

ORIGINAL
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20544

In the matter of)	MM DOCKET #92-183
)	
WESTERN INSPIRATIONAL BROADCASTERS, INC.)	File No. BPED-901923MF
)	
BROAD SPECTRUM COMMUNICATIONS, INC.)	File No. BPH-910925ME
)	
PHOENIX BROADCASTING, INC.)	File No. BPH-910926ME
)	
NINETY-TWO SEVEN, LTD)	File No. BPH-910926MF
)	
For Construction Permit for New FM)	
Broadcast Station on Channel 224A, Chico, CA)	

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OCT 27 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Honorable Edward J. Kuhlmann
Administrative Law Judge

RESPONSE TO OPPOSITION TO INFORMAL OBJECTION

Comes now, Michael G. Barnes, a citizen of the City of Chico, Butte County, California, respectfully submitting his response to "Opposition to Informal Objection", filed with the Commission on October 16, 1992 by Dennis J. Kelly, counsel for Phoenix Broadcasting Inc. (Phoenix). Phoenix's "Opposition to Informal Objection" must be dismissed and denied, while specific evidence against Mr. Katz is brought to the attention of the Communication.

Phoenix alleges that I had "no personal knowledge, other than hearsay of the matters alleged by him (Mr. Barnes)", when in fact this information had been voluntarily provided by Station KALF(FM), Red Bluff, CA, upon my request. I was physically able to see documents pertaining to this issue, thus it was first hand knowledge to my person. I also questioned other broadcasters as to their knowledge of this Lottery Information, as well as requesting other comments or concerns which they might have in respect to Mr. Katz's Construction Permit for new Station 92.7, Chico, CA. Furthermore, I have chosen not to include other stations comments as they would be considered hearsay.

I do not seek, as implied by Phoenix's "Opposition to Informal Objection" any issuance of forfeiture regarding the lottery matter, quite the contrary. I simply wish to bring to the Commission's attention the questionable decisions previously made by Mr. Katz.

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Furthermore, I did not file a timely "Petition to Deny" prior to March 2, 1992 or any time thereafter, as provided by the Notice to the Public filed by Phoenix (BPH-910926ME), because during the period January 1, 1992 through and including September 14, 1992 I was employed by Station KZZP(FM), Paradise, CA which was contractually bound with Phoenix in a Local Marketing Agreement. I did not wish to disrupt the business relationship between KZZP and Phoenix due to any conflict of interest. Furthermore, that contract was terminated on September 14, 1992 due to difficulties between KZZP and Phoenix. At that time I began seeking my alternatives regarding the "Informal Objection". It is my concern that Mr. Katz may have intentionally undermined the efforts of the LMA for his own interests.

I have not yet had the opportunity to present critical information to the Commission regarding the aforementioned LMA between KZZP and Phoenix. As Business Manager of KZZP I was aware of specific occurrences during the LMA, in which the owner of KZZP believed Phoenix's business practices to be disruptive and potentially illegal and contrary to Commission Rules, Regulations and Policy. Many of these questions raise serious doubt in my mind as to Mr. Katz's method of business operations, as well as his character. I have not presented this information, in whole or in part, because I do not want to jeopardize my employer or KZZP in any way, nor make accusations which are yet to be proven in a court of law, or ruled on by the Commission. Consequently, I have, as has my employer, feared formally notifying the Commission as to KZZP's concerns with regard to Mr. Katz's operation of KZZP during the aforementioned LMA, as Mr. Katz may file legal proceedings, or more so, frivolous litigation. If the Commission were to request information and documentation pertaining to the LMA from KZZP or myself, we would comply. It is the actions during the LMA which greatly emphasize my case to deny Phoenix's Application to 92.7, Chico, CA (BPH-910926ME).

In regard to the public file matter, I have indeed obtained a sworn statement from Ms. Hassett which has been forwarded to your office. This documentation will show that Mr. Katz did in fact verbally question and assault Ms. Fassett. Further I would like to clarify my statement to be understood that there was no physical "assault" as defined by Phoenix's "Opposition to Informal Objection", but rather an assault verbally by Mr. Katz. Mr. Katz and his counsel have carefully construed my statement to rectify their cause. My statement is meant to mean "verbally questioned and (verbally) assaulted". Ms. Hassett and myself have absolutely nothing to personally gain by our pleadings, rather we speak as a voice of the people. Note that our pleadings are quite contrary to those of Mr. and Ms. Katz and their counsel and demonstrate how Mr. Katz handles matters of this nature.

I thus maintain that Mr. Katz sought to create in Ms. Fassett a fear, and to intimidate her to the point where disinterest and fear would prevail. My statement is far from wild and reckless, as Phoenix claims, and is only libel as interpreted and construed by Mr. Katz and his counsel.

Following conversations with Mr. Robert Zauner, Hearing Branch, Mass Media Bureau, Federal Communications Commission, as a result of a request made by Honorable Edward J. Kuhlmann, Administrative Law Judge, it was determined that there was adequate evidence presented in both my Informal Objection and in conversation for further investigation(s), I concur. I urge and trust that the Commission will thoroughly research the matter of 1) Bingo Lottery, 2) Public File and 3) LMA between KZZP and Phoenix, prior to any favorable action on the pending settlement in this case.

I wish to state that I am not represented by counsel, nor am I financially able to obtain counsel. Further, I have no personal gain pertaining to this issue. I simply submit my pleadings as a voice of concern for the public in this matter.

All statements made herein are factual and correct, under penalty of perjury.

Respectfully Submitted,

Michael G. Barnes

By: 

Michael G. Barnes

Dated: October 23, 1992
Michael G. Barnes
1450 Springfield Drive #78
Chico, CA 95928

Certificate of Service

I hereby certify that true copies of the foregoing "Response to Opposition to Informal Objection" were served first class, United States mail, postage prepaid, on this 26th day of October, 1992, upon the following:

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Federal Communications Commission
Washington, DC 20554

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