

APR 19 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

| | | |
|-------------------------------|---|----------------------------|
| In re Applications of |) | MM Docket No. <u>93-94</u> |
| |) | |
| SCRIPPS HOWARD BROADCASTING |) | File No. BRCT-910603KX |
| COMPANY |) | |
| |) | |
| For Renewal of License |) | |
| Station WMAR-TV |) | |
| Baltimore, Maryland |) | |
| |) | |
| and |) | |
| |) | |
| FOUR JACKS BROADCASTING, INC. |) | File No. BPCT-910903KE |
| |) | |
| For Construction Permit for a |) | |
| New Television Facility on |) | |
| Channel 2 at Baltimore, |) | |
| Maryland |) | |

To: Administrative Law Judge
Richard L. Sippel

**MASS MEDIA BUREAU'S OPPOSITION TO
MOTION FOR STAY**

1. On April 8, 1993, Scripps Howard Broadcasting Company (Scripps Howard) filed a motion for stay of all procedural dates pending resolution of its simultaneously filed petition seeking certification of its application for review of the Hearing Designation Order in this proceeding, DA 93-340, released April 1, 1993. The Mass Media Bureau opposes Scripps Howard's motion.

2. It is well established that to warrant a stay an applicant must: (a) make a strong showing that it is likely to prevail on the merits; (b) demonstrate that without such relief it will be irreparably harmed; (c) demonstrate that issuance of the stay would not harm interested parties; and (d) show that a

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grant of the stay is in the public interest. Virginia Petroleum Jobbers Ass'n v. FPC, 259 F.2d 921, 925 (D.C. Cir. 1958); and Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841 (D.C. Cir. 1977).

3. Scripps Howard does not address these criteria, but rather states as the basis for its request that if the Presiding Judge grants Scripps Howard's certification request, there will be no need for a hearing and that continuing the hearing process under this circumstance would constitute a waste of the resources of the Commission and the parties. In fact, the Bureau believes that Scripps Howard has little chance of succeeding on the merits and, consequently, Scripps Howard has not made the strong showing necessary to sustain its request. See, Mass Media Bureau's Opposition to Petition for Certification, filed this date.

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 19th day of April 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Opposition to Motion for Stay"** to:

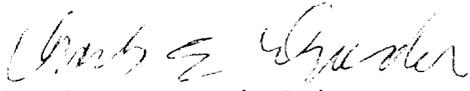
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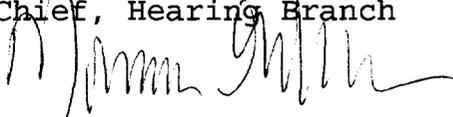
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Michelle C. Mebane
Michelle C. Mebane

In light of this circumstance, there does not appear to be any public benefit to be obtained by staying this proceeding.

Respectfully submitted,
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