

ORIGINAL

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

In re Applications of)	MM Docket No. 93-89
)	
AURIO A. MATOS)	BPH-911114MS
)	
LLOYD SANTIAGO-SANTOS and LOUDRES)	
RODRIGUES BONET)	BPH-911115MP
)	
For Construction Permit for a New)	
Station on Channel 293A in)	
Culebra, Puerto Rico)	

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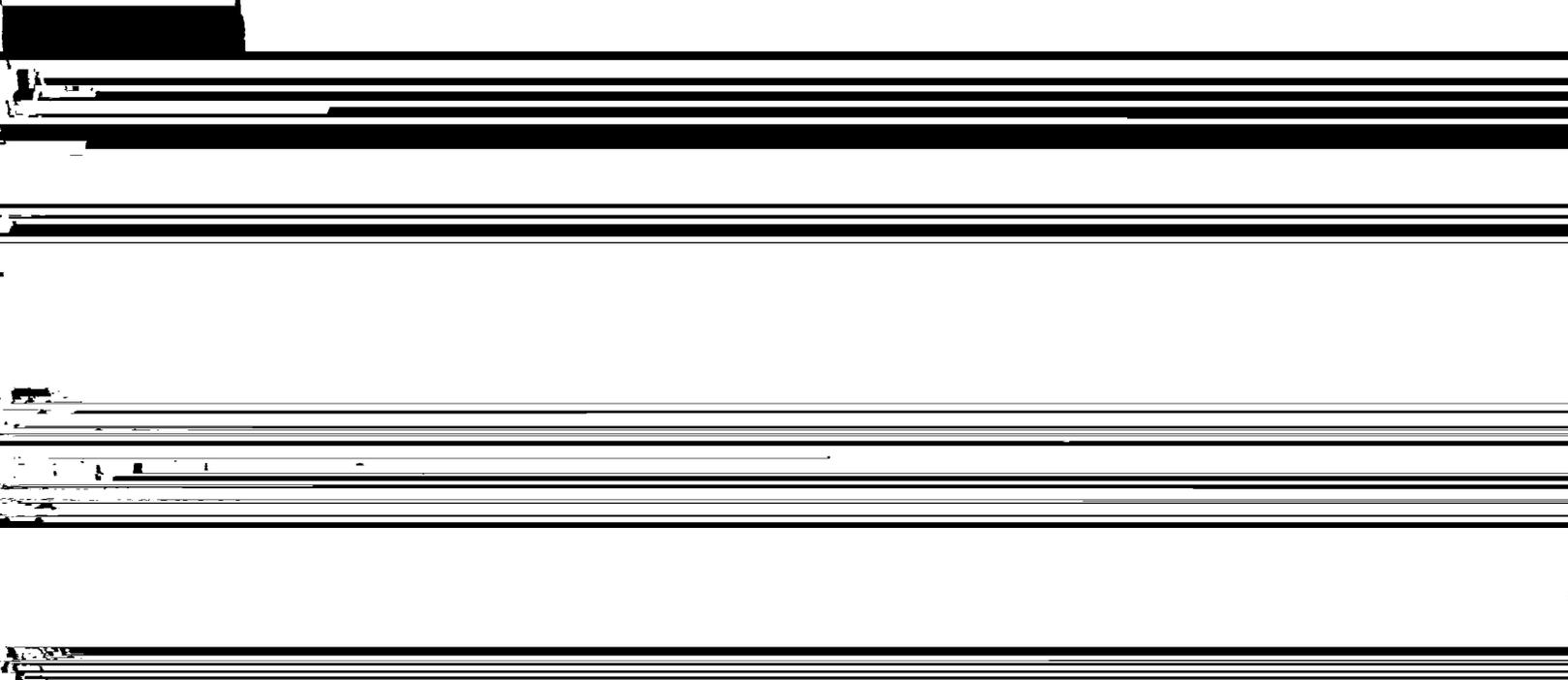
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Honorable Joseph P. Gonzalez
Administrative Law Judge

OPPOSITION TO PETITION FOR LEAVE TO AMEND

Aurio A. Matos ("Matos"), by his counsel, submits his opposition to the Petition for Leave to Amend filed by competing applicant Lloyd Santiago-Santos and Lourdes Rodrigues Bonet ("Santiago and Bonet") on May 26, 1993. 1/

Santiago and Bonet seek permission to amend their applications to report the media interests of their families. Santiago and Bonet claim that the petition is filed pursuant to Section 73.3522(b)(1) of the Commission's Rules. That subsection deals with the filing of post-designation amendments and states that such



application because it was ambiguous. They cite the fact that Matos did not report his family's media interests until December 1992. The fact that Matos put Santiago and Bonet on notice of the need to disclose family media interests six months ago vitiates any colorable "good cause" argument. "Due diligence" must be measured "from the 'time the applicant is, or should have been apprised of the problem requiring amendment.'" Texas Communications Limited Partnership, 5 FCC Rcd 5876 (¶ 3) (Rev. Bd. 1990) (subsequent history omitted), citing, Brownfield Broadcasting Corp., 88 FCC 2d 1054, 1058 (1982).

Santiago and Bonet have been on notice since December 1992 of the need to report their families media interests, thus any "confusion" over the question should have been answered six months ago, when Matos amended his application. Six months ago, Matos filed a petition for leave to amend to report his family's media interests and claimed that he had misread the question in the application concerning family media interests. Matos served the petition and the amendment on Santiago and Bonet when it was filed in December 1992.

Santiago and Bonet continued to withhold the information about family media interests until Matos filed a Petition to Enlarge Issues on May 14, 1993, identifying the family owned media interests that Santiago and Bonet report in their proposed amendment. The gravamen of the Petition to Enlarge Issues was Santiago and Bonet's failure to disclose.

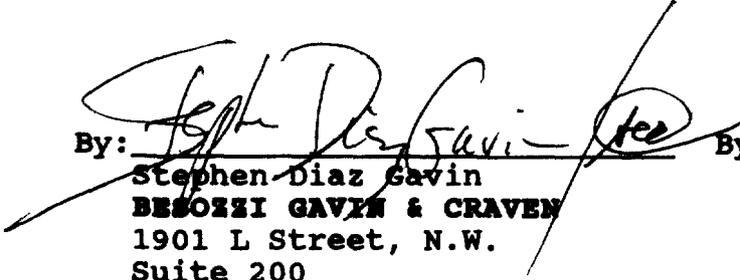
Santiago and Bonet's amendment fails the "good cause" test set

forth in Erwin O'Connor Broadcasting Co., 18 RR 2d 820 (Rev. Bd. 1970). Matos has been unfairly prejudiced because he has been denied the opportunity to make a supplemental document request concerning Santiago and Bonet's involvement in the ownership and operation of the family owned facilities because of Santiago and Bonet's failure to disclose. Further, acceptance of the amendment at this stage will render the Matos' Petition to Enlarge Issues moot without consideration of the merits. For these reasons, the Santiago and Bonet Petition must be denied.

WHEREFORE, it is respectfully requested that the Petition for Leave to Amend filed by Santiago and Bonet on May 25, 1993 be denied.

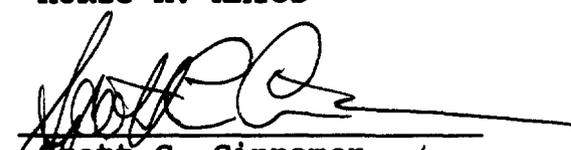
Respectfully submitted,

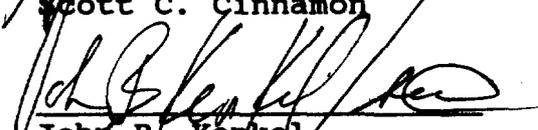
AURIO A. MATOS

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Dated: June 7, 1993

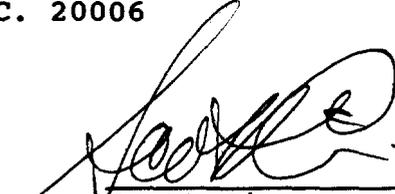
CERTIFICATE OF SERVICE

I, Scott Cinnamon, do certify that on this 7th day of June, 1993, a copy of the foregoing was sent via first class mail, postage pre-paid or delivered, as indicated, to the parties set forth below:

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* - Hand delivered

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