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

In re Applications of)
AURIO A. MATOS)
LLOYD SANTIAGO-SANTOS and LOURDES)
RODRIGUES-BONET)
For Construction Permit for a New)
FM Station on Channel 293A in)
Culebra, Puerto Rico)

MM Docket No. 93-89
File No. BPH-911114MS
File No. BPH-911115MP

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Review Board

REPLY EXCEPTIONS TO
INITIAL DECISION OF
AURIO A. MATOS

Submitted by:

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December 20, 1993

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TABLE OF CONTENTS

SUMMARY	iv
I. INTRODUCTION	1
II. THE PETITION TO ENLARGE WAS FATALLY UNTIMELY	2
III. MATOS ACQUIRED REASONABLE ASSURANCE OF THE AVAILABILITY OF THE COLON-VENTURA SITE IN GOOD FAITH . .	8
IV. SANTIAGO AND RODRIGUES HAVE FAILED TO DEMONSTRATE THAT APPROVAL OF MATOS' SITE PROPOSAL IS "IMPROBABLE"	9
V. SANTIAGO AND RODRIGUES HAVE NOT DEMONSTRATED A LIKELIHOOD OF SUCCESS ON THE FINANCIAL ISSUE THEY REQUEST	12
VI. CONCLUSION	15

TABLE OF AUTHORITIES

Cases

Adjudicatory Re-regulation Proposals, 58 FCC 2d 856,
874 (1976) 7

Algreg Cellular Engineering, 6 FCC Rcd 2921,
69 RR2d 290 (Com. Car. Bur. 1991) 12

Evergreen Broadcasting Company, 7 FCC Rcd 6601, 6603 1992) . . 4

Great Lakes Broadcasting, Inc., 6 FCC Rcd 4331,
69 RR2d 946 (1991) 7, 8, 12

Harrison County Broadcasting, 6 FCC Rcd 5819,
70 RR2d 40 (Rev. Bd. 1992) 14

Hearing Designation Order, DA-93-331, released
April 8, 1993 3

Madalina Broadcasting, Inc. FCC 91M-2704,
released September 3, 1991 11

Memorandum Opinion and Order, FCC 93M-508
released August 6, 1993 2

National Innovative Programming Network of the
East Coast, 2 FCC Rcd 5641, 63 RR2d 1543 (1987) 9

Notice of Proposed Rule Making (FCC 75-1250,
released November 14, 1975) 8

Omaha TV 15, 4 FCC Rcd 730, 731 (1988) 4

Salinas Broadcasting, Ltd. Partnership,
4 FCC Rcd 8325, 67 RR2d 237 (Rev. Bd. 1989),
5 FCC Rcd 1613 (Rev. Bd. 1990) 10

Salt City Communications, Inc., 7 FCC Rcd 4221,
71 RR2d 192 (1992) 13

Scioto Broadcasters Limited Partnership,
5 FCC Rcd 5158, 5160, 68 RR2d 195 (Rev. Bd. 1990),
rev. denied, 6 FCC Rcd 1893 (1991) 13

Teton Broadcasting Ltd. Partnership,
1 FCC Rcd 518, 519, 61 RR2d 1288 (1986) 10

Texas Communications Ltd. Partnership,
7 FCC Rcd 3186, 70 RR2d 1487 (1992) 4

The Edgefield-Saluda Radio Company,
5 FCC 2d 148, 148-149 8 RR2d 611 (Rev. Bd. 1966) 8

Statutes and Regulations

47 C.F.R. § 1.229(a)	3
47 C.F.R. § 1.229(b)	5, 6
47 C.F.R. § 1.229(c)	8
47 C.F.R. § 1.276	1
47 C.F.R. § 1.277	1

SUMMARY

Matos' application for a construction permit for a new FM station to serve Culebra, Puerto Rico was granted by an ALJ following his determination that Matos was the comparatively superior applicant. The unsuccessful applicant in this proceeding, Santiago and Rodrigues, concede that under the standard comparative issues, Matos is the superior applicant. However, in their Exceptions to the ALJ's Initial Decision, they allege that the ALJ erred in denying their petition to specify certain specific site availability and financial qualification issues against Matos.

Matos argued, and the ALJ agreed, that the petition Santiago and Rodrigues filed was fatally untimely. Santiago and Rodrigues claim in their exceptions that the issues raised in the petition are significant enough to forgive its untimeliness. They ask for a remand of the proceeding so that a trial on the special issues can take place.

Santiago and Rodrigues did not meet their burden of showing that consideration of the special issues they seek against Matos is of "probable decisional significance and substantial public importance." To meet that burden, Santiago and Rodrigues had to demonstrate a likelihood that the allegations in their petition would be proven at trial. They did not. In fact, assuming arguendo, that the petition is considered timely, an examination of the questions raised and evidence presented in the petition reveal that the allegations do not even rise to the level of presenting a prima facie case for the specification of the issues.

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To: The Review Board

REPLY EXCEPTIONS TO
INITIAL DECISION OF
AURIO A. MATOS

Aurio A. Matos ("Matos"), by his counsel and pursuant to §§ 1.276 and 1.277 of the Commission's Rules respectfully submits his Reply Exceptions in response to the Exceptions to Initial Decision filed by Lloyd Santiago-Santos and Lourdes Rodrigues-Bonet ("Santiago and Rodrigues") on December 6, 1993.

I. INTRODUCTION

1. By Initial Decision, FCC 93D-20, released November 4, 1993 (the "ID"), the Presiding Judge in the above-captioned proceeding proposed the grant of Matos' application. The ALJ found Matos to be superior in both coverage proposal and past broadcast experience. Santiago and Rodrigues do not except to the Judge's findings and conclusions with respect to the standard comparative issues and concede that Matos is the comparatively superior applicant. The sole basis for their challenge of the ID is their contention that the Presiding Judge erred in denying the Petition to Enlarge Issues Santiago and Rodrigues filed against Matos (the

"S&R Petition"). The S&R Petition sought the addition of financial and site availability issues against Matos. Matos submits that the Judge's Memorandum Opinion and Order, FCC 93M-508, released August 6, 1993, denying the S&R Petition was fully supported by the record evidence and Commission precedent. The Review Board should deny the Exceptions filed by Santiago and Rodrigues and affirm the ID.

II. THE PETITION TO ENLARGE WAS FATALLY UNTIMELY

2. Matos filed his application on November 14, 1991, specifying the site presently used by FM Radio Station WSAN, Vieques, Puerto Rico, and listed Carlos J. Colon-Ventura as the contact person for availability of the site. ^{1/} Colon-Ventura is the licensee of WSAN. There have been no amendments filed concerning the Matos site, so Rodrigues and Santiago have been aware of the site Matos proposed, and the contact person for reasonable assurance of the availability of the site, since November 11, 1991.

3. As for financing, Matos listed his proposed sources of financing in his initial application. Matos exchanged correspondence from his lending source during the Standard Document Exchange which took place on May 5, 1993. However, the identity of the sources of Matos' financing was available to Santiago and Rodrigues without amendment from the date his application was filed. ^{2/} Santiago and Rodriguez were aware since November 11,

^{1/} Matos Application BPH-911114MS, at pp. 14, 24. Official Notice requested (hereafter "Matos Application").

^{2/} Matos Application, p. 6.

1991 that Matos intended to rely upon a loan from a mortgage bank for the majority of his funding. The S&R Petition filed eighteen months later, questions whether mortgage banks are bona fide sources of financing. Santiago and Rodrigues also question the sufficiency of the loan commitment letter, dated prior to the filing of Matos' application. A copy of that letter was provided to Santiago and Rodrigues during the Standard Document Exchange on May 5, 1993.

4. Section 1.229(a) of the Commission's Rules provides parties with 30 days from the release of an HDO in which to file petitions to enlarge issues. 47 C.F.R. § 1.229(a). Santiago and Rodrigues filed the S&R Petition on June 22, 1993. That's nineteen months after Matos' application was filed, forty eight days after Standard Document Exchange in this proceeding, and more than a full two months after the applications were designated for hearing. Hearing Designation Order, DA-93-331, released April 8, 1993 (the "HDO") Santiago and Rodrigues make a two-pronged attack on Matos' site. They challenge the sufficiency of the correspondence between Colon-Ventura and Matos and they question whether Colon-Ventura had the authority to provide such reasonable assurance. All of the documents which the S&R Petition relies upon wither were or, with the exercise of ordinary diligence, should have been in the possession of Santiago and Rodrigues long before the petition was filed.

5. Matos' application identifying Colon-Ventura as the person from whom Matos acquired reasonable assurance was available

from November 1991. The Special Use Permit from the Fish and Wildlife Service (the "SUP") which Santiago and Rodrigues obtained and rely upon was dated March 25, 1993, but covered a period from October 1, 1992 to September 31, 1993. The correspondence between Matos and Colon-Ventura was exchanged as part of the Standard Document Exchange in this case on May 5, 1993.

6. Matos argued that, at the very latest, the S&R Petition should have been filed by May 20, 1993. The Commission is no longer allowing hearings on additional issues to "explore matters that are easily discoverable initially and deemed crucial 'when seen from the highlight of hindsight.'" Evergreen Broadcasting Company, 7 FCC Rcd 6601, 6603 (¶ 10)(1992), citing, Omaha TV 15, 4 FCC Rcd 730, 731 (¶ 7)(1988). When underlying facts upon which a petition will be based are known or should have been known to petitioners for long periods of time prior to the filing of the petition, the issues will not be added, and Matos argued that since the facts relied upon by Santiago and Rodrigues were known to them in sufficient time to file a timely petition to enlarge after release of the HDO, or even if measured from the date of the Standard Document Exchange, then their untimely petition must be denied. Texas Communications Ltd. Partnership, 7 FCC Rcd 3186, 70 RR2d 1487 (¶ 13)(1992).

7. The Presiding Judge agreed with Matos, concluding that the S&R Petition, with respect to both prongs of the requested site issue was untimely. Santiago and Rodrigues were on notice of the location of the site from the time Matos filed his application. If

there was a question as to whether Colon-Ventura was able to provide reasonable assurance, it should have been raised within 30 days of the release of the HDO, and if Santiago and Rodrigues wanted to introduce evidence to establish that the Fish and Wildlife Service was not going to allow Matos on the tower (and had the authority to prevent Matos from locating on the tower) that evidence was available to Santiago and Rodrigues before 30 days passed from the release of the HDO. The burden is on the petitioner to explain why a petition to enlarge could not be timely filed. ^{3/} Santiago and Rodrigues offer no explanation of what material relied upon in their request for the site issue was not available to them before the expiration of 30 days from issuance of the HDO.

8. The information upon which the request for the addition of the financial issued was based was also available to Santiago and Rodrigues within 30 days of the release of the HDO. Santiago and Rodrigues alleged that a mortgage bank is "not a recognized financial institution" and therefore evidence had to be introduced by Matos to demonstrate the mortgage bank had the resources to meet its commitment to Matos. Santiago and Rodrigues Exceptions (hereafter, "S&R Exc."), p. 6. Santiago and Rodrigues were aware of the fact that Matos was relying on a mortgage bank from the time his application was filed. They claim that they did not have the

^{3/} Section 1.229(b)(3) of the Rules provides that parties filing petitions to enlarge after 30 days after release of an HDO must "set forth the reason why it was not possible to file the motion within the prescribed period."

"full information" upon which to base the S&R Petition until 15 days before June 22, 1993, but cite no additional evidence adduced from the time the HDO was issued that was relied upon in their allegation that a mortgage bank is not a "recognized financial institution."

9. Santiago and Rodrigues also argue that the loan commitment letter from the mortgage bank to Matos did not provide "reasonable assurance" of its intent to loan Matos the necessary funds. S&R Exc., p. 6. Whether or not their allegation is true, a copy of the letter was in the possession of Santiago and Rodrigues on May 5, 1993. Under the rules a petition to enlarge based on the adequacy of the letter would have been due fifteen days later. 47 C.F.R. § 1.229(b). Since the S&R Petition was filed after the fifteen day period, some explanation as to why a petition to enlarge challenging the sufficiency of the content of the loan commitment letter could not have been filed in a timely manner (e.g., within 15 days of receipt of a copy of the letter) should have accompanied the S&R Petition.

10. Santiago and Rodrigues argue that their petition was timely because it was filed within 15 days of their having received "full information concerning site availability and financial certification." S&R Exc., p. 8. They argue that "full information" comes only after the parties conduct their standard document exchange, then attempt to engage in supplemental document exchanges. Somehow, they conclude that 15 days after Matos filed an Opposition to Supplemental Document Request, Santiago and

Rodrigues were, for the first time, in a position to file their petition. In any event, they claim the issues raised are "significant" enough to forgive the Petition's untimeliness. Id. They cite Great Lakes Broadcasting, Inc., 6 FCC Rcd 4331, 69 RR2d 946 (1991) for support of their position. Id.

11. The rationale in Great Lakes supports Matos' contention that the S&R Petition was fatally untimely. After the Presiding Judge in that case denied a late-filed petition to enlarge issues on the grounds of its untimeliness, he rendered a decision granting the application of the applicant against whom the petition to enlarge had been filed, Luipold Broadcasting, Inc. ("Luipold"). The unsuccessful applicant took his case to the Review Board, which despite the untimeliness of the petition, ordered a remand to the trial judge to consider the questions raised in the petition. Luipold filed a Petition for Extraordinary Relief with the Commission, seeking reversal of the Review Board's interlocutory remand order.

12. The Commission vacated the Board's remand order, concluding the petition to enlarge was "grossly untimely" and "had not raised a question of probable decisional significance and substantial public importance." Great Lakes at ¶ 4. The Commission explained:

Section 1.229(c) provides for consideration of a late-filed petition to modify issues only if it raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing. In Adjudicatory Re-regulation Proposals, 58 FCC 2d 856, 874 ¶ 23 (1976), the Commission stated that this standard will be strictly construed and that motions for

modification of the issues must be filed promptly after the facts are known or could have been known to the moving party."

Great Lakes at ¶ 8 (emphasis in original)

13. While the S&R Petition might raise issues of "substantial public interest importance", it fails to demonstrate that resolution of the issues will be of "probable decisional significance. A showing of "probable decisional significance" requires Santiago and Rodrigues to establish that "the likelihood of proving the respective allegations therein is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business." Great Lakes at ¶ 9, quoting, The Edgefield-Saluda Radio Company, 5 FCC 2d 148, 148-149 8 RR2d 611 (Rev. Bd. 1966). In the Notice of Proposed Rule Making (FCC 75-1250, released November 14, 1975) that led to the adoption of Section 1.229(c) the Commission proposed that petitioners be required to "demonstrate that the allegations (in the petition) are likely to be proven."

14. As demonstrated below, Santiago and Rodrigues, despite having ample opportunity to do so, have not demonstrated a likelihood of being able to prove any of their allegations.

III. MATOS ACQUIRED REASONABLE ASSURANCE OF THE AVAILABILITY OF THE COLON-VENTURA SITE IN GOOD FAITH

15. Santiago and Rodrigues argue that the question for consideration in determining whether Matos falsely certified the availability of his site in his application is "not whether Colon-Ventura's letter states that the tower will be available to Matos, but whether Colon-Ventura had the authority to offer his tower to

Matos." S&R Exc., p. 4. (emphasis in original). Commission precedent holds otherwise.

16. If an applicant acts "reasonably and in good faith" then its certification is proper. National Innovative Programming Network of the East Coast, 2 FCC Rcd 5641, 63 RR2d 1534 (¶ 11) (1987) (informal telephone contacts to obtain an available site with details to be negotiated at a future date are sufficient to provide a good faith belief of site availability.) There is undisputed sworn testimony that Matos met with Colon-Ventura and Colon-Ventura agreed to make his tower available to Matos to place his antenna for the Culebra facility. Matos stated that he knew Colon-Ventura had leased the property from the government, but was assured by Colon-Ventura that placing another antenna on the existing Colon-Ventura tower would not require government approval. ^{4/}

Upon those facts, Matos certified that he had reasonable assurance of an available tower.

IV. SANTIAGO AND RODRIGUES HAVE FAILED TO DEMONSTRATE THAT APPROVAL OF MATOS' SITE PROPOSAL IS "IMPROBABLE"

17. Santiago and Rodrigues offer nothing to refute Matos' testimony. The only evidence they offer is a letter from Susan M. Rice, Refuge Manager for the Fish and Wildlife Service ("FWS") in Puerto Rico. S&R Exc., Exhibit 3. That letter states that the transmitter and antenna at the site are the private property of Mr. Colon-Ventura. The SUP which Santiago and Rodrigues rely heavily

^{4/} See, Opposition to Petition to Enlarge Issues, filed July 9, 1993, ("Opposition"), Exhibit 1 (Declaration of Aurio Matos), pp. 2, 3 and Exhibit 2 (Translation of Matos Declaration), pp. 2, 3.

upon, gives Colon-Ventura permission to operate a "commercial FM Radio broadcasting facility." S&R Exc., Exhibit 2, p. 1 (emphasis added). The letter only states that "permission to use the site, or assurances regarding the availability of the site, cannot be given by Mr. Colon[-Ventura]." ^{5/} Salinas Broadcasting, Ltd. Partnership, 4 FCC Rcd 8325, 67 RR2d 237 (Rev. Bd. 1989), which Santiago and Rodrigues site to support a remand of this proceeding, does not support their position. The Board explained that "a site availability issue will not be specified based on the lack of advance approval of local government authorities, unless a 'reasonable showing' is made by a petitioner which demonstrates that such approval is improbable." Salinas at ¶ 8, citing, Teton Broadcasting Ltd. Partnership, 1 FCC Rcd 518, 519, 61 RR2d 1288 (1986). The Board asked the Mass Media Bureau to file specific comments in the Salinas proceeding to determine whether the petitioner's showing was sufficient to cause a remand.

18. The Review Board eventually remanded the proceeding to litigate the site issues. Salinas Broadcasting, Ltd. Partnership, 5 FCC Rcd 1613 (Rev. Bd. 1990). The remand was based on a showing that the proposed site use violated local land use ordinances and was strongly opposed by the local community. Id. at ¶ 6. Santiago

^{5/} The letter is dated July 16, 1993, and is addressed to counsel for Santiago and Rodrigues. The fact that the S&R Petition alleging that the site was subject to an SUP, was filed almost four weeks earlier, without the letter is further indication of the failure of Santiago and Rodrigues to exercise diligence in the prosecution of these special issues.

and Rodrigues offer no such showing here. ^{6/}

19. Neither the letter, nor the SUP rise to the level of demonstrating a likelihood that the site issue would be decided against Matos. It is undisputed that he relied on Colon-Ventura's good faith representations to certify that his Culebra antenna could be located on the WSAN tower. As for the letter from FWS, shortly after Matos received a copy, he retained a local attorney in Puerto Rico who engaged in discussions with Ms. Rice. The results of those discussions is the letter attached as Exhibit A to these Reply Exceptions. It is a letter dated November 5, 1993, where Ms. Rice states, in part, :

I have been informed, however, that it may be the intention of a third party to a pending Federal Communications Commission FM comparative proceeding to rely on that [July 16, 1993] letter to convey the impression that FWS has decided not to issue a special use permit to your client for co-location on the tower that is on refuge property. Although FWS is attempting to reduce the use of this radio antenna, a determination has not been made on the final outcome of the use of this antenna.

It is not the policy of FWS to issue determinations on the merits of any request for a Special Use Permit. If your client receives a license from the FCC to operate an FM station on the island of Culebra he may then request a Special Use Permit. (emphasis added) ^{7/}

^{6/} See also, Madalina Broadcasting, Inc., FCC 91M-2704, released September 3, 1991 (site availability issue added upon letter signed by all members of local zoning board indicating their opposition to construction.)

^{7/} The FWS apparently uses the term "antenna" to mean "tower". At the very least, FWS provides ambiguous descriptions of what Colon-Ventura has title to as personal property. The SUP and the July 16, 1993 letter both give Colon-Ventura permission to operate an "FM radio broadcast antenna facility." As Matos argued in his Opposition to Petition to Deny, "broadcast antenna facility" may refer to the tower, and an argument could be made that the

The letter bolsters Matos' contention that Santiago and Rodrigues have not demonstrated the likelihood that Matos lacked (or presently lacks) reasonable assurance of an available site. At this late stage, addition of the site issue would not be in the public interest. Great Lakes at ¶ 15.

V. SANTIAGO AND RODRIGUES HAVE NOT DEMONSTRATED A LIKELIHOOD OF SUCCESS ON THE FINANCIAL ISSUE THEY REQUEST

20. Santiago and Rodrigues challenge Matos' financial showing on two grounds. They allege that a mortgage bank is not a "recognized financial institution" for purposes of obtaining reasonable assurance, and therefore, evidence must be introduced and they challenge the sufficiency of the commitment letter itself. S&R Exc., p. 6. ^{8/} Santiago and Rodrigues cite no case law for their outrageous proposition that a mortgage bank is not a "recognized financial institution." Absent substantial and material questions of fact that would cause an applicant to question its purported lender's ability to meet the commitment, the applicant's reliance on the lender is proper. Algreg Cellular

tower is the private property of Colon-Ventura and the location of another antenna on the tower would not require an SUP. In light of the fact Santiago and Rodrigues have failed to make a prima facie case of their own, much less offer evidence to refute Matos' possible interpretation, it has not been necessary to obtain a definitive answer as to what FWS means by a "broadcast antenna facility."

^{8/} Santiago and Rodrigues do not allege that Matos falsely certified his reasonable assurance of sufficient finances to construct and initially operate the station. They merely question the sufficiency of the showing. There is no allegation of misrepresentation, so resolution of the late-filed request for addition of the special issue may not be of "substantial public interest importance" to justify a remand, even assuming Santiago and Rodrigues have made their case. Great Lakes, supra.

Engineering, 6 FCC Rcd 2921, 69 RR2d 290 (¶ 35) (Com. Car. Bur. 1991).

21. Matos presented unchallenged evidence that according to the Caribbean Business to Business Guide, Southern Mortgage Corporation ("SOMO") is the eighth largest mortgage bank in Puerto Rico. Opposition, Exhibit 3. The value of loans it had originated as of December 31, 1991 was \$19,500,000.00. Id. Clearly, SOMO is not a "questionable entity" as Santiago and Rodrigues allege.

22. Having established the sufficiency of the lending institution, the sufficiency of the commitment letter must be examined. The Commission's test for determining whether or not a letter is satisfactory requires an examination of:

Whether the bank has a long and established relationship with the borrower sufficient to infer that the lender is thoroughly familiar with the borrower's assets, credit history, current business plan and similar data; or (2) the prospective borrower has provided the bank with such data, and the bank is sufficiently satisfied with this financial information that, ceteris paribus, a loan in the stated amount would be forthcoming, and that the borrower is fully familiar with, and accepts the terms and conditions of the proposed loan (e.g., payment period, interest rate, collateral requirements and other basic terms).

Salt City Communications, Inc., 7 FCC Rcd 4221, 71 RR2d 192 (¶ 19) (1992), quoting, Scioto Broadcasters Limited Partnership, 5 FCC Rcd 5158, 5160, 68 RR2d 195 (Rev. Bd. 1990), rev. denied, 6 FCC Rcd 1893 (1991). To summarize, the Commission requires that the individual borrower be preliminarily reviewed, adequate collateral be demonstrated to the satisfaction of the lending institution, and the tentative terms of the loans must be identified and satisfactory to both parties. Id. The analysis is the same whether

the lender is a bank, some other recognized financial institution, or not a financial institution at all. Id.

23. The commitment letter from SOMO states that its representative met with Matos, was satisfied with his presentation and the pledge he made to guarantee the loan, proposed to loan a sum certain and proposed tentative terms of the loan. The letter identifies Matos as the borrower, the loan amount (\$250,000.00), how the proceeds would be used (construction and operating expenses of the new Culebra FM station), and interest rate and terms of repayment (both negotiable, depending on the market), the collateral (Matos' personal guaranty) and conditions for final approval (acquisition of the FCC license). Matos' uncontroverted sworn testimony which accompanied the Opposition confirmed these facts. Opposition, Exhibits 1 and 2.

24. The letter Matos obtained rises above a mere "accommodation letter." See, e.g., Harrison County Broadcasting, 6 FCC Rcd 5819, 70 RR2d 40 (¶ 12) (Rev. Bd. 1992). Santiago and Rodrigues raise no evidence to suggest that SOMO does not intend to honor its commitment, nor any evidence that SOMO does not have the funds to honor the commitment. Not only have Santiago and Rodrigues failed to demonstrate a likelihood of success in the event a financial qualification issue is added based on its late-filed petition, they have failed to even make a prima facie showing that such an issue should be added.

VI. CONCLUSION

25. Santiago and Rodrigues concede that Matos is the comparatively superior applicant under the standard comparative issues. Their appeal hinges on whether or not the case should be remanded for trial of financial and site certification issues they petitioned to have specified against Matos. The appeal must fail because Santiago and Rodrigues have not demonstrated the likelihood of proving the allegations contained in their late-filed petition to enlarge.

26. Santiago and Rodrigues have failed to demonstrate that Matos' obtaining an SUP from the Fish and Wildlife Service is "improbable"; they have not refuted Matos' evidence establishing that the mortgage bank Matos relied on is a "recognized financial institution" and they offer no evidence to counter Matos' assertion that SOMO will perform its obligation under the commitment letter. In fact, not only have Santiago and Rodrigues failed to demonstrate a likelihood of success on the added issues, they have not even raised a prima facie question concerning Matos' site availability or financial wherewithal.

WHEREFORE, it is respectfully requested that the Exceptions to Initial Decision of Santiago and Rodrigues be denied and the Initial Decision of the ALJ granting the application of Aurio A. Matos be affirmed. ^{2/}

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December 20, 1993

Respectfully submitted,
AURIO A. MATOS



Scott C. Cinnamon
His Counsel

^{2/} In the event the decision of the ALJ is affirmed by the Review Board, Matos would withdraw his Contingent Exceptions and Brief In Support Of Initial Decision, reserving the right to raise the issues and arguments contained therein, should Santiago and Rodrigues appeal this matter further.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Caribbean Islands National Wildlife Refuge
 P.O. Box 510, Crr. 301, Km. 5.1
 Boqueron, Puerto Rico 00622

November 5, 1993

Benny Frankie Cereso, Esq.
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Dear Lcdo. Cereso:

I am writing in response to your request for clarification of my letter, dated July 16, 1993, to Audrey P. Rasmussen, Esq., of O'Connor & Hannan. In my letter to Ms. Rasmussen I explained the authority that Mr. José O. Colón has over the land and antenna at the Monte Resaca unit of the Culebra National Wildlife Refuge, but did not discuss in that letter whether the Fish and Wildlife Service (FWS) would or would not issue a Special Use Permit to your client.

I have been informed, however, that it may be the intention of a third party to a pending Federal Communications Commission FM comparative proceeding to rely on that letter to convey the impression that FWS has decided not to issue a Special Use Permit to your client for co-location on the tower that is on refuge property. Although FWS is attempting to reduce the use of this radio antenna, a determination has not yet been made on the final outcome of the use of this antenna.

Please be aware that anyone may file a request for issuance of a Special Use Permit. It is not the policy of FWS to issue determinations on the merits of any request for a Special Use Permit before we have a request in hand. If your client receives a license from the FCC to operate an FM station on the island of Culebra he may then request a Special Use Permit. We would make a determination on issuance of a Special Use Permit at that time.

Sincerely,

Susan M. Rice
 Susan M. Rice
 Refuge Manager

CERTIFICATE OF SERVICE

I, Phyllis Lee, do certify that on this 20th day of December, 1993, a copy of the foregoing was sent via first class mail, postage prepaid or delivered, as indicated, to the parties set forth below:

Honorable Joseph A. Marino, Chairman
The Review Board
Federal Communications Commission
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Honorable Norman B. Blumenthal
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