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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF 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: The Review Board

MASS MEDIA BUREAU'S  
OPPOSITION TO SECOND APPEAL

1. By Memorandum Opinion and Order, FCC 94M-90, released February 24, 1994 ("Order"), the Administrative Law Judge in this proceeding granted a motion by the Mass Media Bureau, dismissed the application of Pine Tree Media, Inc. ("Pine Tree") and terminated this proceeding. On March 3, 1994, an entity d/b/a Praise Media, Inc. ("Praise Media") filed an Appeal of the Judge's Order insofar as it denied Praise Media party status in this proceeding. On March 21, 1994, the Mass Media Bureau filed its opposition to Praise Media's appeal. On March 28, 1994 Praise Media filed a second "Appeal" in which it appeals the Order's termination of this proceeding. The Mass Media Bureau hereby files its opposition to Praise Media's second appeal.

2. Praise Media contends that the Presiding Judge erred in terminating this proceeding because he failed to recognize Praise Media as a successor or assign of Pine Tree Media, Inc. (Pine Tree). Praise Media contends that its notice of appearance should have been received even if a transfer application of KARW

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to itself had not been filed with, or approved by, the Commission. This is so, according to Praise Media, because the Hearing Designation Order, 8 FCC Rcd 7591 (1994) ("HDO"), recognizing that transfers of control may have taken place and that no applications to approve these transfers had been filed, required an appearance from Pine Tree "or its successors and assigns." Praise Media argues that the phrase "successors or assigns" cannot be limited to approved assignees in a proceeding which seeks to determine whether an unauthorized transfer of control has occurred. Accordingly, the Commission would not have required the appearance of successors and assigns if it had not intended to grant them party status regardless of whether a transfer application had been filed.

3. Praise Media misperceives the HDO's requirement that Pine Tree or its successors and assigns file a notice of appearance. According to the HDO, Pine Tree, the licensee of KARW, was transferred from Herbert Wren and Earl Jones to Kenneth Tuck in 1988. The August 17, 1990, application for renewal of the station's license was filed on behalf of Tuck and signed by Robert D. Murray, general manager. However, according to the HDO, an inspection of the station disclosed that it was being operated by Messrs. H.E. Ferrell and Robert Dub Murray on behalf of an entity identified as American Plastics. Moreover, it was learned that at the time KARW's renewal application was filed with the Commission, Tuck had been dead some three months.

4. In light of this ownership record, the HDO, at para. 14, stated that "if the hearing record does not warrant an Order denying the renewal application for Station KARW, it shall also be determined if Pine Tree Media, Inc., its successors or assigns, and/or those persons now in control of Pine Tree media, Inc., American Plastics, and/or H. E. Ferrell and Robert Dub Murray, have willfully or repeatedly violated [various sections of the Communications Act and the Commission's Rules]." Similarly, Paragraph 18 specifies that "American Plastics, H.E. Ferrell and Robert Dub Murray ARE MADE PARTIES TO THIS PROCEEDING." Again, at paragraph 18, the HDO required that "Pine Tree Media, Inc., its successors and assigns, American Plastics, H.E. Ferrell and Robert D. Murray..." file a notice of appearance if they wish to avail themselves of the opportunity to be heard.

5. From the above it is clear that the HDO contemplated the filing of a notice of appearance by either a successor or assign of Pine Tree or those persons now in control of Pine Tree, i.e., American Plastics, and/or H.E. Ferrell and Robert Dub Murray. Praise Media does not qualify as any of these entities. Assuming an assignment application had been filed and granted, the successor of Pine Tree would be the heirs of Tuck, who is now dead, or perhaps American Plastics, which was the apparent successor to a note held by Tuck. Moreover, The HDO limits the filing of a notice of appearance by those currently operating the

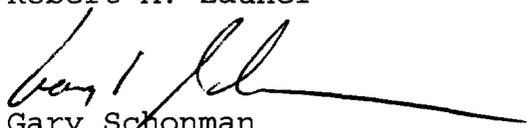
station to those granted party status; American Plastics, and/or H. E. Ferrell and Robert Dub Murray. Praise Media is not included in this list. Consequently, Praise Media, which is not recognized in the HDO, has no standing in this proceeding to file a notice of appearance. When no notice of appearance was filed by any person or entity with standing, the Presiding Judge properly terminated the proceeding.

6. In sum, it is clear that neither Janet Washington nor Praise Media has any standing in this proceeding. Therefore, the Presiding Judge's Order terminating this proceeding should be affirmed.

Respectfully submitted,  
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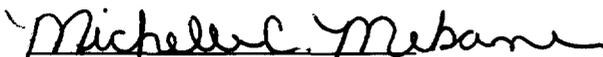
April 11, 1994

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 11th day of April 1994, sent by regular United States mail, U.S. Government frank, copies of the foregoing "**Mass Media Bureau's Opposition to Second Appeal**" to:

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