

*File Received February 2, 1994 @ 2:40 p.m.  
Dona L. Bradshaw*

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**TRANSCRIPT OF PROCEEDINGS**

**RECEIVED**

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

FEB 16 1994  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

IN RE APPLICATION OF:  
PINE TREE MEDIA, INC.  
Longview, Texas

MM DOCKET NO. 93-265

DATE OF CONFERENCE: January 24, 1994  
PLACE OF CONFERENCE: Washington, D.C.

VOLUME: 2  
PAGES: 5-12

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Court Reporting Depositions  
D.C. Area (301) 261-1902  
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The above-entitled matter came on for pre-hearing conference pursuant to Notice before Judge John M. Frysiak, Administrative Law Judge, at 2000 L Street, N.W., Washington, D.C., in Courtroom No. 4, on Monday, January 24, 1994, at 2:00 p.m.

APPEARANCES:

On behalf of Praise Media:

ALAN C. CAMPBELL, Esquire  
Irwin, Campbell & Crowe  
1320 18th Street, NW  
Washington, D.C. 20036

On behalf of Mass Media Bureau:

ROBERT ZAUNER, Esquire  
2000 L Street  
Washington, D.C. 20054

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25	Conference Began: 2:00 p.m.	Conference Ended: 2:08 p.m.

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## P R O C E E D I N G S

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2 JUDGE FRYSIAK: This is a prehearing conference  
3 involving the matter of the renewal of a license, Station  
4 KARW, Longview, Texas. And note your appearances for the  
5 record.

6 MR. CAMPBELL: Your Honor, my name is Alan Campbell  
7 of the firm Irwin, Campbell & Crowe. I'm representing today  
8 an entity known as Praise Media -- who is not named in the  
9 parties of the proceeding, and I have not filed a motion to  
10 intervene or otherwise participate at this point, Your Honor.  
11 I was just been retained by that company at the end of last  
12 week.

13 MR. ZAUNER: And I am Robert A. Zauner, on behalf of  
14 the Chief, Mass Media Bureau. My co-counsel, Gary Schonman,  
15 is otherwise indisposed trying another case at this time, who  
16 could not be here.

17 JUDGE FRYSIAK: Is there an appearance for Pine Tree  
18 Media?

19 MR. CAMPBELL: Your Honor, I do not represent Pine  
20 Tree. The order references Pine Tree, its accessors and  
21 assigns. My client, Praise Media, may be qualified as an  
22 acc--, and to Pine Tree, but I don't know that yet, until I  
23 have an opportunity to gather more facts.

24 JUDGE FRYSIAK: I had a conversation with one Janet  
25 Washington last week.

1 MR. CAMPBELL: Yes, sir. Um-hum.

2 JUDGE FRYSIAK: Is she connected with you in any  
3 way?

4 MR. CAMPBELL: Yes. She is a principal of Praise  
5 Media, my client. She's the person I have -- she and her  
6 husband -- to deal with.

7 JUDGE FRYSIAK: And there seems to have been a  
8 notice of appearance filed by one Kenneth Kilgore. Are you  
9 acquainted at all?

10 MR. CAMPBELL: No, I don't, I don't know that name  
11 at all.

12 JUDGE FRYSIAK: -- my office by letter dated  
13 November 12, 1993. It does not appear that it was found by my  
14 secretary.

15 MR. CAMPBELL: Is there a law firm on that, Your  
16 Honor?

17 JUDGE FRYSIAK: It simply says "Kenneth Kilgore,  
18 Attorney-at-Law -- " -- . There now comes respondent Janet  
19 Washington, who -- as general manager of Pine Tree Media and  
20 filed with her notice of representation --, as follows, etc.,  
21 etc. The attorney that filed with my office was Kenneth  
22 Kilgore. You don't know him though?

23 MR. CAMPBELL: I do not know. In my discussions  
24 with Ms. Washington she did not mention that name.

25 JUDGE FRYSIAK: Well, what do you think?

1           MR. ZAUNER: I think with regard to that Notice of  
2 Appearance, I understand that a Notice of Appearance was  
3 served on Your Honor and on counsel some time ago, but it was  
4 never filed with the Commission.

5           JUDGE FRYSIAK: Yeah. Was it the same one?

6           MR. ZAUNER: I believe it's the same one that you're  
7 talking about. Your Honor, where we stand at this point --  
8 it's the best of my ability concerning what's happening here  
9 is that we are in a situation where the licensee, who's the --  
10 license of the state in this proceeding, Pine Tree Media, Inc.  
11 has not filed a notice of appearance and they have not been at  
12 the prehearing conference and the Bureau would propose that by  
13 the end of this week they would file a motion to dismiss the  
14 renewal application of Pine Tree Media, Inc. for Station KARW,  
15 Longview, Texas. Given that we don't know what is going to  
16 happen with regard to that motion to dismiss the license of  
17 Pine Tree Media, Inc., Mr. Campbell and I have established  
18 some procedural dates that might take effect should Your Honor  
19 decide not to dismiss the application of Pine Tree Media, Inc.  
20 And what we decided upon was that the Bureau would file a  
21 motion to dismiss on or before January 28th, at the end of  
22 this week and we calculated that if any, if the Bureau was to  
23 file on January 28th the response date to us by Pine Tree  
24 Media, Inc. is February 10th. We then decided that rather  
25 than have further dates, including dates for initiation of

1 discovery and dates for the hearing and exchange of exhibits  
2 and that sort of thing that we -- it would make no sense for  
3 us to wait until your order either granting of the Bureau's  
4 motion or denying it. That would tell us, if you grant our  
5 motion of course the case is over and there's no need to go  
6 any further. If you deny the Bureau's motion for whatever  
7 reason, then Mr. Campbell and I can sit down and very  
8 conveniently, I think, set dates that would be acceptable to  
9 Your Honor and then go forward from that point on. And at  
10 this point in time, that's what we believe makes the most  
11 sense.

12 MR. CAMPBELL: Your Honor, I -- we -- Mr. Zauner and  
13 I did discuss that schedule. It's acceptable to me at this  
14 point. My anticipation is that long before the deadline for  
15 filing an opposition to your motion I would know the facts of  
16 the case enough to come in with the understandable opposition,  
17 intervention, appearance or whatever it would be and hopefully  
18 be in a-- ability to explain to the Commission exactly what  
19 has occurred down there. So, I'm sure it's confusing to you  
20 and it's confusing to me at this time because of the recent --  
21 being retained by Praise Media.

22 JUDGE FRYSIK: All right. What's confusing is --  
23 of this case.

24 MR. CAMPBELL: I appreciate that, Your Honor. I'm  
25 here somewhat as a -- I don't know if interloper is a legal

1 title or not, but I'm not a participant today, I understand  
2 that.

3 JUDGE FRYSIAK: Well, if that's your request, Mr.  
4 Zauner, I'll see to it that -- trying to resolve this matter  
5 in an expeditious way. What are your dates again? You will  
6 file by the end of this week a motion to dismiss?

7 MR. ZAUNER: A motion to dismiss for failure to  
8 prosecute and that would give whoever is going to respond to  
9 it -- I suppose I calculate February 10th to file an  
10 opposition. And then once that takes place, Mr. Campbell and  
11 I would sit down and then set forth dates that would be  
12 expeditiously acceptable.

13 JUDGE FRYSIAK: All right. Presently, if there is a  
14 hearing date I'll accept the proceeding -- February 10th --  
15 February 15th. Do you want to date your opposition -- on  
16 that.

17 MR. CAMPBELL: Definitely, Your Honor. I'll file  
18 that on --

19 JUDGE FRYSIAK: Then there'll be a reply --

20 MR. ZAUNER: I guess there would be a reply --

21 JUDGE FRYSIAK: -- scheduled hearing date. --  
22 appointments for the record, I --. Well, I'll just suspend  
23 the hearing date generally, then I'll wait for your motion to  
24 dismiss. But my understanding of the law is that -- should  
25 acknowledge it -- second time, but in fairness to the notice

1 | of appearance -- with respect to future --. All right, --  
2 | anything else?

3 |           MR. CAMPBELL: Nothing today, Your Honor. Thank  
4 | you.

5 |           JUDGE FRYSIAK: Okay. Thank you very much.

6 |           (Whereupon, the conference adjourned at 2:08 p.m.)

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**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

IN RE APPLICATION OF PINE TREE MEDIA, INC.

**Name**

MM DOCKET NO. 93-265

**Docket No.**

WASHINGTON, D.C.

**Place**

JANUARY 24, 1994

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 5 through 12, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

February 2, 1994  
**Date**

James H. Lowell  
James H. Lowell, Transcriber  
Free State Reporting, Inc.

February 2, 1994  
**Date**

Diane S. Windell  
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Free State Reporting, Inc.

February 2, 1994  
**Date**

Alice Wehner  
Alice Wehner, Reporter  
Free State Reporting, Inc.

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