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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY 10 1 20 AM '88

In re Application of)
)
AMERICOM, A California)
Limited Partnership)
Station KHTX(AM))
Truckee, California)
)
For Major Modification of)
Facilities)

DIVISION

FCC File No. BP-871007AI

MAY 10 1988
AM BRANCH

COMMUNICATIONS

MAY 10 1988

COMMUNICATIONS

To: The Chief, Mass Media Bureau

OPPOSITION TO MOTION FOR EXTENSION OF TIME

AMERICOM, a California Limited Partnership, licensee of KHTX(AM), Truckee, California, hereby opposes the Motion for Extension of Time filed by Constant Communications Company of Nevada, Inc. ("CCCN").

Section 1.46 of the Commission's Rules says it is Commission policy that extensions of time shall not be routinely granted, and CCCN has made no showing of any reason why that policy should be ignored in this case. CCCN says it requires an extension because "its receipt of the response was delayed by the U.S. Mail." It does not say the delay was extraordinary, nor when it received the document, nor how long the delay was. Any mailing is a delay over hand delivery, and mailing is expressly permitted under the FCC Rules. Nonetheless CCCN claims it needs a two-week extension. As further support for its request for an extension, it states that

there are "serious Section 307(b) concerns in this proceeding which KQLO needs a full opportunity to address." It had that opportunity in the Petition to Deny. It doesn't get a second chance to raise more irrelevant matters. CCCN must be unaware of the Commission's Rules which, in Section 1.45(b), limit the reply "to matters raised in the Oppositions." In its Petition, CCCN stated that Americom had not made an adequate showing of nonavailability of a site. It purported to demonstrate this by attaching a letter from a realtor who was not even located in the area where he alleged that sites were available. KHTX's Opposition pointed out that the letter was not in affidavit form, did not demonstrate that the realtor knew anything about the area in question, and in any event was irrelevant because it did not and could not state that the required signal could be put over Truckee from any of the unspecified and unknown locations which the realtor alleged were "available." CCCN has to limit its reply to addressing those issues, not some grandiose §307(b) arguments.

CCCN cannot now produce sites purporting to fit the Commission's Rules, that would be a new matter and therefore stricken. There are no Section 307(b) issues other than in CCCN's mind. There is no reason for delay. The mere filing of the Motion For Extension of Time demonstrates CCCN's primary motive, i.e., delay and more delay, in filing its pleading.

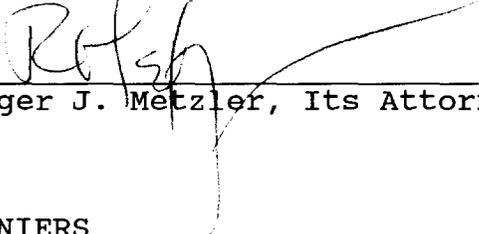
WHEREFORE, it is respectfully requested that the Motion For

Extension of Time be denied and the CCCN be directed to promptly file its response.

Respectfully submitted,

AMERICOM, A California Limited Partnership

Dated: May 9, 1988

By: 

Roger J. Metzler, Its Attorney

FARRAND, COOPER, METZLER & BRUINIERS
701 Sutter Street, 7th Floor
San Francisco, CA 94109
415-775-0680

CERTIFICATE OF SERVICE

I, Joel B. Stoa, do hereby certify that I have, this 9th day of May, 1988, caused to be sent by first class United States mail, postage prepaid, and courier, copies of the foregoing **OPPOSITION TO MOTION FOR EXTENSION OF TIME** to the following:

