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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. 93-156
)	
TRINITY CHRISTIAN CENTER OF SANTA ANA, INC., d/b/a TRINITY BROADCASTING NETWORK)	
)	File No. BRCT-911129KR
For Renewal of License of Station WHSG(TV), Monroe, Georgia)	
)	
GLENDALE BROADCASTING COMPANY)	File No. BPCT-920228KE
)	
For a Construction Permit for a New TV Station at Monroe, Georgia Florida)	
)	
To: Administrative Law Judge Joseph Chachkin)	

MASS MEDIA BUREAU COMMENTS IN SUPPORT OF
SECOND MOTION TO ENLARGE ISSUES

1. On August 27, 1993, Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network ("Trinity"), filed a Second Motion to Enlarge Issues ("Second Motion") against Glendale Broadcasting Company ("Glendale"). The Mass Media Bureau supports addition of the requested issue for the following reasons.

2. Trinity seeks an issue to determine whether Raystay Company ("Raystay"), which is controlled by Glendale principal George Gardner, committed misrepresentations in an application (File No. BAPTTL-920114IB) for consent to the assignment of construction permit for unconstructed Low Power Television Station W56CJ, Red Lion, Pennsylvania, to Grosat Broadcasting, Inc. Specifically, Trinity alleges that Raystay overstated its legal and engineering expenses in order to evade Section 73.3597(c)(2) of the Commission's Rules

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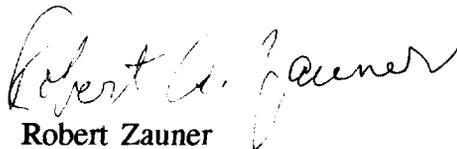
which restricts to legitimate and prudent costs what a seller may receive in connection with the sale of an unbuilt station.

3. Trinity has sought the addition of a related issue, based on the same facts, in MM Docket No. 93-75 (the Miami/Trinity proceeding). The Bureau has supported the addition of that issue, absent a satisfactory explanation from Glendale, for the reasons specified in the attached pleading filed this date by the Bureau in MM Docket No. 93-75. That pleading is expressly incorporated by reference herein. The Bureau agrees with Trinity that if the issue is added in the Miami/Trinity proceeding, the Presiding Judge should add an issue in this proceeding which makes any grant to Glendale of a Monroe construction permit conditioned upon resolution of the added issue in the Miami/Trinity proceeding.

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



Charles E. Dziejcz
Chief, Hearing Branch



Robert Zauner



Gary P. Schonman
Attorneys
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W., Suite 7212
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September 15, 1993

ATTACHMENT

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

In re Applications of)	MM DOCKET NO. 93-75
)	
TRINITY BROADCASTING OF FLORIDA, INC.)	File No. BRCT-911001LY
)	
For Renewal of License of Station WHFT(TV), Channel 45, Miami, Florida)	
)	
GLENDALE BROADCASTING COMPANY)	File No. BPCT-911227KE
)	
For a Construction Permit for a New TV Station on Channel 45 at Miami, Florida)	
)	
To: Administrative Law Judge Joseph Chachkin		

**MASS MEDIA BUREAU COMMENTS IN SUPPORT OF
SECOND MOTION TO ENLARGE ISSUES**

1. On August 27, 1993, Trinity Broadcasting of Florida, Inc. ("Trinity"), filed a Second Motion to Enlarge Issues ("Second Motion") against Glendale Broadcasting Company ("Glendale"). The Mass Media Bureau supports addition of the requested issue for the following reasons.

2. Trinity seeks an issue to determine whether Raystay Company ("Raystay"), which is controlled by Glendale principal George Gardner, committed misrepresentations in an application (File No. BAPTTL-920114IB) for consent to the assignment of construction permit for unconstructed Low Power Television Station W56CJ, Red Lion, Pennsylvania, to Grosat Broadcasting, Inc. Specifically, Trinity alleges that Raystay overstated its legal and engineering expenses in order to evade Section 73.3597(c)(2) of the Commission's Rules which restricts to legitimate and prudent costs what a seller may receive in connection with

the sale of an unbuilt station.

3. Raystay represented in the assignment application that it had incurred a total of \$10,498.00 in expenses in connection with obtaining the Red Lion construction permit. According to a certification signed by David Gardner (George Gardner's son), this amount consisted of legal fees from the law firm of Cohen & Berfield in the amount of \$7,698; engineering fees from the consulting firm of Robert Hoover in the amount of \$2,425; and FCC filing fees of \$375. The sales price specified in the Red Lion agreement was \$10,000.

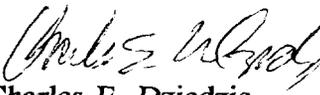
4. In support of its Second Motion, Trinity relies on two documents obtained during discovery in this proceeding. One of the documents is a letter from Cohen & Berfield to Raystay, and the other is an invoice from the Hoover engineering consulting firm to Raystay. The Cohen & Berfield letter states that the law firm billed Raystay in the amount of \$15,397.03 in connection with five LPTV authorizations, including the Red Lion authorization. There is no suggestion in the Cohen & Berfield letter as to how much, if anything beyond one-fifth, of the \$15,397.03 was attributable to work done exclusively with respect to the Red Lion authorization. The Hoover invoice, on the other hand, is more specific. Of the total \$7,275 which the Hoover company billed for work in connection with the five Raystay LPTV authorizations, no more than \$1,525 was attributable to the Red Lion construction permit.

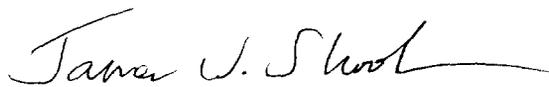
5. Based on the numbers contained in the referenced documents, Trinity argues that Raystay's actual expenses in connection with the Red Lion authorization were more in the neighborhood of \$5,000, rather than the \$10,498 which Raystay claimed in its assignment application. According to Trinity, Raystay's obvious motive in inflating the amounts attributable to the Red Lion authorization was to justify the \$10,000 sales price and skirt the

Commission's reimbursement restrictions. In so doing, Raystay reaped twice as much money from the sale of the unbuilt LPTV station than allowed by the Commission.

6. The Bureau submits that Trinity has made out a prima facie case of misrepresentation by Raystay. The documents on which Trinity relies plainly suggest that Raystay exaggerated its expenses in the Red Lion assignment application. Furthermore, Raystay appears to have had a clear motive for claiming to have spent more than it actually did to obtain the Red Lion construction permit. Accordingly, absent a satisfactory explanation by Glendale in its responsive pleading, the Bureau believes that further inquiry on this matter is warranted.

Respectfully submitted,
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September 15, 1993

CERTIFICATE OF SERVICE

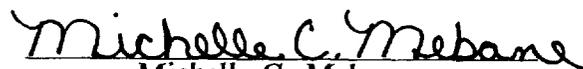
I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 15th day of September 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing, "Mass Media Bureau's Comments on Second Motion to Enlarge Issues" in MM Docket No. 93-75 to:

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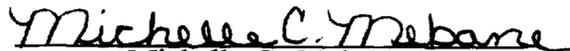
CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 15th day of September 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing, "Mass Media Bureau's Comments on Second Motion to Enlarge Issues" in MM Docket No. 93-156 to:

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