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

MAR 7 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Application of)
)
PINE TREE MEDIA, INC.)
)
For Renewal of License of)
Station KARW)
Longview, Texas)

MM Docket No. 93-265

File No. BR-900817UF

To: The Review Board

ORIGINAL

NOTICE OF APPEAL

Praise Media, Inc. ("Praise"), by its counsel and pursuant to Section 1.302(b) of the Commission's Rules, 47 C.F.R. § 1.302(b), hereby submits its Notice of Appeal of the Memorandum Opinion and Order ("Order") released by the Honorable John M. Frysiak, Administrative Law Judge ("ALJ"), on February 24, 1994.¹ The Order, *inter alia*, denies Praise's Petition to Accept Late-filed Notice of Appearance in the above-captioned proceeding, dismisses the pending application for renewal of KARW, and terminates the proceeding.

On March 3, 1994, pursuant to Section 1.301(a)(1) of the Commission's Rules, 47 C.F.R. § 1.301(a)(1), Praise filed an Appeal of the ALJ's ruling that denied its participation as a party as a matter of right. In as much as the Order not only denies Praise the right to participate but also terminates the proceeding, Praise is also filing the instant Notice of Appeal to fully preserve its rights in this matter. Praise will request that the Review Board reverse the

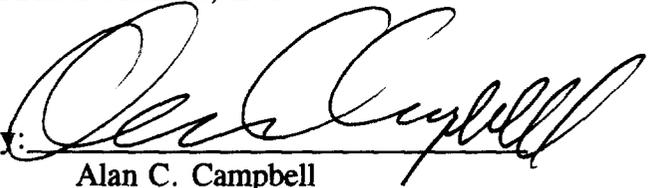
¹ A copy of the ALJ's Memorandum Opinion and Order is attached hereto.

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Order in its entirety, grant Praise party status in this proceeding and direct the ALJ to continue this proceeding as specified in the Hearing Designation Order.

Respectfully submitted,
PRAISE MEDIA, INC.

By: 

Alan C. Campbell
Michael G. Jones

Its Attorneys

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March 7, 1994

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

FCC 94M-90

In re Application of)	MM Docket No. 93-265	
)		
PINE TREE MEDIA, INC.)	File No. BR-900817UF	40971
)		
For Renewal of License of Station KARW)		
Longview, Texas)		

MEMORANDUM OPINION AND ORDER

Issued: February 23, 1994 ; Released: February 24, 1994

1. Under consideration are the following:

Motion to Dismiss, filed January 26, 1994, by the Mass Media Bureau ("Bureau");

Petition to Accept Late-Filed Notice of Appearance, filed February 8, 1994, by Praise Media, Inc. ("Praise Media");

Opposition to Motion to Dismiss, filed February 8, 1994, by Praise; and

Reply to Opposition to Motion to Dismiss, filed February 15, 1994, by the Bureau.

2. On January 26, 1994, the 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.

3. Praise Media is a Texas corporation presently involved in the acquisition of Station KARW and alleges itself to be the successor and assigns of Pine Tree.

4. 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 appearance has been filed by Pine Tree or its successors and assigns.¹ Moreover, no one

¹ A letter dated November 2, 1993, referring to this proceeding, was sent to Bureau counsel and the Chief Administrative Law Judge, by a Texas attorney. The letter stated that: "Enclosed for filing is our Notice of Participation and Intervention." The attached notice, however, was submitted on behalf of Janet Washington who claims to own an interest in the license and

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appeared on behalf of Pine Tree, its successors and assigns, at the prehearing conference.

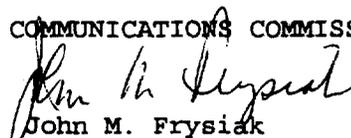
5. To support its claim that it is a successor or assign of Pine Tree, Praise Media submits an affidavit by KARW's general manager and Praise Media's treasurer, Janet Washington. In her affidavit, Washington states that on February 10, 1992, Praise Media entered into an agreement to purchase KARW. Since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

6. The Bureau correctly argues that 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 any 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.

7. In light of the foregoing, it is ruled that Praise Media has failed to establish that it is a successor or assign of Pine Tree, and Praise Media's Petition to Accept Late-filed Notice of Appearance must be denied. The Bureau's Motion to Dismiss will be granted.

Accordingly, IT IS ORDERED that the Mass Media Bureau's Motion to Dismiss, filed January 26, 1994 IS GRANTED; the application of Pine Tree Media, Inc. IS DISMISS; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



John M. Frysiak
Administrative Law Judge

¹ (...continued)

the real property on which KARW operates. Commission records do not reflect Washington's ownership interest in KARW or any other basis for accepting a notice appearance by her on behalf of Pine Tree. Moreover, neither the letter nor the accompanying notice was ever filed with the Commission.

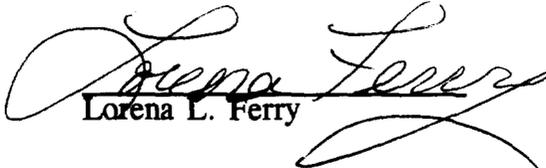
CERTIFICATE OF SERVICE

I, Lorena L. Ferry, hereby certify that on this 7th day of March, 1994, copies of the foregoing "Notice of Appeal" have been served by hand delivery upon the following:

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Honorable John M. Frysiak
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Lorena L. Ferry