

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of) MM Docket No. 93-265
)
PINE TREE MEDIA, INC.) File No. BR-900817UF
)
For Renewal of License of)
Station KARW)
Longview, Texas)

To: Administrative Law Judge
John M. Frysiak

MASS MEDIA BUREAU'S
REPLY TO OPPOSITION TO MOTION TO DISMISS

1. On January 26, 1994, the Mass Media Bureau filed a motion to dismiss the application of Pine Tree Media, Inc. (Pine Tree) for failure to file a notice of appearance and for failure to appear at the prehearing conference. On February 8, 1994, Praise Media filed an Opposition to Motion to Dismiss. For the reasons stated, infra, the Bureau continues to believe that the application of Pine Tree should be dismissed for failure to prosecute and that this proceeding should be terminated.

2. The Hearing Designation Order and Notice of Forfeiture, 8 FCC Rcd 7591 (1993) (HDO), specified that, to avail itself of the opportunity to be heard, Pine Tree, its successors and assigns, shall file a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in the HDO. To date, no notice of appearance has been filed by Pine Tree or its successors and assigns. Moreover, no one appeared on behalf of Pine Tree, its

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successors and assigns, at the prehearing conference. On February 8, 1994, Praise Media, claiming to be a successor or assign of Pine Tree, filed a Notice of Appearance and a Petition to Accept Late-Filed Notice of Appearance.

3. To support its claim that its is a successor or assign of Pine Tree, Praise Media submits an affidavit by KARW's general manager and Praise Media's treasurer, Janet Washington. In her affidavit, Washington states that on February 10, 1992, Praise Media entered into an agreement to purchase KARW. Since then, she states, under the direction of Praise Media, KARW's tower has been painted and a new Emergency Broadcast System has been installed.

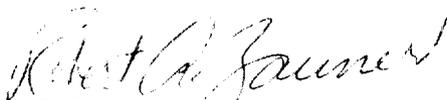
4. In the Bureau's opinion, Washington's affidavit does not establish that Praise Media is a successor or assign of Pine Tree. Washington's affidavit merely establishes that Praise Media entered into an agreement in 1992 to purchase KARW. It does not establish that Praise Media ever closed on the purchase. Consequently, Praise Media has not established that it ever became either a successor or an assign of Pine Tree. Moreover, even though Washington claims that Praise Media entered into an agreement in 1992 to purchase KARW, she does not claim that an application to transfer the station was ever filed with the Commission or that the Commission ever granted such an assignment application. Bureau counsel has searched the Commission's records and was unable to locate any such filing. In the absence

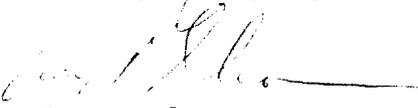
of Commission approval, no assignment or transfer could lawfully have taken place and neither Praise Media nor Washington has a legitimate claim to the KARW license or to appear on its behalf.

5. In light of Praise Media's failure to establish that it is a successor or assign of Pine Tree, the Presiding Judge should dismiss Praise Media's Opposition to the Bureau's motion to dismiss the Pine Tree application, dismiss the Pine Tree application and terminate this proceeding.

Respectfully submitted,
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February 15, 1994

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 15th day of February 1994, sent by regular United States mail, U.S. Government frank, copies of the foregoing "**Mass Media Bureau's Reply to Opposition to Motion to Dismiss**" to:

KARW
Pine Tree Media, Inc.
P.O. Box 7100
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