

20206 MH

LAW OFFICES

HALEY, BADER & POTTS

SUITE 600

2000 M STREET, N.W.

WASHINGTON, D.C. 20036-3374

(202) 331-0606

TELECOPIER (202) 296-8679

MICHAEL H. BADER
WILLIAM J. BYRNES
JOHN CRIGLER
JAMES E. DUNSTAN
JOHN WELLS KING
THEODORE D. KRAMER
BENJAMIN J. LAMBIOTTE
MARY A. McREYNOLDS
DAVID G. O'NEIL
JOHN M. PELREY

KENNETH A. COX
MARY PRICE TAYLOR
COUNSEL

WILLIAM J. POTTS, JR.
RICHARD M. RIEHL
SUSAN H. ROSENAU
DAWN M. SCIARRINO (NY)
LEE W. SHUBERT
HENRY A. SOLOMON
RICHARD H. STRODEL
JAMES M. TOWARNICKY
KATHLEEN VICTORY
MELODIE A. VIRTUE

LARRY D. SUMMERVILLE
BROADCAST ANALYST

ANDREW G. HALEY
(1904-1966)

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ORIGINAL

February 6, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

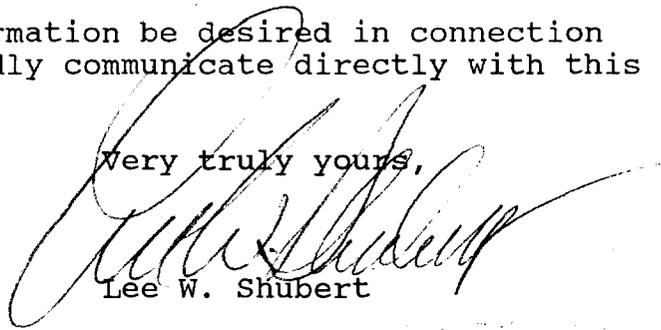
Re: Amendment to Application of
Deas Communications, Inc.
(File No. BPH-910208MB) for
a New Commercial FM Broadcast
Station at Healdsburg, CA

Dear Ms. Searcy:

Transmitted herewith, in triplicate, on behalf of Deas Communications, Inc., is an amendment to its application (FCC Form 301) for authority to construct a new commercial FM broadcast station at Healdsburg, California. The file number of the application is referenced above.

Should further information be desired in connection with this amendment, kindly communicate directly with this office.

Very truly yours,



Lee W. Shubert

Enclosures (3)

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AMENDMENT

(FCC File No. BPH-910208MB)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Please amend the pending application (FCC Form 301) of Deas Communications, Inc., (File No. BPH-910208MB), for a construction permit for a new commercial FM Broadcast Station on FM Channel 240A at Healdsburg, California, in the following respects:

RE: Anti-Drug Abuse Act. Associate the attached Certification Pursuant to §1.2002 of the Commission's Rules under the Anti-Drug Abuse Act of 1988, as Exhibit 4 of Deas Communications, Inc.'s pending application.

CERTIFICATION

I, the undersigned, hereby certify that the statements contained in this amendment are true, complete and correct, to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 27th day of January, 1992.

DEAS COMMUNICATIONS, INC.

By:

Mario Edgar Deas
Mario Edgar Deas
President

CERTIFICATION PURSUANT TO § 1.2002 OF THE COMMISSION'S RULES

Anti-Drug Abuse Act of 1988

PUBLIC LAW 100-690--NOV. 18, 1988

Subtitle G—Denial of Federal Benefits to Drug Traffickers and Possessors.

SEC. 1301. DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS.

(a) **DRUG TRAFFICKERS.**—(1) Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substances (as such terms are defined for purposes of the Controlled Substances Act) shall—

(A) at the discretion of the court, upon the first conviction for such an offense be ineligible for any or all Federal benefits for up to 5 years after such conviction;

(B) at the discretion of the court, upon a second conviction for such an offense be ineligible for any or all Federal benefits for up to 10 years after such conviction; and

(C) upon a third or subsequent conviction for such an offense be permanently ineligible for all Federal benefits.

(2) The benefits which are denied under this subsection shall not include benefits relating to long-term drug treatment programs for addiction for any person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(b) **DRUG POSSESSORS.**—(1) Any individual who is convicted of any Federal or State offense involving the possession of a controlled substance (as such term is defined for purposes of the Controlled Substances Act) shall—

(A) upon the first conviction for such an offense and at the discretion of the court—

(i) be ineligible for any or all Federal benefits for up to one year;

(ii) be required to successfully complete an approved drug treatment program which includes periodic testing to insure that the individual remains drug free;

(iii) be required to perform appropriate community service; or

(iv) any combination of clauses (i), (ii), or (iii); and

(B) upon a second or subsequent conviction for such an offense be ineligible for all Federal benefits for up to 5 years after such conviction as determined by the court. The court shall continue to have the discretion in subparagraph (A) above. In imposing penalties and conditions under subparagraph (A), the court may require that the completion of the conditions imposed by clause (ii) or (iii) be a requirement for the reinstatement of benefits under clause (i).

(2) The penalties and conditions which may be imposed under this subsection shall be waived in the case of a person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(c) **SUSPENSION OF PERIOD OF INELIGIBILITY.**—The period of ineligibility referred to in subsections (a) and (b) shall be suspended if the individual—

(A) completes a supervised drug rehabilitation program after becoming ineligible under this section;

(B) has otherwise been rehabilitated; or

(C) has made a good faith effort to gain admission to a supervised drug rehabilitation program, but is unable to do so because of inaccessibility or unavailability of such a program, or the inability of the individual to pay for such a program.

(d) **DEFINITIONS.**—As used in this section—

(1) the term "Federal benefit"—

(A) means the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

(2) the term "veterans benefit" means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

(e) **INAPPLICABILITY OF THIS SECTION TO GOVERNMENT WITNESSES.**—The penalties provided by this section shall not apply to any individual who cooperates or testifies with the Government in the prosecution of a Federal or State offense or who is in a Government witness protection program.

(f) **INDIAN PROVISION.**—Nothing in this section shall be construed to affect the obligation of the United States to any Indian or Indian tribe arising out of any treaty, statute, Executive order, or the trust responsibility of the United States owing to such Indian or Indian tribe. Nothing in this subsection shall exempt any individual Indian from the sanctions provided for in this section, provided that no individual Indian shall be denied any benefit under Federal Indian programs comparable to those described in subsection (d)(1)(B) or (d)(2) above.

(g) **PRESIDENTIAL REPORT.**—(1) On or before May 1, 1989, the President shall transmit to the Congress a report—

(A) delineating the role of State courts in implementing this section;

(B) describing the manner in which Federal agencies will implement and enforce the requirements of this section;

(C) detailing the means by which Federal and State agencies, courts, and law enforcement agencies will exchange and share the data and information necessary to implement and enforce the withholding of Federal benefits; and

(D) recommending any modifications to improve the administration of this section or otherwise achieve the goal of discouraging the trafficking and possession of controlled substances.

(2) No later than September 1, 1989, the Congress shall consider the report of the President and enact such changes as it deems appropriate to further the goals of this section.

(h) **EFFECTIVE DATE.**—The denial of Federal benefits set forth in this section shall take effect for convictions occurring after September 1, 1989.

§§ 1.2091 and 1.2002 of the Commission's Rules

Subpart P—Implement of the Anti-Drug Abuse Act of 1988.

§ 1.2001 Purpose.

To determine eligibility for professional and/or commercial licenses issued by the Commission with respect to any denials of Federal benefits imposed by Federal and/or state courts under authority granted in 21 U.S.C. 853a.

§ 1.2002 Applicants required to submit information.

(a) In order to be eligible for any new, modified, and/or renewed instrument of authorization from the Commission, including but not limited to, authorizations issued pursuant to sections 214, 301, 302, 303(1), 308, 310(d), 318, 319, 325(b), 351, 361(b), 362(b), 381, and 385 of the Communications Act of 1934, as amended, by whatever name that instrument may be designated, all applicants shall certify that neither the applicant nor any party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to section 5301 of the

Anti-Drug Abuse Act of 1988. 21 U.S.C. 853a. If a section 5301 certification has been incorporated into the FCC application form being filed, the applicant need not submit a separate certification. If a section 5301 certification has not been incorporated into the FCC application form being filed, the applicant shall be deemed to have certified by signing the application, unless an exhibit is included stating that the signature does not constitute such a certification and explaining why the applicant is unable to certify. If no FCC application form is involved, the applicant must attach a certification to its written application. If the applicant is unable to so certify, the applicant shall be ineligible for the authorization for which it applied, and will have 90 days from the filing of the application to comply with this rule. If a section 5301 certification has been incorporated into the FCC application form, failure to respond to the question concerning certification shall result in dismissal of the application pursuant to the relevant processing rules.

(b) A party to the application, as used in paragraph (a) of this section shall include:

(1) If the applicant is an individual, that individual;

(2) If the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; and

(3) If the applicant is a partnership, all non-limited partners and any limited partners holding a 5% or more interest in the partnership.

(c) The provisions of paragraphs (a) and (b) of this section are not applicable to the Amateur Radio Service, the Citizens Band Radio Service, the Radio Control Radio Service, or to users in the Public Mobile Services and the Private Radio Services that are not individually licensed by the Commission.

I, MARIO EDGAR DEAS, have read the above provisions of the Anti-Drug Abuse Act of 1988 and the Commission's rules implementing the Anti-Drug Abuse Act of 1988 and do hereby certify under penalty of perjury, that to the best of my knowledge and belief, neither the applicant nor any party to the application is subject to a denial of the Federal benefits being sought pursuant to § 5301 of the Anti-Drug Abuse Act of 1988.

Dated: 1-27-92

Signed: Mario Edgar Deas

Pres
(title)

on behalf of DEAS COMMUNICATIONS INC
(applicant)