

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In re Applications of)	MM Docket No. <u>93-94</u>
)	
Scripps Howard Broadcasting Company)	FCC File No. BRCT-910603KX
)	
For Renewal of License of Station WMAR-TV, Baltimore, Maryland)	
)	
and)	
)	
Four Jacks Broadcasting, Inc.)	FCC File No. BPCT-910905KE
)	
For a Construction Permit)	
For a New Television Facility on Channel 2 in Baltimore, Maryland)	

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: The Honorable Richard L. Sippel
Presiding Administrative Law Judge

MOTION FOR LEAVE TO FILE REPLY TO
"RESPONSE" AND REPLY

1. Scripps Howard Broadcasting Company ("Scripps Howard"), through counsel, hereby seeks leave to file a brief reply to the "Response to 'Opposition to Motion for Summary Decision by Four Jacks Broadcasting, Inc. and Cross-Motion for Summary Decision Disqualifying Four Jacks Broadcasting, Inc.'" ("Response") filed by Four Jacks Broadcasting, Inc. ("Four Jacks") on March 28, 1994, in the above-referenced proceeding. Four Jacks' "Response" moves to strike Scripps Howard's cross-motion for summary decision, and good cause exists for permitting a responsive pleading to this affirmative request for action.

2. Four Jacks alleges that Scripps Howard's cross-motion should be struck as being impermissibly combined with an opposition to Four Jacks' Motion for Summary Decision. Four

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Jacks, in the alternative, seeks permission to file an opposition to Scripps Howard's cross-motion.

3. Four Jacks' reading of Section 1.251(b) ignores the simple reality that the filing of a countermotion for summary decision necessarily constitutes an "opposition" to the initial motion for summary decision. It is difficult to imagine how (or why) a countermotion might be formulated so that it did not in essence also oppose grant of the motion for summary decision proffered by an opposing party. Therefore, Four Jacks' complaint that Scripps Howard's noting of this opposition in the caption of its cross-motion somehow rendered that cross-motion impermissible is wholly without merit.

4. As to Four Jacks' alternate request, Scripps Howard offers no objection to Four Jacks' request for authorization to file an opposition to Scripps Howard's cross-motion.

Respectfully submitted,

SCRIPPS HOWARD BROADCASTING COMPANY

By: 

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Dated: March 31, 1994

Certificate of Service

I, Ruth E. Omonijo, a secretary in the law offices of Baker & Hostetler, hereby certify that I have caused copies of the foregoing "Motion for Leave to File Reply to 'Response' and Reply" to be sent this 31st day of March, 1994, via United States First Class Mail, postage prepaid, to the following:

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Presiding Administrative Law Judge
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