMI

gdg/MNB:asd

MAIL BRANCH
NOV 5 1987
 SENT VIA
 WESTERN UNION

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WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006

JAMES R. BAYES
(202) 429-7064

February 1, 1988

FEB 2, 1988

Mr. H. Walker Feaster, III
Secretary
Federal Communications Commission
Washington, D.C. 20554

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The Commission subsequently extended U.S. Three's authorization through February 1, 1988.

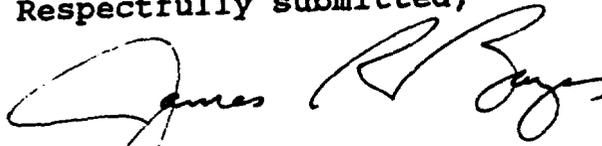
While U.S. Three has been informed that the Melbourne/Jupiter petition has been granted by the Commission, the decision has not yet been released. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended further until the rulemaking proceeding is completed. Once the rulemaking decision is released, U.S. Three will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

WILEY, REIN & FIELDING

Mr. H. Walker Feaster, III
February 1, 1988
Page 2

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Counsel for U.S. Three
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 FT. WAYNE, INDIANA 46803
 PHONE: 219-484-9580

REFERENCE 9920-GDG. RELET BAYES 2-1-88. TERMS AND
 CONDITIONS COMMISSION TELEGRAM 5-26-87 EXTENDED TURU
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DENNIS WILLIAMS, BRANCH CHIEF
 GLENN GREIGIAN, C.I.S.
 MASS MEDIA BUREAU, FCC

CC: JAMES R. BAYES, ESQ.
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JAMES R. BAYES
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April 29, 1988

Mr. H. Walker Feaster, III
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WKSJ(FM), Jupiter, Florida

Dear Mr. Feaster:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida). U.S. Three previously had been directed to change frequencies from Channel 244A to Channel 296A, and wished to avoid the severe economic hardship of two successive channel changes. The Commission has granted WKSJ special temporary authority to remain silent through May 1, 1988, while the rulemaking proceeding went forward.

By Report and Order released February 10, 1988, the Commission concluded the Melbourne/Jupiter rulemaking proceeding and substituted Channel 258A for Channel 296A at Jupiter, Florida, effective March 28, 1988. The Commission also modified WKSJ's license to specify operation on Channel 258A, subject to submission and grant of a minor change application. That application has been prepared and forwarded to the Commission for processing, but has not yet been granted. Therefore, the station is not yet in a position to resume operations.

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Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended until its minor change application is granted and the modified facilities are ready for operation. At that time, U.S. Three will be able to resume FM service to the Jupiter, Florida community.

Mr. H. Walker Feaster, III
April 29, 1988
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Should any questions arise concerning this matter,
kindly advise the undersigned.

Respectfully submitted,



James R. Bayes
Counsel for U.S. Three
Broadcasting Corporation

cc: Dennis Williams (BY HAND)
Glen Greisman (BY HAND)
Robert Taylor