

AUG 17 1993

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 93-156
	)	
TRINITY CHRISTIAN CENTER OF SANTA ANA, INC., d/b/a TRINITY BROADCASTING NETWORK	)	File No. BRCT-911129KR
	)	
For Renewal of License of Television Station WHSG (TV) Monroe, Georgia	)	
	)	
GLENDALE BROADCASTING COMPANY	)	File No. BPCT-920228KE
	)	
For Construction Permit Monroe, Georgia	)	

To: Administrative Law Judge  
Joseph Chachkin

**MASS MEDIA BUREAU'S OPPOSITION TO  
COUNTERMOTION FOR SUMMARY DECISION**

1. On August 3, 1993, Trinity Christian Center of Santa Ana, Inc., d/b/a/ Trinity Broadcasting Network ("TBN") filed a counter motion for summary decision. The Mass Media Bureau hereby opposes TBN's counter motion.

2. On July 9, 1993, Glendale Broadcasting Company (Glendale), filed a motion for summary decision of the short-spacing issue specified in the Hearing Designation Order, 8 FCC Rcd 4038 (1993) ("HDO"). On August 3, 1993, the Mass Media Bureau filed an opposition to Glendale's motion. In its counter motion, TBN argues that because the undisputed facts establish that Glendale is not entitled to a short-spacing waiver, the short-spacing issue should be resolved adversely to Glendale by summary decision.

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3. In order to warrant summary decision a party must demonstrate that there is no genuine issue of material fact remaining for determination at the hearing. See, Big Country Radio Inc., 50 FCC 2d 967 (Rev. Bd. 1975) and Section 1.251 of the Commission's Rules. As the Bureau noted in its opposition to Glendale's motion for summary decision, "[t]he Commission has consistently refused to waive the spacing rules without 'concrete support, preferably documentary, that suitable non-short-spaced sites are not available.'" Kenter Broadcasting Co., 62 RR 2d 1573, 1577 (1986), aff'd, 816 F.2d 8 (D.C. Cir. 1987) (table). The issue remaining for determination at the hearing in this

proceeding is whether Glendale can demonstrate that there are no suitable non short-spaced sites from which Glendale could operate. Absent a determination of this question, summary decision adverse to Glendale is not warranted.

4. Accordingly, the Bureau opposes TBN's counter-motion for summary decision.

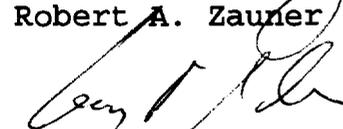
Respectfully submitted,  
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August 17, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau certifies that she has on this 17th day of August 1992, sent by regular United States mail, U.S. Government frank copies of the foregoing "Mass Media Bureau's Opposition to Countermotion for Summary Decision" to:

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