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APR 13 1994

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

) MM DOCKET NO. 93-299

CAVAN COMMUNICATIONS
CORPORATION

Licensee of Station WTMS(AM),
Presque Isle, Maine

Order to Show Cause Why the
License for Station WTMS(AM),
Presque Isle, Maine, Should
Not be Revoked

To: Cavan Communications Corporation

MASS MEDIA BUREAU'S HEARING EXHIBITS

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau

Charles E. Dziejcz
Chief, Hearing Branch

Gary P. Schonman
Attorney
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554
(202) 632-6402

March 1, 1994

RECEIVED

APR 13 1994

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 1, 1994

IN REPLY REFER TO:

Margaret L. Miller, Esq.
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Washington, D.C. 20037-1194

DOCKET FILE COPY ORIGINAL

Re: Exhibit Exchange, MM Docket No. 93-299
Station WTMS(AM), Presque Isle, Maine

Dear Margaret:

Pursuant to the procedural schedule established by the Presiding Judge in Order, FCC 94M-55 (released February 2, 1994), the Mass Media Bureau hereby submits to Cavan Communications Corporation its exhibits in the above-captioned proceeding.

If you have any questions, please feel free to contact me.

Sincerely,



Gary P. Schonman
Attorney
Mass Media Bureau

cc: (w/encl.) Administrative Law Judge
Edward Luton

MASS MEDIA BUREAU'S HEARING EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
MMB Ex. 1	Letter, dated May 17, 1991, from Cavan to FCC requesting authority for WTMS(AM) to remain silent (1-page).
MMB Ex. 2	Letter, dated May 23, 1991, from FCC to Cavan granting silent status for WTMS(AM) through August 23, 1991 (1-page).
MMB Ex. 3	Letter, dated February 28, 1992, from FCC to Cavan advising that WTMS(AM) is silent without authority and requesting a response within 30-days (3-pages).
MMB Ex. 4	Letter, dated March 11, 1992, from Cavan to FCC requesting further authority for WTMS(AM) to remain silent (2-pages).
MMB Ex. 5	Letter, dated April 10, 1992, from FCC to Cavan, granting silent status for WTMS(AM) through July 10, 1992 (2-pages).
MMB Ex. 6	Letter, dated July 10, 1992, from Cavan to FCC requesting further authority for WTMS(AM) to remain silent (1-page).
MMB Ex. 7	Letter, dated July 23, 1992, from FCC to Cavan deferring action on request for further silent status pending receipt from Cavan of Anti-Drug Abuse Act Certification (1-page).
MMB Ex. 8	Letter, dated August 20, 1992, from Cavan to FCC providing Anti-Drug Abuse Act Certification (2-pages).
MMB Ex. 9	Letter, dated October 23, 1992, from Cavan to FCC providing copy of previously-filed Anti Drug Abuse Act Certification (1-page).
MMB Ex. 10	Letter, dated October 30, 1992, from FCC to Cavan granting further authority for WTMS(AM) to remain silent through January 30, 1993 (1-page).
MMB Ex. 11	Letter, dated February 18, 1993, from FCC to Cavan advising that WTMS(AM) is silent without authority and requesting a response within 30-days (3-pages).
MMB Ex. 12	Letter, dated March 12, 1994, from Cavan to FCC requesting further authority for WTMS(AM) to remain silent (2-pages).
MMB Ex. 13	Letter, dated March 30, 1993, from FCC to Cavan granting authority for WTMS(AM) to remain silent through June 30, 1993 (2-pages).
MMB Ex. 14	Letter, dated July 26, 1993, from FCC to Cavan advising that WTMS(AM) is silent without authority and requesting a response within 30-days (3-pages).

<u>Exhibit No.</u>	<u>Description</u>
MMB Ex. 15	Ownership information relating to Cavan (10-pages).
MMB Ex. 16	Letter, dated March 7, 1994, from Cavan to FCC requesting STA (2-pages).
MMB Ex. 17	Letter, dated March 9, 1994, from FCC to Cavan granting STA (1-page).
MMB Ex. 18	FCC Form 302, submitted by Cavan on March 22, 1994 (13-pages).

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<u>Federal Communications Commission</u>	
Docket No. <u>93-299</u>	Exhibit No. <u>ONE</u>
Presented by <u>MASS MEDIA</u>	
Disposition	Identified <u>3/24/94</u>
	Received <u>3/24/94</u>
	Reported _____
Reporter <u>M. K. FLEISHMAN</u>	
Date <u>3/24/94</u>	

DOW, LOHNES & ALBE
ATTORNEYS AT LAW
1255 TWENTY-THIRD STREET
WASHINGTON, D. C. 20037

MMB EX. 1

ORIGINAL

Mar 21 3 01 PM '91

TELEPHONE (202) 857-2500
AUDIO SERVICES
DIVISION

FACSIMILE (202) 857-2900
CABLE "DOWLA"
TELEX 425546

J. DOMINIC MONAHAN
DIRECT DIAL NO.
857-2730

May 17, 1991

RECEIVED

MAY 21 1991

MAY 20 1991

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

Re: Request to Remain Silent

Dear Ms. Searcy:

Pursuant to Section 73.1740(4), Cavan Communications Corporation, the licensee of Station WTMS(AM), Presque Isle, Maine, respectfully requests that special temporary authority be issued to allow the station to remain silent. This request is made necessary by the equipment failures at the station requiring a substantial outlay of funds for repairs and parts. Efforts are underway to restructure financing in order to return the station to operation. However, in the meantime, it is respectfully requested that the station be issued special authority to remain silent for 180 days or until such time as it is able to return to the air.

The station continues to maintain lighting on its two tower array as required by its license.

Should additional information be desired concerning this matter, please contact the underlined.

Respectfully submitted,

CAVAN COMMUNICATIONS CORP.


J. Dominic Monahan, Esq.

Its Counsel

off air
3/29/91

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Federal Communications Commission	
Docket No. <u>91-299</u>	Exhibit No. <u>TWO</u>
Presented by <u>MASS MEDIA</u>	
Disposition	Identified <u>3/24/94</u>
	Received <u>3/24/94</u>
	Rejected _____
Reporter <u>M.K. FLEISHMAN</u>	
Date <u>3/24/94</u>	

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:

May 23, 1991

J. Dominic Monahan, Esquire
Radio Station WTMS (AM)
Dow, Lohnes & Albertson
1255 23rd Street, NW
Washington, DC 20037

Ref. 8910-MM. Relet. Atty. Monahan 5/17/91. Temporary authority granted WTMS (AM), Presque Isle, Maine to remain silent through 8/23/91, due to extreme difficulties, and equipment failure. Any further request for extension must be accompanied by a detailed report of specific steps taken to resume operation. It will be necessary to maintain prescribed tower lighting. If the station returns to air, the FCC must be notified immediately. You will assume responsibility of forwarding this letter to station WTMS (AM).

James R. Burtie
Chief, AM Branch
Audio Services Division
Mass Media Bureau

EIC- Boston

(1)

[Handwritten signature]

[Handwritten initials]

Federal Communications Commission

Docket No. 98-299 Exhibit No. THREE

Presented by MASS MEDIA

Disposition { Identified 3/24/94
Received 3/24/94
Rejected _____

Reporter M. K. FLEISHMAN

Date 3/24/94

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
February 28, 1992

IN REPLY REFER TO:
8910-SML

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

J. Dominic Monahan, Esquire
Dow, Lohnes & Albertson
1255 23rd Street, NW
Washington, DC 20037

In re: WIMS (AM)
Presque Isle, Maine
Authority to Remain Silent

Dear Sir or Madame:

Commission records show that the above-referenced station has been off the air without authority.

To verify our records, you are required to submit the following information, as applicable:

1. If the station is operating, state when the station resumed operations and whether it is operating in compliance with the minimum schedule of operation set forth in Section 73.1740 of the Commission's Rules. Provide a copy of any letter which notified the Commission that the station had returned to the air.
2. If the station is off the air but a current request for authority to remain silent was filed and acted upon, submit a copy of the Commission's authorization granting the request. If a request to remain silent was filed but has not been acted upon and the request is 120 days or older, submit up-dated justification for continuing to remain off the air.
3. If the station is off the air and has not filed a current request for an extension of silence authority and resumption of operations is contemplated, submit a request for authority to remain silent which includes a detailed explanation as to why the station has not yet resumed operations, why additional time is needed for continuing to remain off the air, and the prospects and time as to when resumption of operations is anticipated. If the station has permanently discontinued operations, the Commission must be so notified and the station's license and other instruments of authorization must be forwarded to the Commission for cancellation, pursuant to Section 73.1750 of the Commission's Rules.

(1)

On December 11, 1991, the Commission adopted a Report and Order (copy attached) which amended Part I of the Commission's Rules, to implement Section 5301 of the Anti Drug Abuse Act of 1988. Pursuant to the Report and Order, any requests for extension of this authority must be accompanied by a certification that neither the applicant nor any party to the request is not subject to a denial of Federal benefits under Section 5301. Please use the attached certification page to comply with this requirement.

The requested information is required to be submitted to the Commission, in accordance with Section 73.1015 of the Rules, within thirty days from the date of this letter. Failure to respond or to submit a showing sufficient to justify an extension of silence authority will result in appropriate action by the Commission to terminate your authority to continue as a licensee. Your response should be mailed to:

Federal Communications Commission
AM Branch
Room 342
Washington, DC 20554
Attention: James R. Burtle

Sincerely,

Larry D. Eads
Chief, Audio Services Division
Mass Media Bureau

(2)

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

Yes

No

Name of Applicant	Signature
Date	Title

Federal Communications Commission

Docket No. 93-299 Exhibit No. FOUR

Presented by MASS MEDIA

Disposition { Identified 3/24/94
Received 3/24/94
Rejected _____

Reporter M. K. FLEISHMAN

Date 3/24/94

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DOW, LOHNES & ALL

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

March 11, 1992

FACSIMILE (202) 857-2800

CABLE "DOWLA"
TELEX 488648

J. DOMINIC MONAHAN

DIRECT DIAL NO.

857-8730

Federal Communications Commission
1919 M Street, N.W.
AM Branch, Room 342
Washington, D.C. 20554

Attention: James R. Burtle

RECEIVED

MAR 11 1992

Federal Communications Commission
Office of the Secretary

Re: Request for Authority to Remain Silent
Station WTMS(AM), Presque Isle, Maine

Dear Sir/Madam:

This is in response to your letter of February 28, 1992 regarding Station WTMS(AM), Presque Isle, Maine, requesting information on the status of its operation. In response to that letter the following information is provided.

Station WTMS(AM) suffered a major loss of transmission components in the spring of 1991 forcing it off the air. At the time, the estimated cost of replacing the parts was such that the station simply did not have the cash flow to cover these repairs. Since that time the station has suffered ongoing downturn in revenues and other financial problems.

In an attempt to return the station to the air, the licensee, Cavan Communications Corporation ("Cavan") has undertaken two courses of action. First, it has retained a media broker for the purpose of finding a qualified buyer. To date, one party has responded with a genuine interest in acquiring the facility (as well as its FM Counterpart). A proposal has been offered to that party and Cavan is awaiting a response at this time.

In addition to the possible brokered sale of the station, the licensee has also presented the station for sale to another party who has asked for more time to consider the proposition. Finally, the licensee has also engaged in serious negotiations with a local resident group seeking to assist in returning the station to the air in return for a local marketing agreement providing for the carriage of certain programming. The licensee has formalized an offer based on this arrangement and submitted it to the local group interested in pursuing this

Federal Communications Commission
March 11, 1992
Page 2

arrangement. Again, the licensee is awaiting a response from that party.

Without additional income or revenue, the licensee is simply unable to return the station at this time. As the Commission is well aware, the economic recession has hit the northeast United States particularly hard. Northern Maine is not exception to these adverse times. The licensee is committed to sell the facility and anticipates that its current problems can be overcome once an agreement is reached. Once the sale is completed, it is anticipated that the station would return to the air within 60-90 days.

In view of the above, it is respectfully requested that good and equitable cause exists for issue an authority to station WTMS (AM) to remain silent for an additional 180 days.

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, Cavan Communications Corporation is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a.

Cavan Communications Corporation


J. Dominic Monahan
Its Counsel and President

cc: Mickey Williams
FCC, Room 332

(2)

Animal Communications Commission

Docket No. 98-299 Exhibit No. FIVE

Presented by MASS MEDIA

Disposition { Identified 3/24/94
Received 3/24/94
Rejected _____

Reporter M.K. FLEISHMAN

Date 3/24/94

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
April 10, 1992

IN REPLY REFER TO:
8910-SML

J. Dominic Monahan, Esquire
Dow, Lohnes & Albertson
1255 23rd Street, NW
Washington, DC 20037

In re: WIMS
Presque Isle, Maine

Dear Sir or Madame:

This letter concerns your pending request for authority to remain silent. Temporary authority is hereby granted for the above-referenced station to remain silent through July 10, 1992.

On December 11, 1991, the Commission adopted a Report and Order (copy attached) which amended Part 1 of the Commission's Rules, to implement Section 5301 of the Anti Drug Abuse Act of 1988. Pursuant to the Report and Order, any requests for extension of this authority must be accompanied by a certification that neither the applicant nor any party to the request is subject to a denial of Federal benefits under Section 5301. Please use the attached certification page to comply with this requirement.

Any further requests for extension of this authority must be accompanied by a detailed summary of steps taken to return the station to on-air operations. It will be necessary to maintain prescribed tower lighting in accordance with the stations license authorization. If an extension is not required, you are requested to notify the Commission, in writing, of the exact date the station resumes on-air operations.

In the event that any AM station remains silent for a period over 6 months, it will be necessary to file with the Commission, prior to returning the station to on-air operations, an FCC Form 302 for direct measurement of power which should include a partial proof of performance for stations with directional antennas.

Sincerely,



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

Attachments

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Federal Communications Commission	
Docket No. 98-299	Exhibit No. SIX
Presented by MASS MEDIA	
Disposition	Identified 3/24/94
	Received 3/24/94
	Rejected _____
Reporter M. K. FLEISHMAN	
Date 3/24/94	

DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

ORIGINAL

TELEPHONE (202) 857-2500

FACSIMILE (202) 857-2900

CABLE "DOWLA"
TELEX 428848

J. DOMINIC MONAHAN

DIRECT DIAL NO.

857-2730

July 10, 1992

ATTENTION

RECEIVED

JUL 14 1992

JUL 10 1992

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **Request for Extension of
Authority to Remain Silent**

Dear Ms. Searcy:

Cavan Communications Corporation, the licensee of Station WTMS(AM), Presque Isle, Maine respectfully requests that its authority to remain silent be extended for an additional 90 days. In support, the following is shown.

Station WTMS(AM), has authority to remain silent which expires July 10, 1992. As previously disclosed to the Commission, the station encountered substantial operating losses forcing the shutdown of operation. Since that time, the licensee has entered into negotiations for the sale and purchase of the facility. An agreement providing a right of purchase has been reached with Four Seasons Communications Corporation. The execution of a final agreement cannot take place until September 1, 1992. At that time or shortly thereafter, the parties anticipate filing both the agreement and the requisite application for Commission approval. Until such time as the sale of the station is completed, it will be necessary for it to remain silent. Accordingly, Cavan Communications Corporation, requests a further extension of silence authority.

Respectfully submitted,

CAVAN COMMUNICATIONS CORP.

J. Dominic Monahan

J. Dominic Monahan (by n/w)

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<u>Federal Communications Commission</u>	
Docket No. <u>93-299</u>	Exhibit No. <u>SEVEN</u>
Presented by <u>MASS MEDIA</u>	
Disposition	Identified <u>3124194</u>
	Received <u>3124194</u>
	Rejected _____
Reporter <u>M.K. FLEISHMAN</u>	
Date <u>3/24/94</u>	

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
July 23, 1992

IN REPLY REFER TO:
8910-SML

J. Dominic Monahan
1255 23rd Street
Washington, DC 20037

In re: WIMS (AM)
Presque Isle, ME

Dear Applicant:

This is in reference to your pending request for Special Temporary Authority (STA) for the above-referenced station to remain silent.

On December 11, 1991, the Commission adopted a Report and Order (see attached copy) to amend Part 1 of the Commission's Rules to implement Section 5301 of the Anti-Drug Abuse Act of 1988. Effective February 3, 1992, applicants requesting STA are required to certify that neither the applicant nor any party to the request is subject to a denial of Federal Benefits under Section 5301.

Action will be deferred on your request pending receipt of your certification (See attached sample certification). Your certification should be directed to:

AM Branch, Room 342
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Sincerely,



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

Attachments

Adopt Commission Certificate

Docket No. 93-299 Exhibit No. EIGHT

Presented by MASS MEDIA

Disposition { Identified 3/24/94
Received 3/24/94
Reported _____

Reporter M.H. PUGISHMAN

Date 3/24/94

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DOW, LOHNES & ALB

MMB EX. 8

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

AM BRANCH

OCT 27 1992

FACSIMILE (202) 857-2900

CABLE "DOWLA"
TELEX 428646

J. DOMINIC MONAHAN

DIRECT DIAL NO.
857-2730

August 20, 1992

**STAMP & RETURN
RECEIVED**

AUG 20 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

James R. Burtle, Chief
AM Branch-Audio Services Branch
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Attention: **AM Branch, Room 342**
Reference No. 89105-ML

Dear Mr. Burtle:

Reference is made to your letter of July 23, 1992 addressed to Cavan Communications Corporation, the licensee of Station WTMS(AM), Presque Isle, Maine.

The letter requesting the applicant provide an anti-drug abuse certificate for association with its request for continuance of its special temporary authority for Station WTMS(AM) to remain silent. Accordingly, there is submitted herewith the appropriate drug abuse certification.

Should additional information be desired concerning this matter, please contact the undersigned.

Cordially yours,

J. Dominic Monahan
J. Dominic Monahan

JDM:ves
Enclosure

1

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

Yes

No

Cavan Communications

James D. Thompson

Name of Applicant

Signature

August 20, 1992

President

Date

Title