

**ORIGINAL
FILE**

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	GC Docket No. 92-52
)	
Reexamination of the Policy)	RM-7739
Statement on Comparative)	RM-7740
Broadcast Hearings)	RM-7741

To: The Commission

RECEIVED

JUN 22 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF JEFFREY ROCHLIS

Lewis J. Paper
KECK, MAHIN & CATE
1201 New York Avenue, N.W.
Washington, D.C. 20005
(202) 789-3400

Attorneys for
Jeffrey Rochlis

June 22, 1992

LAW OFFICES OF
KECK, MAHIN & CATE
A PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS
PENTHOUSE
1201 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005
(202) 789-3400

No. of Copies rec'd
List A B C D E

0-19

SUMMARY

Jeffrey Rochlis ("Rochlis") proposed the adoption of a pioneer's preference or, as it is now called, a finder's preference to be used in comparative proceedings. The finder's preference was designed to (1) make the comparative hearing process more efficient by vesting the preference with substantial weight and thus discouraging the filing of competing applications except in situations where the finder had substantial demerits (such as outside media interests) or another competitor had substantial strengths (such as a minority with various enhancements), and (2) by expanding the opportunities for minorities, women, and other newcomers to enter the broadcasting field since the use of the finder's preference -- especially in conjunction with a minority preference -- would generally discourage the filing of competing applications and facilitate the grant of an application without the need for a costly and lengthy comparative proceeding.

A majority of the commentators support the finder's preference. None of the concerns raised by the four (4) opponents has any merit.

First, there is no basis to distinguish between the public benefit of the services provided by a finder's preference and those rewarded through a "pioneer's finders" in the common carrier and private radio fields. As in the case of new common carrier or private radio services, the allocation of a new TV or FM station provides a new communications

service which can be of substantial benefit to a large number of people.

Second, there is no reason to believe that the finder's preference will be subject to abuse. Every finder eventually will have to file a Form 301 application which would identify the finder, the basis of the claim for the finder's preference, and the party providing financing for the construction of the station. Those claims can and will be tested in the adversary process -- with the foreknowledge that any misrepresentation will result in the denial of the application and the imposition of a forfeiture penalty.

Third, introduction of a finder's preference does not violate the congressional rider which prohibits any modification of Commission policies for minority and female preferences. The rider did nothing more than to require the restoration of Commission policies in place prior to September 12, 1986. Those policies incorporated the Commission's right to introduce or modify other comparative criteria -- a right expressly recognized by the United States Supreme Court in upholding the minority preference.

Fourth, the finder's preference will not neutralize the minority preference. Quite the contrary. The finder's preference will strengthen a minority applicant's ability to

secure a license without the assistance of non-minority investors.

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 22 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	GC Docket No. 92-52
)	
Reexamination of the Policy)	RM-7739
Statement on Comparative)	RM-7740
Broadcast Hearings)	RM-7741

To: The Commission

REPLY COMMENTS OF JEFFREY ROCHLIS

Jeffrey Rochlis ("Rochlis") hereby replies to comments filed in the above-referenced proceeding.

Introduction

Rochlis proposed a pioneer's preference or, as it is now called, a finder's preference, as a new criterion to be used in comparative broadcast proceedings for new stations. Under Rochlis' proposal, the preference would be awarded to any applicant who had filed a petition for rulemaking or a counterproposal for a new TV or FM allocation.

The finder's preference was proposed to serve two basic goals. First, if the finder's preference were given the substantial weight proposed by Rochlis, the hearing process could be made more efficient; in the absence of some glaring weakness in the finder(s) (such as substantial outside media interests which would not be divested) or some unusual strength in a competitor who was not a finder (such as a minority with various enhancements), the finder(s) would face

few, if any, competing applications, thus facilitating the grant of a construction permit and the introduction of new service to the community. Second, by creating a more efficient process, the finder's preference would be particularly beneficial to minorities, women, and other newcomers who are often handicapped by the exorbitant (and sometimes prohibitive) costs of a lengthy comparative proceeding.

In addition to Rochlis, eight (8) parties filed comments in support of the finder's preference.¹ The proposal was opposed by four (4) parties: American Women in Radio and Television, Inc. ("AWRT"), Carol Cutting ("Cutting"), Judy Yep Hughes ("Hughes"), and the NAACP and LULAC ("NAACP").² The opponents advance four (4) basic concerns: (1) that the allocation of a new FM or TV station does not constitute a "new" service meriting a preference; (2) that a finder's preference can be abused; (3) that a finder's preference would violate the congressional rider prohibiting any change in Commission

¹ These parties include Eric R. Hilding, Sunrise Broadcasting Corp., du Treil, Lundin & Rackley, Inc., The National Federal of Community Broadcasters, InterMart Companies, James J. Henderson, Herrin Broadcasting, Inc., Larry G. Fuss, and the National Association of Broadcasters.

² One other party, John W. Barger, proposed comments stating that the Commission "should carefully consider adoption of a 'Finder's Preference'" and apply any such preference only to allocations not yet proposed. Barger also proposed that an additional filing fee be levied against any finder.

policies with the respect to minority or female preferences; and (4) that the finder's preference will neutralize the benefit of the minority preference. None of these concerns has any merit.

I. Public Benefit of Finder's Preference

Cutting and Hughes argue that no credit should be awarded to a "finder" because the finder does not provide a service of sufficient benefit to the public. Cutting and Hughes try to distinguish a finder's preference from the "pioneer's preference" awarded in common carrier and private radio services. Cutting Comments at 3-4; Hughes Comments at 1-2. According to Hughes, for example, the pioneer's preference is justified when applied to a "new form of service. . . such as digital radio" or "an enhancement of a service. . . akin to AM stereo or the use of close-captioning services for the deaf and hearing-impaired." Hughes Comments at 2. Hughes states that a "new broadcast facility does none of this." Id. Cutting agrees, saying that the pioneer's preference is designed as an incentive for the "development of new communications services" which require "a significant amount of time and money." Cutting Comments at 4. In contrast, claims Cutting, a new broadcast allocation does not require creativity or substantial expenditures.

The distinctions drawn by Cutting and Hughes cannot withstand scrutiny. To begin with, neither Cutting nor Hughes offers any facts to justify their sweeping conclusions that innovations in the common carrier and private radio field are always more beneficial to the public than the identification of a new FM or TV service. Nor can they provide such factual support. New FM and TV stations are almost always allocated to communities which have two or fewer broadcast allocations and usually none. For people living in those communities, the allocation of a broadcast station constitutes a "new" service which could be just as beneficial, if not more so, than the new services rewarded by the pioneer's preference in the common carrier or private radio field.

The allocation of a new broadcast service can also require the expenditure of substantial effort and money. In petitioning for a new FM allocation in Thousand Palms, California, for example, Rochlis expended thousands of dollars for legal and engineering fees as well as substantial time in trying to identify an appropriate transmitter site.

In sum, there is no factual or legal basis to distinguish the new communications services spawned by a petition for a new broadcast allocation and those fostered by a "pioneer" in the common carrier or private radio service.

II. No Potential for Abuse

AWRT, Colby, Hughes, and NAACP assert that a finder's preference will be abused by broadcast engineers and "speculators" who have no interest in public service. AWRT, for example, states that the new allocations could be "sought by engineering consultants who subsequently find an applicant once the frequency is allocated" and that "[i]t will be next to impossible in many instances for the Commission to determine whether the eventual applicant is indeed the party that sought the allotment." AWRT Comments at 5. These comments are echoed by the NAACP. NAACP Comments at 23.

Neither AWRT nor the NAACP offers any facts to support their claims. In Rochlis' case, the AWRT and NAACP comments have no applicability. Rochlis was not pursued by some engineer in search of a client. Rochlis initiated the effort to seek a new station in California and contacted an engineer (on the recommendation of an attorney) after he had decided to pursue the idea.

There is another -- and more compelling -- reason to discount any fear of abuse of the finder's preference. A party seeking the finder's preference will eventually have to file a Form 301 application which would identify (1) all parties with an existing or future ownership interest in the applicant, (2) the basis for the applicant's entitlement to a

finder's preference, and (3) the party providing financing for the construction and initial operation of the station. All of the finder's claims can be tested in the adversary hearing process through discovery (which would include production of documents and depositions) and, if appropriate, an oral hearing. Every applicant would presumably know that any false or misleading statement in the application could not only result in the denial of the application but also in the imposition of a substantial monetary forfeiture. See 47 CFR §§1.80(g)(3); 1.229(f). In short, Commission rules and policies provide ample means to uncover any abuse and to ensure that it is not rewarded.

Colby and Hughes nonetheless complain that the award of a finder's preference will encourage "speculators" to find a new allocation. It is not clear why a petitioner for a new broadcast service is deemed to be a "speculator" while a pioneer for a new common carrier or private radio service is viewed as an "innovator." In any event, Colby intimates that a petition for a new allocation can be filed with an expenditure of only \$100 and that the Commission will be flooded with allocation petitions. Colby Comments at 2. Like AWRT and NAACP, Colby does not offer any facts to support his general conclusion. Rochlis can verify from his own experience that Colby's comments do not comport with reality. Rochlis had to consider

the commercial viability of the allocation. He then spent thousands of dollars in legal and engineering fees to secure a new FM allocation in Thousand Palms, California.

Other potential finders will face similar obstacles. It will not be enough just to identify a community. Time, effort, and money will have to be expended to assess the economic viability of the allocation and to prosecute a petition to secure the allocation.

III. No Adverse Impact on Minority Preference

Cutting, Hughes, and the NAACP express concern that the finder's preference (1) would violate the congressional rider which prohibits any modification of the minority preference and (2) would, in any event, undermine the efficacy of the minority preference in comparative proceedings. These concerns -- although understandable -- are misplaced. The finder's preference is not only consistent with that congressional rider; the finder's preference will, as a practical matter, facilitate the use of the minority preference to expand the opportunities for minority ownership of broadcast stations.

A. No Violation of Congressional Rider

In order to understand why the finder's preference is consistent with the congressional rider, it is first necessary

to recognize what that rider did -- and did not -- mandate. That goal, in turn, requires an examination of the evolution and scope of the rider.

On December 30, 1986, the Commission released a notice of inquiry to review Commission policies which granted preferences for minority and female participation in the ownership and management of broadcast stations. Reexamination of the Commission's Comparative Licensing, Distress Sales, and Tax Certificate Policies, 1 FCC Rcd 1315 (1986). The Commission wanted to explore, inter alia, whether it was constitutional and appropriate to provide preferences in comparative broadcast proceedings to applicants which proposed to integrate minorities and/or women in the management of a new station.

The Commission's inquiry generated considerable opposition in Congress. As a result, the following rider was added to the Commission's 1988 appropriations legislation:

That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in Statement of Policy on Minority Ownership of Broadcast Facilities, 68 FCC2d 979 and 69 FCC2d 1591, as amended, 52 RR2d [1301] (1982) and Mid-Florida Television Corp., [69] FCC2d 607 (Rev. Bd. 1978) which were ef-

LAW OFFICES OF

KECK, MAHIN & CATE
A PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS

PENTHOUSE

1201 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005
(202) 789-3400

fective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings which were suspended pending the conclusion of the inquiry.

Continuing Appropriations Act for Fiscal Year 1988, P.L. 100-202, 101 Stat. 1329-31 (1987). The rider was most recently re-enacted in P.L. 102-140 (Oct. 28, 1991).

By its own terms, the rider was confined to the Commission's effort to repeal or modify policies of benefit to minorities and women. As the United States Supreme Court observed, "The measure [adopted by Congress] prohibited the Commission from spending any appropriated funds to examine or change its minority ownership policies." Metro Broadcasting, Inc. v. FCC, 110 S.Ct. 2997, 3006 (1990) (footnote omitted). See 110 S.Ct. at 3016 n.29 ("the appropriations legislation expressed its unqualified support for the minority ownership policies and instructed the Commission in no uncertain terms that in Congress's view there was no need to study the topic further").

Nothing in the legislation purports to restrict the Commission's right to modify or introduce other comparative criteria. Indeed, in upholding the Commission's female and minority preference policies, the Supreme Court acknowledged that the preference did not assure the minority or female

LAW OFFICES OF

KECK, MAHIN & CATE

A PARTNERSHIP INCLUDING

PROFESSIONAL CORPORATIONS

PENTHOUSE

1201 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005

(202) 789-3400

applicant of a grant; rather, said the Court, the minority or female preference was "simply a 'plus' factor considered together with other characteristics of the applicants," and "experience has shown that minority [and female] ownership does not guarantee that an applicant will prevail." 110 S.Ct. at 3026 (emphasis added). In short, the Court recognized that the Commission could continue to apply other criteria which the Commission determined to be in the public interest.

The language of the rider itself implicitly acknowledges that the Commission would remain free to introduce or modify other comparative criteria -- as long as those changes did not include a repeal or modification of the minority or female preferences. The rider expressly required the Commission to reinstate policies that were in effect prior to September 12, 1986, and the Commission subsequently issued an order complying with that directive. Reexamination of Commission's Licensing, Distress Sales, and Tax Certificate Policies, 3 FCC Rcd 766 (1988). Those prior policies incorporated the Commission's discretion to introduce changes in the comparative criteria through individual adjudications, the issuance of general policy statements, or rulemaking proceedings.

For example, the Commission's right to change other comparative criteria was confirmed by a 1956 court of appeals decision. Pinellas Broadcasting Co. v. FCC, 230 F.2d 204 (D.C.

Cir.), cert. denied, 350 U.S. 1007 (1956). In that case, the court upheld the Commission's decision to depart from prior policy and to accord greater weight to an applicant's past program record and proposed programming than to another applicant's local ownership. When it issued its comprehensive policy statement nine (9) years later, the Commission emphasized that additional changes could and probably would be made in the comparative criteria:

[M]embership on the Commission is not static and the views of individual Commissioners on the importance of particular factors may change. For these and other reasons, the Commission is not bound to deal with all cases at all times as it has dealt in the past with some that seem comparable, Federal Communications Commission v. WOKO, Inc., 329 U.S. 223, 228, and changes of viewpoint, if reasonable, are recognized as both inescapable and proper. Pinellas Broadcasting Co. v. Federal Communications Commission, 97 U.S. App. D.C. 236, 230 F.2d, 204, cert. denied, 350 U.S. 1007.

* * *

[B]y this attempt to clarify our present policy and our views with respect to various factors which are considered in comparative hearings, we do not intend to stultify the continuing process of reviewing our judgment on these matters. Where changes in policy are deemed appropriate they will be made, either in individual cases or in further general statements, with an explanation for the change. In this way, we hope to preserve the advantages of clear policy enunciation without

sacrificing necessary flexibility and open-mindedness.

Policy Statement, 1 FCC2d 393, 399 (1965) (footnote omitted).

As the Commission anticipated, additional modifications were made to the comparative criteria. E.g. George E. Cameron, Jr. Communications, 71 FCC2d 460, 465 (1979) (subsequent history omitted) (1965 Policy Statement revised to preclude inquiry into specialized programming formats except upon certain pre-designation showings); Waters Broadcasting Corp., 91 FCC2d 1260, 1263, 1266 (1982), aff'd sub nom., West Michigan Broadcasting Co. v. FCC, 735 F.2d 601 (D.C. Cir. 1984) (residence in service area outside community of license entitled to substantial local residence credit). Indeed, the very policy which was the subject of the appropriations rider stemmed from a decision by the court of appeals in an individual case. TV 9, Inc. v. FCC, 495 F.2d 929, 938 (D.C. Cir. 1973). And the credit for female participation in management was introduced by the Review Board on the remand of that case. Mid-Florida Television Corp., 69 FCC2d 607, 652 (Rev. Bd. 1978). In adding that credit for female participation, the Review Board reiterated the basic principle that the comparative criteria were subject to change at any point in time:

[I]t should be clear that there is no unfairness in giving credit to an applicant for a deserved advantage whether or not the other parties knew at the outset

of the proceeding that such credit could be obtained. Any party is entitled to urge such preferences flowing from its composition or proposals as it wishes. If its claim is sustained, credit is given

. . . .

69 FCC2d at 650-51 (citations omitted). Accord Metro Broadcasting, Inc. v. FCC, supra, 110 S.Ct. at 3026 ("[a]pplicants have no settled expectation that their applications will be granted without consideration of public interest factors").

In sum, by requesting that the Commission reinstate the policies in place prior to September 12, 1986, Congress did nothing more than to ask for a restoration of the status quo ante. That status quo ante, however, included the right of the Commission to introduce modifications and changes to other comparative criteria if the Commission determined that such changes would serve the public interest. Therefore, the congressional rider does not prohibit the Commission from adopting the finder's preference if the Commission concludes that consideration of that factor would better serve the public interest.

B. Minority Preference Advanced by Finder's Preference

The facts do not support the concerns of Cutting, Hughes, and NAACP that the finder's preference will undermine the minority preference. Quite the contrary. The record in this proceeding -- coupled with the reasonable inferences drawn

from that record -- compel the conclusion that the finder's preference will enhance the utility of the minority preference in expanding minority ownership.

At the outset, it is important to recognize that the minority preference appears to have done little to expand minority ownership of broadcast facilities. Although no record has established the precise number of minority-controlled applicants who have secured broadcast licenses from the comparative process, the NAACP presumes that only a small number of minority-applicants have prevailed.³ The NAACP therefore proposes the adoption of additional comparative criteria to strengthen the ability of minorities to succeed in comparative proceedings. In short, the NAACP itself appears to recognize that the minority preference has not been as successful as anticipated in expanding minority ownership of broadcast facilities.

The NAACP's frustration with the efficacy of the minority preference is understandable -- and readily documented in known statistics. Between 1978 and 1991 the Commission approved 38 distress sales and 261 tax certificates to cover station sales to minorities. In other words, the Commission

³ The NAACP states that it has undertaken a systematic review of comparative proceedings between January 1, 1986 and December 1, 1991 to identify the factors which were "outcome determinative." NAACP Comments at 5.

approved transactions that resulted in the assignment or transfer of 299 broadcast licenses to minority-controlled entities. See Rochlis' Response to Comments (RM Nos. 7740 & 7741 August 8, 1991) at 8-9, attached to Comments of Jeffrey Rochlis (GC Docket No. 92-52 June 2, 1992). Nonetheless, as of 1991 there were only 287 minority-owned broadcast stations in the country. See NAACP Comments at 25. This latter statistic suggests that few minority-controlled applicants have been successful in comparative proceedings.⁴

The obstacles confronting a minority-controlled applicant are well known to the Commission. As the NAACP acknowledges, most minorities do not have the resources to cover the exorbitant costs of lengthy comparative proceedings. This handicap has forced many minorities to seek "'strange and unnatural'" relationships with non-minority investors -- relationships which have often been discredited as "shams" by the Commission and the courts. See Bechtel v. the FCC, 957 F.2d 873, 880 (D.C. Cir. 1992).

Given their frequency of failure, two-tiered minority applicants have been attractive targets for competitors in a

⁴ The low number of minority-controlled stations may also reflect that minority-controlled applicants sell their stations shortly after receiving them. Any comprehensive study of the comparative process would therefore have to take into account the period of time under which a minority applicant retained the license.

comparative proceeding -- a fact of life which has not only further increased the risk of failure for the minority applicant but also increased the applicant's litigation costs. Indeed, the prospect of additional litigation goes a long way toward explaining why 80 to 90 percent of the designated comparative cases are settled before the issuance of an Initial Decision by an Administrative Law Judge. See Proposals to Reform to the Commission's Comparative Process, 5 FCC Rcd 4050 (1990) (subsequent history omitted). Many two-tiered minority applicants find it is better to settle in the immediate future than to litigate into the distant future. As a result, the minority preference has had little opportunity to work its will.

Although it acknowledges the inability of the minority preference to significantly increase minority ownership of broadcast facilities, the NAACP wants to leave the current comparative process largely intact. For that reason, the NAACP characterizes the finder's preference as "anti-minority." The NAACP fears that the benefits of the finder's preference will be largely confined to non-minorities. Thus, the NAACP observes that "all the work attendant to being a 'finder' is done by the engineer, not the 'finder.'" The good old boy network of engineers and their clients seldom includes minorities. About 150 engineers regularly do drop-in peti-

tions and Form 301's. Only one is Black and one is Hispanic." NAACP Comments at 23. Stated another way, the NAACP appears to be saying that only minority lawyers and engineers will assist minority "finders;" since there are relatively few minority lawyers and engineers, there are likely to be few minority "finders."

The NAACP's suspicions are not confirmed by any evidence in the record. Nor could they be. Minorities do not seem to have any difficulty in finding non-minority attorneys and engineers to perform services in conjunction with a Form 301 application filed after an allocation is made. There is no reason why minorities cannot retain those same attorneys and engineers to find new allocations.

Nor is there any reason to believe that minorities cannot take advantage of the finder's preference to the same extent as non-minorities. It may be that most finders in the past have been non-minorities. But that circumstance merely reflects the vicissitudes of the current comparative system. No benefits are given to a finder, and most minorities have limited resources. Consequently, from the minorities' perspective, it makes more sense to let someone else undertake the time and expense of finding the station. The minorities' resources have to be conserved for the lengthy comparative proceeding which ensues after the allocation is made.

The minorities' strategy can be easily shifted after adoption of a finder's preference. They can expend their limited resources to search for a new allocation rather than a costly comparative proceeding (since the combination of a finder's preference and a minority preference would be virtually unbeatable). This strategy could succeed even if minorities do not take the initiative. Minorities and their supporters currently review FCC releases to identify "windows" for the filing of applications for new stations. There is no reason why minorities and their supporters cannot review those same FCC releases to (1) identify rulemaking proceedings for new allocations and (2) explore the possibility of filing a counterproposal (which, under Rochlis' proposal, would garner a finder's preference of equal weight to the petitioner's).

The inequity of the present system -- without a finder's preference -- is unwittingly highlighted by Hughes' comments. In 1989, Eric R. Hilding filed a petition to allocate a new FM channel to Windsor, California. In 1991 the Commission granted the petition. Amendment of Section 73.202(b), 6 FCC Rcd 5115 (MMB 1991). As a result of that allocation, the Commission established a filing window. Hughes filed an application for the new Windsor FM station. Hughes thus secured an opportunity to own a new FM station only because Hilding took the initiative and spent the money to find the new al-

location. Although Hilding was responsible for Hughes' opportunity, she now complains that the finder's preference "will do nothing more than encourage speculators such as Mr. Hilding." Hughes Comments at 3. However, without so-called "speculators" like Mr. Hilding, Hughes would never have had any opportunity to pursue the Windsor FM station.

If a finder's preference had been available, Hughes would have had the resources as well as the opportunity and incentive to find the Windsor allocation (or, at a minimum, to offer a counterproposal).⁵ And, if she had participated in that earlier stage, Hughes -- like other women and minorities -- could have had an application of sufficient strength to discourage the filing of competing applications. Under that scenario, Hughes would now be the permittee of a new FM station in Windsor rather than an applicant facing a long, costly, and uncertain hearing process. And, since the cost of the allocation proceeding is far less than the cost of a comparative proceeding, an individual woman or minority, like Hughes, could participate in the process -- and secure that broadcast license -- without the need for non-minority investors and the concomitant risk of being discredited as a

⁵ Since she obviously has sufficient resources to prosecute her present application, Hughes should have had sufficient resources to initiate the rulemaking or make a counterproposal.

"sham." In short, women and minorities can and should expend their limited resources to secure a finder's preference -- and with it the substantial probability of an application grant -- rather than face the gridlock of a costly, lengthy and uncertain comparative hearing.

Conclusion

WHEREFORE, in view of the foregoing and the entire record herein, it is respectfully requested that the Commission adopt the finder's preference proposed by Rochlis.

Respectfully submitted,

KECK, MAHIN & CATE
1201 New York Avenue, N.W.
Washington, D.C. 20005
(202) 789-3400

Attorneys for
Jeffrey Rochlis

By: 
Lewis J. Paper

CERTIFICATE OF SERVICE

I hereby certify that I have, this 22^d day of June, 1992 caused a copy of the Reply Comments of Jeffrey Rochlis to be mailed via first class mail, postage prepaid, to the following:

*The Honorable Alfred C. Sikes
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable James H. Quello
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable Sherrie P. Marshall
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable Andrew C. Barrett
Federal Communications Commission
Room 844
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable Ervin S. Duggan
Federal Communications Commission
Room 832
1919 M Street, N.W.
Washington, D.C. 20554

Gene A. Bechtel, Esq.
Bechtel & Cole, Chartered
Suite 250
1901 L Street, N.W.
Washington, D.C. 20036

Henry L. Baumann
Executive Vice President
& General Counsel
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036