

ORIGINAL

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Before the
Federal Communications Commission

Washington, D.C. 20554

In re Applications of)
)
FRANK B. DUROSS)
)
NEW HORIZONS BROADCASTING)
PARTNERSHIP)
)
KENNETH F. ROSER, JR.)
)
KEVIN O'KANE)
)
For a Construction Permit for)
a New FM Station on Channel 250A,)
at Whitesboro, New York)

MM DOCKET NO. 93-264 ✓
File No. BPH-920512MC
File No. BPH-920513MF
File No. BPH-920513MI
File No. BPH-920513MI

RECEIVED

NOV 18 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Honorable Joseph P. Gonzalez
Administrative Law Judge

MOTION TO ENLARGE ISSUES AGAINST KENNETH F. ROSER, JR.

Frank B. DuRoss, by and through counsel, and pursuant to §1.229 of the Commission's Rules, hereby submits his "Motion To Enlarge Issues Against Kenneth F. Roser, Jr." in the above-referenced comparative proceeding.¹ In support whereof, the following is shown:

BACKGROUND

1. On November 15, 1993, Kenneth F. Roser, Jr. ("Roser") exchanged those documents responsive to the Commission's Standard Document Production outlined in §1.325(c)(1) of the rules. See Exhibit 1. In response to the category outlined in §1.325(c)(1)(v), "all bank letters and other financing

¹ Standard document production in this proceeding took place on November 15, 1993. The filing of this Motion is based upon representations made by Mr. Roser in his document production. Since this Motion is being filed just three days after receipt of Mr. Roser's document production, it is timely filed. See §1.229(b) of the rules.

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documents...," Roser stated very plainly: "No documents exist which are known to the Applicant." Id. In his application, at page 6, Roser certified that he had sufficient net liquid assets on hand or available from committed sources to construct and operate the Whitesboro station. See Exhibit 2. Furthermore, Mr. Roser reported that he was relying on his personal finances (\$100,000) and Marine Midland Bank (\$100,000) as the sources of funding for the estimated \$200,000 he would need to build and operate the Whitesboro station. Id. However, Roser states that there are no documents to support his financial certification.

ARGUMENT

Roser's Lack of Financing Documents Has Raised The Question Of His Financial Qualifications

2. It is long standing Commission policy that, prior to certifying its financial qualifications, an applicant must confirm that it has "sufficient net liquid assets on hand...to construct the proposed facility and operate for three months without revenue." See Instructions To FCC Form 301 at p. 5 (June 1989 version). If the applicant is relying on outside sources for funding (banks, other individuals, etc.), it must have "reasonable assurance" that its source will provide the requisite funding. See Scioto Broadcasting, 5 FCC Rcd 5158, 5160 (Rev. Bd. 1990), rev. den., 6 FCC Rcd 1893 (1991); recon. dismissed, 6 FCC Rcd 4626 (1991). When the outside source is a bank or lending institution, the Commission expects the applicant to obtain a loan commitment letter, which must include, inter alia, specific terms as to the amount of the loan, interest rate and collateral.

See Scioto Broadcasters, 5 FCC Rcd at 5160.

3. In its revision of the FCC Form 301 in 1989, the Commission stated that all applicants filing after June 26, 1989, would be required to have documentation to support their financial certification in their hands at the time they make their financial certification. See Revision of FCC Form 301, 4 FCC Rcd 3853, 3859 (1989); see also, Lynn Broadcasting, FCC Rcd (Rev. Bd. 1992). The Commission specifically stated that: "We are now requiring that the applicant have such information and documentation on hand at the time it submits the application." Revision of FCC Form 301, 4 FCC Rcd at 3859 (emphasis added). If an applicant is not able to show that it had documentation to support its financial certification in hand at the time it filed its application, it is impossible for the Commission to find that an applicant was financially qualified at the time it filed.

4. In this case, Mr. Roser submitted his Whitesboro application on May 13, 1992. His application was unquestionably subject to the Commission's contemporaneous documentation requirement. In fact, the Instructions to the June 1989 version of FCC Form 301, which Mr. Roser used to file his Whitesboro application, clearly stated:

"The applicant must have on hand, at the time it files its application...the following documentation:...

(a) For the applicant:

A detailed balance sheet at the close of a month within 90 days of the date of the application showing

the applicant's financial position.

A statement showing the yearly net income, after Federal income tax, for each of the past two years, received by the applicant from any source....

(d) For financial institutions...[T]he document by which the institution...has agreed to provide the loan or credit, showing the amount of the loan or credit, terms of payment or repayment of the loan, collateral or security required.....

Instructions To FCC Form 301 at p. 6 (June 1989 version).²

5. In this case, Mr. Roser is relying on his own funds for \$100,000 of his \$200,000 budget, as well as a \$100,000 commitment from a local bank. See Exhibit 2. Despite this fact, Mr. Roser has affirmatively admitted that he has no documentation to support his financial certification. At the very least, if Mr. Roser is relying on his own assets for one half of his proposed budget, he should have had on hand those documents outlined in the Instructions to FCC Form 301: a contemporaneous personal financial statement and breakdown of income for the previous two years. His failure to have even these documents in hand at the time he filed his application raises a substantial and material question of whether Mr. Roser actually had \$100,000 worth of net liquid assets available to him at the time he filed.

6. Similarly, without any documentation to support Mr. Roser's claimed loan commitment from Marine Midland Bank, there

² The most recent versions of FCC Form 301 continue to contain such language in their instructions.

exists a serious question as to whether he has met his fundamental obligation to obtain reasonable assurance of funding prior to certifying his financial qualifications. Furthermore, since Mr. Roser admits that he had no documentation to support his affirmative financial certification, there exists a question as to whether he misrepresented his financial qualifications to the Commission. Such an action raises an additional question concerning Mr. Roser's character qualifications.

CONCLUSION

7. The above outlined facts represent a specific allegation of fact sufficient to support enlargement of the issues in this proceeding. See §1.229(d) of the rules. Since there is no documentation to support his claim, only the addition of special financial issues will enable the Commission to safely determine whether Mr. Roser possessed, and continues to possess, the requisite financial qualifications of a prospective Commission licensee and whether he misrepresented his financial position to the Commission. Therefore, the issues in this proceeding should be enlarged to include the following additional issues against Kenneth J. Roser, Jr.:

c. Whether, at the time he filed his Whitesboro application, Roser was financially qualified to build and operate his proposed facilities?

d. Whether Roser continues to possess the necessary financial qualifications?

e. Whether Roser misrepresented his financial qualifications in his Whitesboro application?

f. In light of the evidence adduced under the above issues, whether Roser possess the requisite basic

qualifications to be a Commission licensee?

8. Should the issues be enlarged against Mr. Roser, it is respectfully requested that he be ordered to produced the following additional documents relevant to the added issues:

Additional Document Production Request

- a. Copies of Mr. Roser's personal financial statement or other financial document reflecting his current assets and liabilities as of May, 1992.
- b. A breakdown of Mr. Roser's after tax income for the period of June, 1990 to May, 1992.
- c. Copies of any and all correspondence between Mr. Roser and Marine Midland Bank, its employees or representatives, including, but not limited to, Anita Brown, concerning the Bank's proposed loan commitments for Mr. Roser's new Whitesboro FM station.
- d. Copies of any documents submitted to Marine Midland Bank by Mr. Roser concerning the Bank's proposed loan commitment for Mr. Roser's new Whitesboro FM station.
- e. Copies of any notes or other memorandum of conversations between Mr. Roser and representatives of Marine Midland Bank concerning the Bank's proposed loan commitment.

9. Finally, should it be found that Mr. Roser misrepresented his financially qualifications to the Commission, the Commission should consider the imposition of a forfeiture of up to \$250,000. See §1.229(f). The fact that Mr. Roser may have misrepresented his financial capabilities in his FCC Form 301 raises the question of whether he has violated §1.17 of the rules which prohibits applicants from making "any misrepresentation or willful material omission" in documents submitted to the Commission.

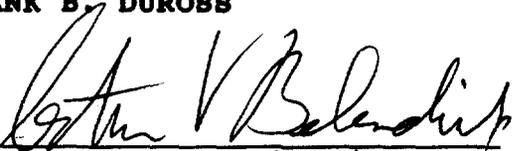
WHEREFORE, the above premises considered, it is respectfully

requested that the issues in this proceeding be enlarged against Kenneth J. Roser, Jr., as outlined herein and that Mr. Roser be ordered to produce those additional documents requested above.

Respectfully submitted,

FRANK B. DUROSS

By:


Arthur V. Belendiuk
Shaun A. Maher

His Attorneys

SMITHWICK & BELENDIUK, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
(202) 785-2800

November 18, 1993

lpd/whitesbo/1118.mot

EXHIBIT 1

J. RICHARD CARR
ATTORNEY AT LAW
P. O. BOX 70725
CHEVY CHASE, MARYLAND 20813-0725
(301) 856-7053

Admitted in D.C.
& New York

Telecopier
(301) 718-8407

November 15, 1993

Arthur V. Belendiuk, Esq.*
Smithwick & Belendiuk, P.C.
Suite 510
1990 M Street, NW
Washington, DC 20036

IN RE: MM Docket No. 93-264
Whitesboro, NY

James L. Oyster, Esq.**
Route 1
Box 203 A
Castleton, VA 22716

Gentlemen:

In accordance with the Standard Document Production Order, Kenneth F. Roser, Jr. produces the following documents:

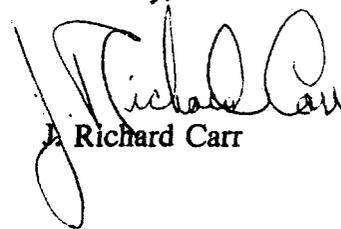
- | | |
|------------------------|--|
| Document Request (i) | No documents exist which are known to the Applicant. |
| Document Request (ii) | No documents exist which are known to the Applicant. |
| Document Request (iii) | No documents exist which are known to the Applicant. |
| Document Request (iv) | No documents exist which are known to the Applicant. |
| Document Request (v) | No documents exist which are known to the Applicant. |

Kenneth F. Roser, Jr.
Document Request
November 15, 1993

Document Request (vi)	No documents exist which are known to the Applicant.
Document Request (vii)	No documents exist which are known to the Applicant.
Document Request (viii)	No documents exist which are known to the Applicant.
Document Request (ix)	No documents exist which are known to the Applicant.
Document Request (x)	Documents are attached.
Document Request (xi)	No documents exist which are known to the Applicant.
Document Request (xii)	No documents exist which are known to the Applicant.

Any questions with regard to the above matters should be directed to the undersigned.

Sincerely,



J. Richard Carr

- * Hand delivery
- ** Transmitted via Fax with Hard Copy via First Class Mail

CONSTRUCTION & OPERATING BUDGET

Construction Costs

Transmitter/Exciter	20,000.00
Antenna System (3 Bay)	2,000.00
Transmission Line	3,500.00
Connectors	500.00
Generators	1,500.00
Installation	2,500.00
B/E Audio Console	3,000.00
Orban Optimod	3,500.00
ITC Mono. Play CARts	
Variable Length CARts	
Technics Turntables	
Technics Amps	
EV Microphone & Amp	
Mosley STL Package (Used)	4,000.00
Scale Parreflector Ant. (Used)	1,000.00
Transmission Line	
Gentner VRC Remote Control	3,000.00
Belar Stereo Monitor	1,000.00
Otari 1/4" Reel Recorder	1,000.00
Otari Rec/Play Cart	1,000.00
Satellite Receive Package	
Studio Furniture	
Distribution Amp	
8' Equipment Rack	500.00
Installation Charges	
Office Furniture	
Tower	
 Total Construction Costs	 48,000.00

Operating Expenses

Month 1

Month 2

Month 3

Administrative

General Manager (Full-Time)	2000.00	2000.00	2000.00
Traffic/Bookkeeper (Part-Time)	1200.00	1200.00	1200.00
Sales Manager (Full-Time)	1700.00	1700.00	1700.00

General Expenses

Office Supplies	300.00	300.00	300.00
Electric (Offices)	100.00	100.00	100.00
Electric (Transmitter)	400.00	400.00	400.00
Dues/Subscriptions	250.00	250.00	250.00
Rental (Office Machines)	50.00	50.00	50.00
Telephone	200.00	200.00	200.00
Professional Services	300.00	300.00	300.00
Postage	100.00	100.00	100.00
Advertising	300.00	300.00	300.00
Janitorial	200.00	200.00	200.00
Travel/Entertainment	100.00	100.00	100.00
Taxes (State)	350.00	350.00	350.00
Taxes (Federal)	500.00	500.00	500.00
Health Insurance			
Business Insurance	300.00	300.00	300.00
Personal Property Taxes			
Employer Federal Withholding	2500.00	2500.00	2500.00
Miscellaneous			
Printing	200.00	200.00	200.00
Loan Repayment	800.00	800.00	800.00
(Tower Site Lease)	500.00	500.00	500.00
Office Rent	500.00	500.00	500.00

Sales

2 Account Executives (Independent Contractors)	1000.00	1000.00	1000.00
Bonus Commissions	2000.00	2000.00	2000.00

Operating Expenses

Month 1 Month 2 Month

Programming

Satellite Network Service	<u>550.00</u>	<u>550.00</u>	<u>550.00</u>
Announcer/Ops. Director (Full-Time)	<u>2000.00</u>	<u>2000.00</u>	<u>2000.00</u>
Announcer/Public Affairs (Full-Time)	<u>1000.00</u>	<u>1000.00</u>	<u>1000.00</u>
Announcer/News Director (Part-Time)	<u>1000.00</u>	<u>1000.00</u>	<u>1000.00</u>
2 Announcers (Part-Time)	<u>1000.00</u>	<u>1000.00</u>	<u>1000.00</u>

Technical

Contract Engineer (Independent Contractor)	<u>400.00</u>	<u>400.00</u>	<u>400.00</u>
Parts & Supplies	<u>200.00</u>	<u>200.00</u>	<u>200.00</u>
Total Operating Expenses	<u>21,000.00</u>	<u>21,000.00</u>	<u>21,000.00</u>

3 Month's Operating Expenses 63,000.00

Plus Construction Expenses 48,000.00

TOTAL CONSTRUCTION
AND OPERATING EXPENSES 111,000.00

Funds Available 200,000.00

Surplus Funds 89,000.00



*Received
7/16/93*

July 7, 1993

Dear Telauc Donor:

This June, the twenty fourth edition of Telauc, WCNY's Great TV Auction, raised over \$500,000 in support of Public Broadcasting in Central New York.

Thank you for your generous donation which assisted us in our fundraising effort.

Your commitment to WCNY TV/24 & Classic FM does more than simply help us continue the tradition of quality programming that Central New York has come to expect of WCNY. Local TV productions such as FLOOD 93: THE RIPPLE EFFECTS and LIVERPOOL: THE LAST 50 YEARS as well as national PBS productions including THE MACNEIL/LEHRER NEWS HOUR and NOVA would not be possible without local financial support.

Just as important, are other services WCNY offers to the Central New York community including Read-Out for the visually impaired, Learning Link for Teachers, GED on TV for high school equivalency candidates and Descriptive Video Service (DVS) for those unable to "see" television.

Once again, thank you for your support of Public Broadcasting. We welcome your suggestions with regard to Telauc and look forward to your participation again next year.

Sincerely,


Thomas A. Burton
Director of Development

**MARINE CORPS RESERVE**

TO: WLFH Radio
341 S. Second
Little Falls, N.Y. 13365

FROM: Ron Sterling & Don LaFayette
Herkimer County Detachment
Marine Corps League
178 Second Street
Ilion, N.Y. 13357

On behalf of the Herkimer County Detachment of the Marine Corps League and the United States Marine Corps Reserves in Syracuse, we would like to thank you and your staff for your generous contribution towards the 1992 Toys for Tots Campaign. Through your unselfishness and caring for others, we were able to make Christmas a little more joyous for approximately 1000 families in the Mohawk Valley and the Greater Utica / Rome metropolitan area.

Again, we wish to thank you and your staff for your generosity, you should feel very proud in knowing that you helped so many families during this past Christmas season.

We are looking forward to working with you in the future to make each year bigger and better.

Thank You,

Ronald E. Sterling
Donald LaFayette
Ronald E. Sterling
Donald LaFayette
Toys for Tots Chairmen

The Neighborhood Center of Utica, NY Inc.

615 Mary Street • Utica, NY 13501

Phone: 315-732-4717

315-733-4509

315-733-4621

MARIE A. RUSSO, CSW/ACSW

Executive Director

6/4/93

Allen: Mr. Allen Bartnick
Professional Media Services, Inc.
RD#J. Box 195 -F Graham Road
Utica, New York 13502

Dear Allen:

We send this letter to acknowledge receipt of your invoice #5211 and was deeply moved by the "no-charge". What can we say after such a generous response except to thank you from the very bottom of our hearts. You did a superb job for us and this generosity will, indeed, help us significantly toward the purchase of furniture for our new health clinic.

You can be sure that we will share this information with our Board of Directors and know that they will be as pleased as I.

We also want to thank you for sharing Marcie with us. She too, does a fine job, and we are delighted to have her as one of our staff.

Do know of our sincere appreciation!

Sincerely yours,
Neighborhood Center

Marie A. Russo
Marie A. Russo, CSW
Executive Director
MAR/ls



A MEMBER AGENCY:
UNITED NEIGHBORHOOD CENTERS OF AMERICA INC.
GREATER UTICA UNITED WAY

A PROJECT RELATED TO THE
GENERAL BOARD OF GLOBAL MINISTRIES
OF THE
UNITED METHODIST CHURCH

1024 Park Avenue Utica, New York 13501 315/797-8906



**American Heart
Association**

Central New York Region

July 26, 1993

Professional Media Services, Inc.
Atten: Ken Roser, President
RD 1, Box 195F, Graham Road
Utica, NY 13502

Dear Mr. Roser:

On behalf of the staff of the American Heart Association, I wish to express our sincere appreciation to Professional Media Services for your role as the tournament sponsor of the 1993 Herkimer County Golf Classic.

I know I speak for the many volunteers who help make this event happen each year that, through your sponsorship, many doors were opened to the business community which support this annual fund raiser.

Professional Media Services provided a new dimension of promoting this event resulting from the media coverage. Your team of experts gave the element of professionalism that enhanced this tournament to a new level, while at the same time conveying the mission of the American Heart Association.

The 1993 Herkimer County Golf Classic experienced more tournament journal sponsors than any year in the past and showed an increase of participants over the previous year as well. The event generated nearly \$5,000 that will be used locally in our effort to conquer this dreaded disease. You and your staff have helped "make the difference" in the Greater Utica area.

Sincerely,

Carl E. Loucks
Division Director

CEL/sr

CC: Joe Fiacco, Tournament Chairman
Dan Benzo, Executive Director - American Heart
Association, Central New York Region

WE'RE FIGHTING FOR
YOUR LIFE



**American
Diabetes
Association®**

**New York Upstate Affiliate, Inc.
Central Region**

Received
1/12/93

REGIONAL OFFICES:

Syracuse:
1603 West Genesee Street
Syracuse, New York 13204-1949
(315) 488-9464 FAX: 488-8662

Utica:
1508 Genesee Street
Utica, New York 13502
(315) 735-0591 FAX: 724-3987

Southern Tier:
P.O. Box 255 WVS
Binghamton, New York
(607) 770-9795

January 25, 1993

Dear News Director,

On behalf of the American Diabetes Association, Central New York Region - Utica Regional Chapter we would like to personally express our appreciation to you for your generous support of our "Cross Country Ski Challenge".

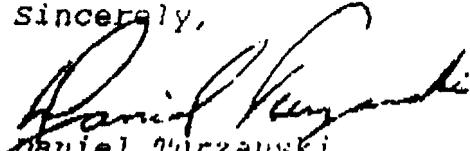
Your cooperation and enthusiasm helped to make this event a tremendous success, and it raised more than \$6,400. This success could not have been achieved without your involvement.

The money raised is being used to provide educational programs and services to the local area children and adults with diabetes and their families. This life-saving information will enable them to improve the quality of their lives. It also goes toward supporting much needed research seeking to find a preventive and cure for this devastating disease.

We hope you enjoy a feeling of satisfaction in knowing the volunteer support you provided contributed to the skillful management of the event and the positive feedback we received.

Once again we truly appreciate your support and concern.

Sincerely,


Daniel Turzanski
Cross Country Ski Challenge
Co-Chairperson


Donald Lazzaro
Cross Country Ski Challenge
Co-Chairperson

CERTIFICATE of APPRECIATION

is awarded to

P.M.S. - Professional Media Services, Inc.

by the

**Central New York Firemen's Association
Organized 1893**

*For your support in furthering our programs
-Recruitment, Retention, Public Education of Fire Safety-
which serve the citizens of*

ONEIDA COUNTY

PROUD SPONSORS OF THE 96TH ANNUAL PROCEEDING IN UTICA NY

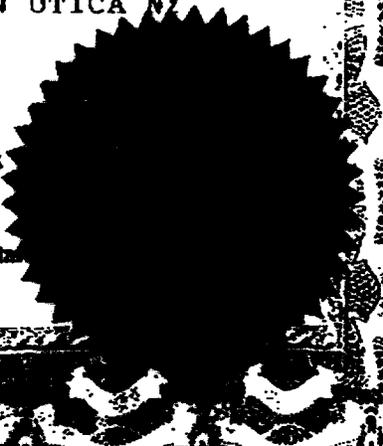


William C. VanSchefflin

President, C.N.Y.F.A.

County Board of Directors

Serving Volunteer Fire Companies in 19 counties
Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Herkimer, Madison, Oneida, Onondaga, Ontario,
Seneca, Steuben, Tioga, Tompkins and Yates





Certificate of Appreciation

Presented to

Professional Media Services

In grateful appreciation
for helping others
through

The Salvation Army

Major Ruby Stewart

■ *Press & News*

EXHIBIT 2

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	FEE TYPE	
	FEE AMT: \$2,030.00	If fee exempt (see 47 C.F.R. Section 1.1212). Indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO. BPH-920519MA

Section I - GENERAL INFORMATION

1. Name of Applicant KENNETH F. ROSER, JR.			Send notices and communications to the following person at the address below: Name RICHARD J. HAYES, JR.		
Street Address or P.O. Box Box 195-F GRAHM ROAD			Street Address or P.O. Box 13809 BLACK MEADOW ROAD		
City UTICA	State NY	ZIP Code 13502	City SPOTSYLVANIA	State VA	ZIP Code 22553
Telephone No. (Include Area Code) 315-732-3374			Telephone No. (Include Area Code) 703-972-2690		

2. This application is for: AM FM TV

(a) Channel No. or Frequency 250-A	(b) Principal Community WHITESBORO	City	State NY
---------------------------------------	---------------------------------------	------	-------------

(c) Check one of the following boxes:

- Application for NEW station
- MAJOR change in licensed facilities; call sign: _____
- MINOR change in licensed facilities; call sign: _____
- MAJOR modification of construction permit; call sign: _____
File No. of construction permit: _____
- MINOR modification of construction permit; call sign: _____
File No. of construction permit: _____
- AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? Yes No

If Yes, state:

Call letters	Community of License	
	City Not Applicable	State

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

Yes No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

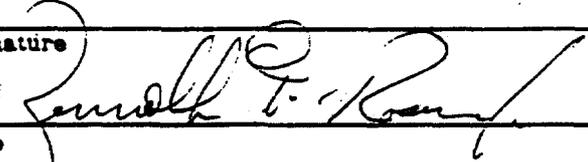
\$ 200,000.00

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
KENNETH F. ROSER, JR. BOX 195-F GRAHM ROAD UTICA, NEW YORK 13502	315-732-3374	SELF	\$100,000.00
AMITA BROWN MARINE MIDLAND BANK UTICA, NEW YORK	315-798-2121	BANKER	\$100,000.00

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant KENNETH F. ROSER, JR.	Signature 
Date 5/12/92	Title Individual Applicant

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 901 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

CERTIFICATE OF SERVICE

I, Lori Paige DiLullo, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 18th day of November, 1993, copies of the foregoing were mailed via first class mail, postage pre-paid and hand delivery, to the following:

The Honorable Joseph P. Gonzalez (*)
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Room 221
Washington, DC 20554

James Shook, Esq.
Hearing Branch
Federal Communications Commission
2025 M Street, N.W.
Room 7212
Washington, DC 20554

J. Richard Carr, Esq. (*)
P.O. Box 70725
Chevy Chase, MD 20813-0725
Co-Counsel for Kenneth F. Roser, Jr.

Richard J. Hayes, Jr., Esq.
13809 Black Meadow Rd.
Greenwood Plantation
Spotsylvania, VA 22553
Co-Counsel for Kenneth F. Roser, Jr.

James L. Oyster, Esq.
Rt. 1, Box 203A
Castleton, VA 22716
Counsel for Kevin O'Kane

Timothy K. Brady, Esq.
7113 Peach Court
P.O. Box 986
Suite 208
Brentwood, TN 37024
Counsel for New Horizons Broadcasting Partnership

(*): By Hand Delivery


Lori Paige DiLullo