

of 12.5% cannot be overcome by qualitative attributes); Jerome Thomas Lamprecht, 3 FCC Rcd 2525 para. 2 (1988) (24% quantitative disparity is clear); Coastal Broadcasting Partners, FCC 92-451, October 14, 1992 para. 12 (20% quantitative difference cannot be qualitatively outweighed). Empire should therefore receive no enhancement credit.

21. Auxiliary Power. Empire proposes to install auxiliary generators at the studio and transmitter sites in the event of a malfunction.

Ultimate Conclusions

22. Deas is overwhelmingly the winner. On diversification alone, the criterion of utmost significance, Deas merits a decisive preference. It has no cognizable mass media interests, while Empire, its parent and principals have a total of seven: two commonly controlled stations in the near vicinity of Healdsburg; and five other stations (two in California) controlled or partly owned by Empire principals.

23. Under integration, a factor of substantial importance, Deas enjoys a 100% to 21% quantitative advantage over Empire. That is also decisive. Furthermore, the substantial enhancement credit due to Deas for the minority status and 37-year local residence and civic experience of Mario Edgar Deas, its 100% voting owner, lend additional assurance to the Commission that grant of Deas' application is

most consistent with the goals of the Policy Statement. Both Deas and Empire propose auxiliary power and there are no significant area and population differences between them.

24. Accordingly, it should ultimately be concluded that the public interest, convenience and necessity will best be served by grant of the application of Deas Communications, Inc., and denial of the competing application of Healdsburg Empire Corporation.

Respectfully submitted,

DEAS COMMUNICATIONS, INC.

By: 

Lawrence Bernstein
F. Joseph Brinig

Its Attorneys

BRINIG & BERNSTEIN
1818 N Street, NW
Suite 200
Washington, D.C. 20036

(202) 331-7050

February 5, 1993

CERTIFICATE OF SERVICE

I hereby certify that I have, this 5th day of February, 1993, served copies of the foregoing "Proposed Findings of Fact and Conclusions of Law of Deas Communications, Inc." upon the following persons by first class United States Mail, postage prepaid:

Administrative Law Judge
Walter C. Miller
Federal Communications Commission
2000 L Street, NW, Room 213
Washington, D.C. 20554

Larry A. Miller, Esquire
Hearing Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, NW, Room 7212
Washington, D.C. 20554

Jerome S. Silber, Esquire
Rosenman & Colin
575 Madison Avenue
New York, New York 10022


Miriam Ervin