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September 25, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Deas Communications, Inc., et al.
MM Docket No. 92-111

Dear Judge Kuhlmann:

Healdsburg Empire Corporation ("Empire"), by its attorneys, requests that Deas Communications, Inc. ("DCI") produce Mario Edgar Deas for cross-examination at the hearing to be held in the captioned matter. Mr. Deas is the sole sponsor of DCI's exhibits.

Mr. Deas is the sole voting stockholder of DCI and is proposed to be integrated into the management of DCI's Station on a full-time basis. As such, it is imperative that Mr. Deas's promises be tested through "the crucible" of cross-examination.

Specifically, Mr. Deas proposes full-time integration, but he also is the President of E&M Electric and Machinery, Inc. ("E&M"). While Mr. Deas professes an intention to resign from E&M, he does not explain what arrangements he has made for someone to take over his responsibilities at E&M, a company in which he presumably has an ownership interest which he does not pledge to divest.

In addition, Mr. Deas has not pledged to curtail any extra-curricular activities in order to be at DCI's Station on a full-time basis. By Mr. Deas's own admission (DCI Exh. 2, pp. 2-3), he is currently involved with the following organizations:

No. of Copies rec'd 0
List A B C D E

Hon. Edward J. Kuhlmann
September 25, 1992
Page 2

- Healdsburg Chamber of Commerce;
- Healdsburg Museum-Historical Society;
- Geyersville Chamber of Commerce;
- Windsor Oaks National Bank

Inquiry therefore is required under Commission precedent to determine if DCI can implement its proposed integration plan. See Naguabo Broadcasting Company, 6 FCC Rcd 4879, 69 RR2d 1188 (1991), in which the Commission affirmed a Review Board holding that an applicant did not support his claim for full-time integration where he did not set forth a credible plan for accommodating his outside interests. In Naguabo, an applicant proposed to retain ownership interests in two businesses in which he worked, but to curtail his hours to accommodate his proposed "full-time" integration at his broadcast station. The Commission affirmed the Board's holding that (Naguabo Broadcasting Co., 6 FCC Rcd 912, 68 RR2d 1325 (Rev. Bd. 1991) at fn. 63):

"...the Board's routine practice is to find that generalized promises to 'diminish' the time spent on significant business interests is insufficient. Leinenger-Geldes Partnership, 2 FCC Rcd 3199 (Rev. Bd. 1987) rev. den., 3 FCC Rcd 1181 (1988) ... [W]ere we to accept such a promise where significant business interests remain, all comers would receive full-time credit..."

See also Blancett Broadcasting Co., 17 FCC2d 227, 230 (Rev. Bd. 1969) (the "very existence" of outside interests renders an applicant's commitment questionable). A fortiori, Empire should be allowed to test Mr. Deas's pledge to leave E&M to fulfill DCI's integration proposal.

In addition, cross-examination is required to determine the nature and extent to which the positions and organizations with which Mr. Deas claims to be or have been affiliated warrant enhancement credit under the Commission's Policy Statement On Comparative Broadcast Hearings, 5 RR2d 1901. For example, the Presiding Judge should have benefit of a full record of Mr. Deas's involvement with the Healdsburg High School Booster Club, for which he apparently seeks credit. How did that position contribute to Mr. Deas's "knowledge of and interest in the welfare of the community"? 5 RR2d at 1910. Similarly, Mr. Deas's claimed involvement with the Windsor Oaks National Bank requires scrutiny in that, on paper, it is unclear how his

Hon. Edward J. Kuhlmann
September 25, 1992
Page 3

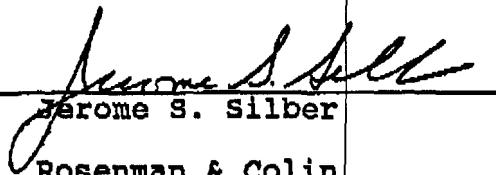
position with the Bank entitles DCI to credit under the Policy Statement.

In sum, DCI claims 100% integration, whereas Empire claims less. However, DCI's proposal may not withstand scrutiny. Therefore, Empire respectfully requests the Presiding Judge to exercise his discretion under Section 1.248(d)(4) of the Rules and to require cross-examination of Mr. Deas because "material issues of decisional fact" cannot otherwise be resolved.

Respectfully submitted,

HEALDSBURG EMPIRE CORPORATION

By



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