

ATTACHMENT F

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JUN 4 - 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)
)
POSITIVE ALTERNATIVE RADIO, INC.) BPED-910408JD
Radio Station WPVB(FM))
Culpeper, Virginia)
)
For Reinstatement of)
Construction Permit)

TO: Chief, FM Branch

OPPOSITION TO INFORMAL OBJECTION
OF PRAISE COMMUNICATIONS, INC.

Positive Alternative Radio, Inc. ("PARI"), through its counsel, opposes the informal objection of Praise Communications, Inc. ("PCI") to grant of the application of PARI for a construction permit to replace its expired permit (BPED-841031IO) for Station WPVB(FM) at Culpeper, Virginia.

PARI had in its original application proposed use of the WMJR(FM) tower in Warrenton, Virginia, and in its pending application (FCC Form 307) PARI likewise proposed use of the WMJR(FM) tower.

By objection April 29, 1991, First Virginia Communications, Inc. (WMJR-FM) informed the Commission that PARI had not obtained reasonable assurance from First Virginia for use of its tower. It is upon this objection that PCI depends, contending that PARI does not have reasonable assurance of a site.

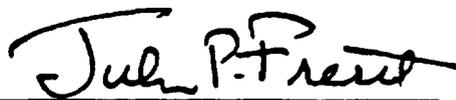
The situation now has changed drastically. The President of PARI had originally contacted First Virginia Communications for use of its site and understood that space would be available for the PARI antenna. However, an insufficient meeting of the minds had occurred and principals of First Virginia disagreed that its site was available and informed the Commission that PARI had not obtained permission for use of the WMJR tower.

Subsequently, however, counsel for First Virginia has informed PARI's counsel that principals may now negotiate terms for use of the WMJR tower and such negotiations are impending. PARI accordingly shows that it has reasonable assurance of using the WMJR tower.¹ The informal objection of Praise Communications Inc. is accordingly moot and should be dismissed.

Respectfully submitted,

POSITIVE ALTERNATIVE RADIO, INC.

By



Julian P. Freret
Its Counsel

BOOTH, FRERET & IMLAY
1920 N Street, N. W.
Suite 150
Washington, D. C. 20036
(202) 296-9100
June 4, 1991

¹ Prior to First Virginia's agreement to negotiate, PARI had contacted two other tower sources in the area, so if a satisfactory arrangement is not obtained with First Virginia, PARI is by no means out of a site.

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret & Imlay, do hereby certify that copies of the foregoing OPPOSITION TO INFORMAL OBJECTION OF PRAISE COMMUNICATIONS, INC. were mailed this 4th day of June, 1991, via first class U.S. Mail, postage prepaid, to the offices of the following:

*Dennis Williams, Chief
FM Branch, Mass Media Bureau
Federal Communications Commission
1919 M Street, N. W., Room 332
Washington, D. C. 20554

*Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N. W., Room 302
Washington, D. C. 20554

Allan G. Moskowitz, Esquire
Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, N. W., Suite 1100
Washington, D. C. 20005
Counsel for First Virginia Communi-
cations, Inc.

Denise B. Moline, Esquire
McCabe & Allen
Post Office Box 2126
Manassas Park, VA 22111

Margaret A. Ford
Margaret A. Ford

* Via Hand Delivery

ATTACHMENT G

FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION
JUL 21 10 17 AM '92 WASHINGTON, D.C. 20554

DISPATCHED BY 10 JUL 1992

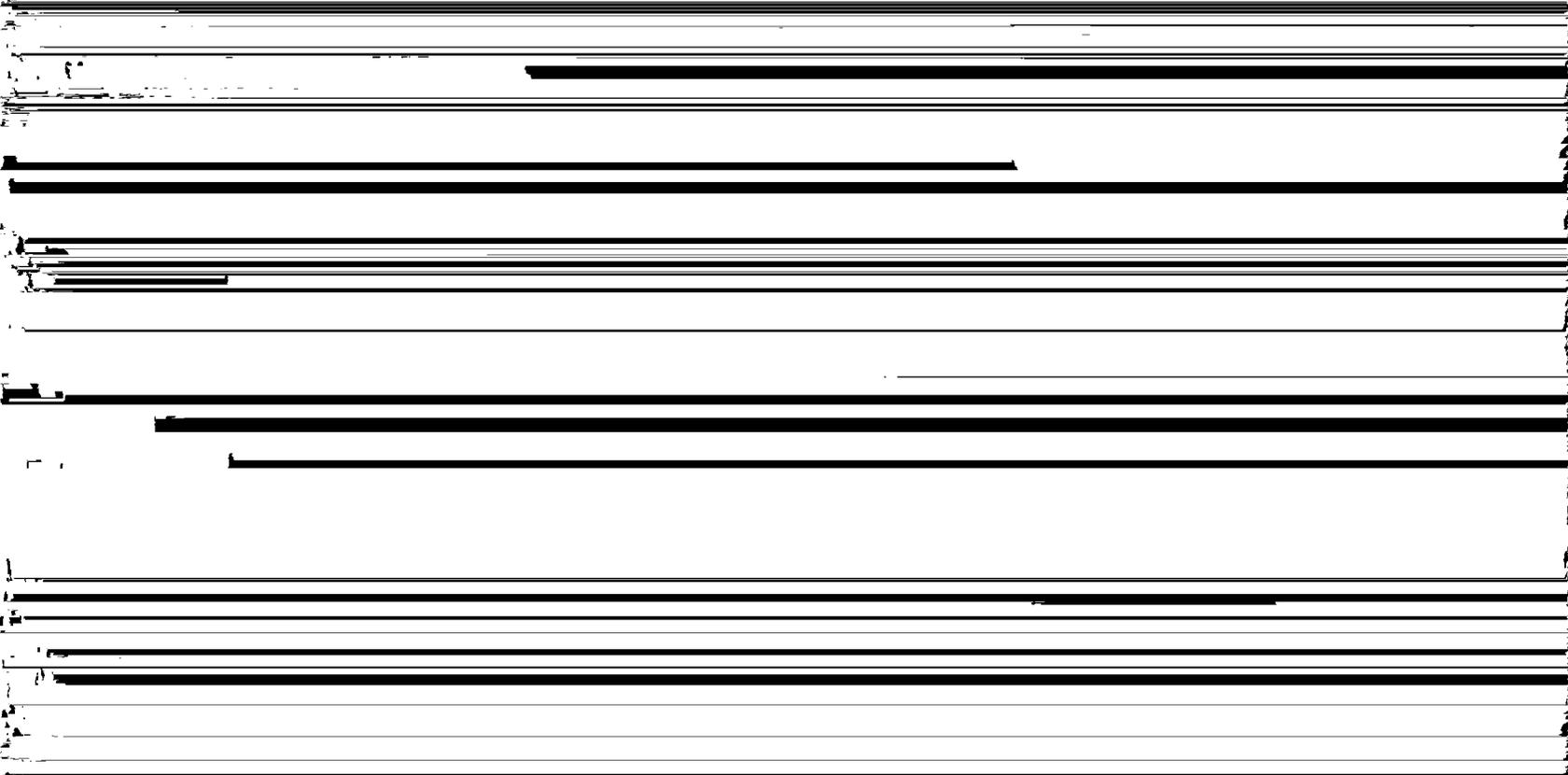
IN REPLY REFER TO:
1800B3-ALM

Allan G. Moskowitz, Esq.
Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, N.W., Suite 1100
Washington, D. C. 20005

In re: WPVB(FM), Culpeper, VA
Positive Alternative
Radio, Inc.
File No. BMPED-880119IF

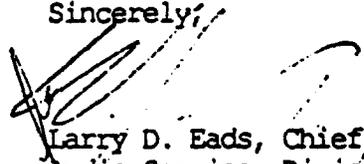
Dear Mr. Moskowitz:

This is in reference to the April 29, 1991 informal objection which you filed on behalf of First Virginia Communications, Inc. ("First Virginia"), the licensee of WMJR(FM), Warrenton, Virginia, with respect to the subject application filed by Positive Alternative Radio Inc. ("PARI") for modification of facilities of WPVB(FM), Culpeper, Virginia. In its application, PARI proposes to modify its construction permit to change transmitter location and increase antenna height above average terrain. PARI intends to mount the antenna of WPVB(FM) on the same tower used by WMJR(FM). First Virginia's informal objection alleges that PARI lacks reasonable assurance for this proposal and that the site certification submitted with its application is in error.¹ First Virginia claims that the individual shown on PARI's site



In light of the submitted documentation, PARI has demonstrated that it has obtained reasonable assurance that it may locate its antenna on the WMJR (FM) tower. Accordingly, the informal objection filed by First Virginia Communications, Inc. is without merit and IS HEREBY DENIED.

Sincerely,



Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc: Julian P. Freret, Esq.

CERTIFICATE OF SERVICE

I, Linda E. Skiles, Office Administrator of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were mailed this 13th day of May, 1993, to the offices of the following:

Administrative Law
Judge Joseph P. Gonzalez *
Federal Communications Commission
Room 221
2000 L Street, N. W.
Washington, D. C. 20554

Norman Goldstein, Esq. *
Hearing Branch, Enforcement Division
Mass Media Bureau
Federal Communications Commission
Room 7212
2025 M Street, N. W.
Washington, D. C. 20554

Chief, Data Management Staff *
Audio Services Division
Mass Media Bureau
Federal Communications Commission
Room 350
1919 M Street, N. W.
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Washington, D. C. 20036


Linda E. Skiles

* Via Hand Delivery