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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. <u>93-88</u>
	)	
EZ COMMUNICATIONS, INC.	)	File No. BRH-91040102
	)	
For Renewal of License of FM	)	
Radio Station WBZZ (FM) on	)	
Channel 229B at	)	
Pittsburgh, Pennsylvania	)	
	)	
ALLEGHENY COMMUNICATIONS GROUP,	)	File No. BPH-910628MC
INC.	)	
	)	
For a Construction Permit for a	)	
New FM Broadcast Station on	)	
Channel 229B at	)	
Pittsburgh, Pennsylvania	)	

To: Administrative Law Judge  
Edward Luton

MASS MEDIA BUREAU'S OPPOSITION TO  
MOTION TO CERTIFY HEARING  
DESIGNATION ORDER TO THE COMMISSION

1. On April 12, 1993, Allegheny Communications Group Inc. (Allegheny) filed a Motion to Certify Hearing Designation Order to the Commission. The Mass Media Bureau hereby opposes Allegheny's motion.

2. Allegheny contends that certification of the Hearing Designation Order, DA 93-361, released April 5, 1993 (HDO), is required because Allegheny's petition raises a controlling question of law. According to Allegheny, "[a] controlling question of law is present because EZ's basic qualifications to remain a Commission licensee are in question." See Allegheny's Motion, p. ii. According to Allegheny, certification is

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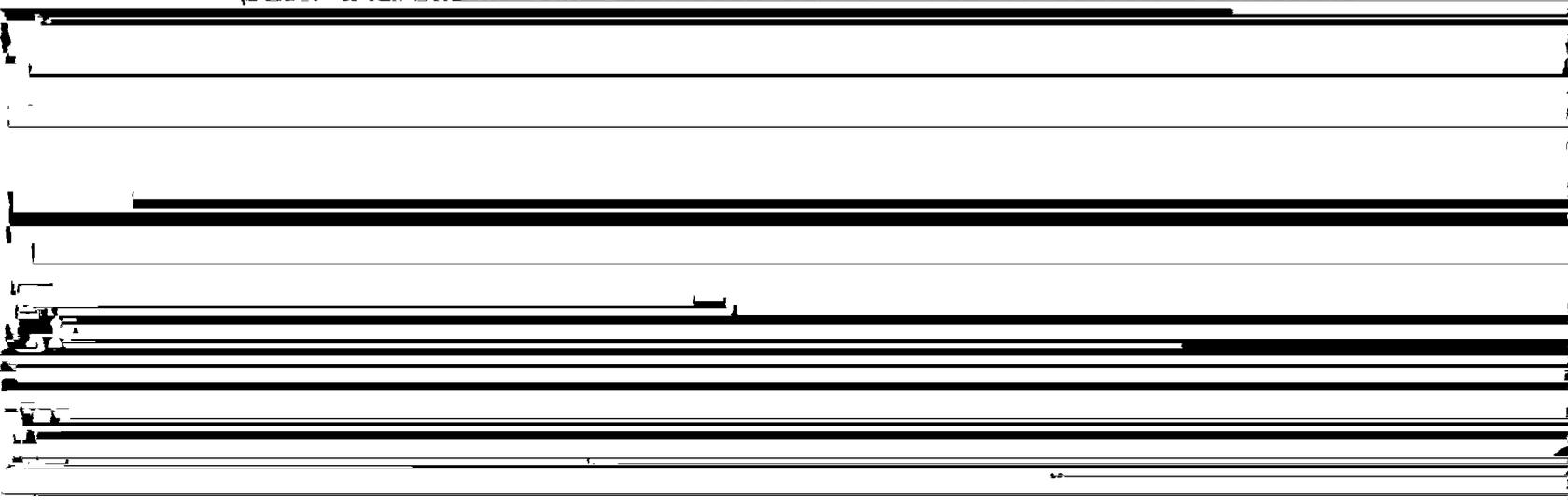
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warranted because it would materially expedite this proceeding by avoiding the possibility of a remand by the Commission or court.

Allegedly, the respondent that the UNO did not use the proper

Broadcasting Company, FCC 93-102, released March 8, 1993, the Commission stated, in evaluating a petition for reconsideration of a staff grant of an assignment application, "it is the facts, standing alone, along with any supported or reasonable inferences, that must be of such significance as to support a prima facie case, not the facts and the unsupported and unreasonable inferences proffered by a petitioner. See Citizens for Jazz on WRVR v. FCC, 775 F.2d 392, 395 (D.C. Cir. 1985)."

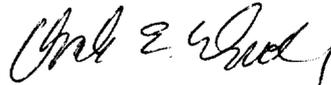
5. Here, the reasonable inferences to be drawn from the facts cited by Allegheny do not support the proposition that the HDO erred in failing to specify the issues requested by Allegheny in its petition to deny. In each instance, the HDO did consider Allegheny's factual allegations and concluded that they did not warrant the requested issue. For Allegheny's numerous



contentions fail to establish that the HDO erred in any respect in failing to specify issues requested by Allegheny.

4. In sum, Allegheny's motion to certify should be denied.

Respectfully submitted,  
Roy J. Stewart  
Chief, Mass Media Bureau

  
Charles E. Dziejcz  
Chief, Hearing Branch

  
Robert A. Zauner

  
Y. Paulette Laden  
Attorneys  
Mass Media Bureau

Federal Communications Commission  
2025 M-Street N.W.

**CERTIFICATE OF SERVICE**

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau certifies that she has on this 21st 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 to Certify Hearing Designation Order to the Commission"** to:

Morton L. Berfield, Esq.  
Cohen & Berfield, P.C.  
1129 20th Street, N.W., Suite 507  
Washington, D.C. 20036

Rainer K. Kraus, Esq.  
Koteen & Naftalin  
1150 Connecticut Ave., NW  
Suite 1000  
Washington, DC 20036

Michelle C. Mebane  
Michelle C. Mebane