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HAND DELIVER

William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

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ATTN: 0900/The Review Board

RE: Family Broadcasting, Inc., MM Docket No. 94-20 (BPH-010924MB)

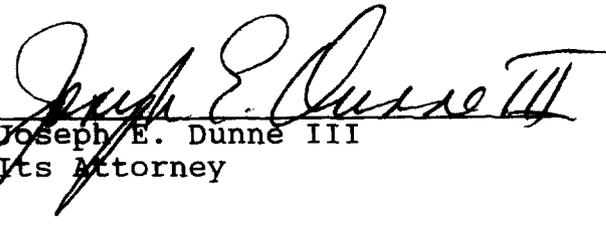
Dear Mr. Caton:

Transmitted herewith on behalf of Family Broadcasting, Inc. is an original and 11 copies of its "Exceptions to Initial Decision" filed in connection with the above-referenced proceeding.

Should any questions arise concerning this matter, kindly contact the undersigned directly.

Respectfully submitted,

FAMILY BROADCASTING, INC.

By: 
Joseph E. Dunne III
Its Attorney

JED:B91

xc: All Per Attached Certificate of Service
Alex D. McEwing

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

In re Application of) MM Docket No. 94-20
)
FAMILY BROADCASTING, INC.) File No. BPH-910924MB
)
)
For Construction Permit)
for a New FM Station on Channel)
229A, Hague, New York)

DOCKET FILE COPY ORIGINAL

To: The Review Board

EXCEPTIONS TO INITIAL DECISION

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Attorney For Family Broadcasting,
Inc.

April 20, 1995

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

In re Application of) MM Docket No. 94-20
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FAMILY BROADCASTING, INC.) **File No. BPH-910924MB**
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For Construction Permit)
for a New FM Station on Channel)
229A, Hague, New York)

To: The Review Board

EXCEPTIONS TO INITIAL DECISION

Family Broadcasting, Inc. ("Family"), by and through its undersigned attorney and pursuant to Section 1.263 of the Commission's Rules and Regulations, 47 C.F.R. § 1.263 (1994), hereby submits these exceptions to the Initial Decision of Administrative Law Judge John M. Frysiak, FCC 95D-3 (released March 21, 1995) (hereinafter referred to as "Initial Decision")¹. In support of its exceptions, Family shows and states and follows.

I. STATEMENT OF THE CASE

1. This case involves the single application of Family Broadcasting, Inc. for channel 229A, Hague, New York, which was designated for hearing in Hearing Designation Order, DA 94-215, released March 23, 1994 (hereinafter referred to as "HDO"), on

¹. The Administrative Law Judge will be referred to in these exceptions as the "Presiding Officer" or the "Judge."

issues which sought to determine whether Family had reasonable assurance of the availability of its antenna site when it filed its application and whether Family misrepresented the availability of its antenna site to the Commission. In the HDO the Commission also rejected an amendment specifying a new transmitter site because the amendment was submitted after the time for filing amendments as of right and the amendment was not accompanied by a showing of good cause. A hearing was held on November 2, 1994. Tr. 6-86. The Mass Media Bureau offered only one hearing exhibit, the "Declaration of Nicholas Westbrook." Tr. 83. Because the Mass Media Bureau would not produce Mr. Westbrook for cross-examination the Presiding Officer rejected the proffered exhibit, except for Attachment 1, which was a copy of Family's local public notice. Tr. 85.

2. In his Initial Decision the Presiding Officer resolved the specified issues by deciding that Family did not have reasonable assurance of the availability of the antenna site specified in its application but that Family did not intend to deceive the Commission as to the site's availability. However, because he found that Family did not have reasonable assurance of its initially specified site the Presiding Officer rejected an amendment specifying a new site and denied Family's application.

II. QUESTIONS OF LAW PRESENTED

3. The Initial Decision presents the following questions of law for review.

- a. Whether the Presiding Officer Erroneously Adopted Findings From An Exhibit Which He Properly Rejected As Evidence.
- b. Whether the Presiding Officer Misquoted Record Evidence and Erroneously Determined That Family Did Not Have Reasonable Assurance of the Availability of Its Initially Specified Site.
- c. Whether the Presiding Officer Erred In Not Making Any Findings Concerning the Record Evidence of Mr. McEwing's Reputation For Truth and Veracity.
- d. Whether the Presiding Officer Erred in Rejecting Family's Amendment, Ignoring His Own Conclusions that Family Specified Its Initial Site With Innocent Intent.

III. ARGUMENT

A. The Presiding Officer Erroneously Adopted Findings From A Hearing Exhibit Which He Properly Rejected As Evidence

4. The Initial Decision extensively quotes for over six paragraphs from Mass Media Bureau Exhibit 1, "The Declaration of Nicholas Westbrook." (¶¶ 19-25), to contradict the testimony of Peter Morton concerning whether he received reasonable assurance from Mr. Westbrook to specify the Mount Defiance site, and also to contradict Mr. Alex McEwing's testimony concerning his conversation with Mr. Westbrook which Family asserts was the basis of its claim that it had reasonable assurance of the availability of the Mt. Defiance site when it specified the Mt. Defiance site in its initial application. During the hearing, however, Mass Media Bureau Exhibit 1 was rejected when offered into evidence, except for Attachment 1 which dealt with Family's public notice, because the Mass Media Bureau refused to produce Mr. Westbrook to be cross-examined concerning his declaration.

[Judge Frysiak] "[a]ll right, I'll reject your Exhibit 1, except for Attachment 1..." Tr. 85.²

5. The impact of the Presiding Officer's consideration of Mr. Westbrook's Declaration in his evaluation of Mr. McEwing's testimony is unclear. It is clear, however, that the Presiding Officer relied heavily on Westbrook's Declaration in rejecting Mr. Morton's testimony that Mr. Westbrook had not once but twice given him permission to specify the Mount Defiance site in his proposed application for Hague. See, Initial Decision, ¶ 30.

6. The Presiding Officer properly rejected the Mass Media Bureau's proffered evidence. The importance of affording Family the right to cross-examine Mr. Westbrook is made abundantly clear in the Initial Decision where the Judge mentions that "[t]he record is barren of any evidence as to why Westbrook would not state the truth." Id. How can that statement be sustained unless Family has an opportunity to cross-examine Mr. Westbrook concerning the Declaration upon which the Judge relies? Fundamental fairness requires that an adverse witness, particularly one, as here, who contradicted important testimony from two of Family's witnesses, be made available for cross-examination. The Judge agreed, and specifically rejected the Declaration as evidence.

7. Not only has Family been deprived of the right to cross-examine an important adverse witness, it is doubly

². Attachment 1 is Family's public notice of the filing of the application. Tr. 85.

offensive to due process for the Judge to make findings on critical disputed facts based on evidence which has been rejected and which Family had no opportunity to address in its own findings and conclusions. 8. Nor can the Commission gloss over this error despite its unfairness--the error was neither trivial nor harmless. The Judge clearly relied on Westbrook's Declaration in rejecting Mr. Morton's testimony that Westbrook had twice given him reasonable assurance to specify the Mt. Defiance site. Initial Decision, ¶ 30. Moreover, the Presiding Officer cited Westbrook's testimony which contradicted Mr. McEwing, although it is unclear how much weight the Judge gave to this testimony. Initial Decision, ¶¶ 25-26. Finally, because the Presiding Officer clearly reviewed and relied on rejected evidence in reaching the Initial Decision, one cannot determine how greatly the rejected evidence infected the Presiding Officer's view of the record evidence or impacted on his ultimate conclusions. What is clear is that the decision-making process was fatally tainted.

B. The Presiding Officer Misquoted Record Evidence In Determining That Family Did Not Have Reasonable Assurance of Its Initially Specified Antenna Site.

9. The crux of the Presiding Officer's findings on the issue of whether Family had reasonable assurance of its initially specified site are set forth in paragraph 27 of the Initial Decision, and quotes the record evidence as showing that McEwing "specifically asked Westbrook if he had any objection to specifying the Mt. Defiance site...", and that Westbrook replied

that he would need a formal written proposal "that would include "Family's tax status, the rent Family would be willing to pay, the time frame involved, the amount of electricity required and the amount of space in the transmitter room that Family would need." Initial Decision, ¶ 27. A review of the record shows, however, that the Judge mischaracterized the record evidence to substantially warp the chronology of the conversation between McEwing and Westbrook and confused the response which Westbrook actually made when McEwing asked him if he had any objections to Family specifying the Mt. Defiance site. McEwing's testimony concerning his conversation with Westbrook was clear and consistent. Westbrook asked for a "formal written proposal" addressing certain issues at the very outset of his discussion with Mr. McEwing. See, Family Exhibit 1, ¶¶ 7-9. See Also, Tr. 43, 45, 47, 53. The chronology of the conversation is important in determining the import of what the two participants said to each other. McEwing's question concerning whether Westbrook would have any objections to Family specifying the site came at the very end of the conversation, not the beginning. McEwing's question came at the culmination of a conversation which included: discussing some of the issues that Westbrook wanted addressed in the formal proposal, including rent; McEwing assuring Westbrook that Family "would make it worth his while," Tr. 52; McEwing describing a time frame during which the application would be processed that would consume many months; a discussion of the time constraints under which Family was

operating; and, finally, an explanation that Family needed "reasonable assurance" to file the application and a discussion of what reasonable assurance meant. It was only after the discussion touched on all of these topics that McEwing asked Westbrook if he had any objections to Family specifying the Mt. Defiance site in its application. Given this preamble, including a discussion of Family's tight time frame and that it needed "reasonable assurance" to specify the site, it was clear that Westbrook knew that Family would be specifying the Mt. Defiance site unless he objected, and he did not do so, he said only, "send a letter"--a significant change in both wording and formality from the "formal written proposal" referred to at the beginning of the conversation and upon which the Judge focused in his Initial Decision.

10. In the context of the conversation, particularly McEwing's emphasis on a quick filing and his explanation of what reasonable assurance meant, Westbrook's failure to express any objections to a direct question concerning whether Westbrook had any objections to Family filing an application specifying the Mt. Defiance site, without even repeating his earlier request for a formal written proposal, could only be interpreted as meaning that he had no objections to Family's filing specifying the Mt. Defiance site. An applicant which asks a direct question and does not receive a negative response, or even an overtly conditional response, must be said to have obtained reasonable

assurance--i.e. permission to file an application--until that permission is withdrawn.

11. The fact that Westbrook's response to McEwing's inquiry was positive is buttressed by the fact that Family's consulting engineer talked to the WANC engineer on site who informed him that he had been instructed "to be as accommodating as possible." Initial Decision, ¶ 14. Family's consulting engineer, who had broad experience in preparing applications and negotiating for permission to use tower sites, had no doubt, following that conversation, that Family had been given permission to use the site. Id. Given the time frame that Westbrook knew Family was working, it is inconceivable that an engineer would be instructed "to be as accommodating as possible" to Family unless Family had received permission to file an application specifying the site.

12. While the Presiding Officer minimized this testimony as "not probative of the assertion that Westbrook was amenable to grant Family access...." and "speculative," clearly an instruction to an engineer to cooperate in providing the information necessary to prepare an application for filing is probative, in that it shows that Westbrook had instructed his agent to be cooperative in providing the information necessary to the preparation of an application specifying the Mount Defiance site. By instructing the engineer to be cooperative in helping Family prepare the application Westbrook countenanced, in fact, ordered, his engineer's complicity in the preparation of the application. An instruction to cooperate in assisting with the

filing of an application is not only probative, it is persuasive evidence that Westbrook did not have any objections to Family specifying the site in its application.

13. Ironically, Mr. Westbrook's response to Mr. McEwing's question concerning his possible objections to Family specifying the site is almost identical to the response of the station manager in National Innovative Programming Network, Inc. of the East Coast, 2 FCC Rcd 5641, 63 Rad. Reg. 2d (P & F) 1534 (1987) who, when asked if he had any objections to the specification of the site in an application responded that he had no objections, but noted that the use of the site was contingent on the FCC granting the application and agreement upon the terms and conditions of a lease. The station manager, like Westbrook, made no unequivocal positive or negative response, and, in fact, his response was more conditional than Westbrook's here. Unlike Family in the Initial Decision, however, the applicant in National Innovative Programming Network was found both to have reasonable assurance of the availability of its antenna site and to be qualified to be a Commission licensee. How can the response of the station manager in National Innovative Programming Network, in almost the same words, be rationally distinguished from essentially the same response from Westbrook in this case? In neither instance was there an express positive or negative response, and, in Family's case the instruction to the consulting engineer to be cooperative in helping Family prepare its

application is further evidence that permission to specify the site had, in fact, been granted.

C. The Presiding Officer Erred In Ignoring Record Evidence of Mr. McEwing's Reputation For Truth and Veracity.

14. The Presiding Officer admitted into evidence three exhibits consisting of the testimony of three members of the greater Burlington community: Rev. Robert D. Short, Mr. McEwing's former Pastor; State Representative George A. Schiavone, an acquaintance of Mr. McEwing who works with him in various community projects; and, Rev. Scott Slocum, Mr. McEwing's present Pastor, all of whom testified in strong, uncontradicted, in fact, unchallenged fashion concerning Mr. McEwing's sterling reputation in the community for truth and veracity. See, Family Exhibits 4-6; Family Findings of Fact and Conclusions of Law, ¶ 29. Despite the obvious relevance and materiality of such testimony given the conflict between McEwing and Westbrook, and legal precedent for accepting such testimony, See, Benedict P. Cottone, 63 FCC 2d 596, 39 Rad. Reg. 2d (P&F) 1661 (1977), the Presiding Officer made not one finding based on this clear, uncontradicted, relevant and material evidence. Character evidence supporting McEwing's truth and veracity adds additional weight to McEwing's otherwise clear, consistent and forthright testimony.

D. The Presiding Officer Erroneously Rejected Family's Amendment, Ignoring His Own Findings That Family Specified the Mt. Defiance Site With Innocent Intent.

15. The Presiding Officer held that if Family did not have reasonable assurance of the site it originally specified in its application, it could not subsequently amend its application to

specify a new site, citing Rem Malloy Broadcasting, 6 FCC Rcd 5843. 70 Rad. Reg. 2d (P&F) 9 (Rev. Bd. 1991). Initial Decision, ¶ 35. In reaching that conclusion, however, the Judge ignored his other finding--that McEwing believed that he had received Westbrook's permission to specify the site and did not intend to deceive the Commission. The Judge resolved the misrepresentation issue in Family's favor because he found that Family always operated with innocent intent. Family contends that the applicant's intent--or in this case the applicant's innocent intent--must be considered in determining whether an applicant which does not have reasonable assurance of its site may be permitted to amend to a new site.

16. Given McEwing's transparent good faith, whether Family had or had not reasonable assurance of its site when it filed its application is not, alone, determinative of whether its proffered amendment should be accepted. Indeed, the record shows that, in all circumstances, McEwing had a firm and reasonable belief that Family had permission to use the site when it filed its application. McEwing's, and Family's, obvious good faith distinguishes it from those cases where the Commission held that an applicant could not amend to a new site where it did not have "reasonable assurance" of its originally specified site, all of which involved misrepresentation, fraud or some other fault on the part of the applicant. The public interest in the integrity of the Commission processes and its obvious stake in avoiding the processing of sham applications support the general statement of

the Commission's policy quoted by the Judge in Rem Malloy, supra. It is clear, however, that the black letter law cited in Rem Malloy does not control in an instance where that applicant, at worst, is the victim of an honest mistake or misunderstanding. The crux of the Commission's policy was stated in Port Huron Family Radio, Inc., 4 FCC Rcd 2532, 66 Rad. Reg. 2d (P&F) 545, 549 (Rev. Bd. 1989), review granted, modified on another issue, 5 FCC Rcd 4562 (1990), where it stated that "[a]n applicant seeking a new broadcast facility must, in good faith, possess "reasonable assurance" of its transmitter site when it files its application." (emphasis added) It is the presence here of Family's good faith which makes this case fundamentally distinguishable from the cases in which the Commission has held that an applicant may not amend to a new site without reasonable assurance of the availability of its first site.

17. Port Huron Family Radio's emphasis on the applicant's good faith is illustrative--it is the lack of "good faith" on the part of the applicant which is the thread which runs through all Commission decisions which hold that an applicant may not amend to a new site if it did not have reasonable assurance of the availability of the first site.

18. For example, in 62 Broadcasting, Inc., 4 FCC Rcd 1768, 65 Rad. Reg. 2d (P&F) 1829 (Rev. Bd. 1989), review denied, FCC 90-48 (released February 13, 1990), the applicant falsely certified that it had the tower owner's permission to specify the site. In South Florida Broadcasting Co., 99 FCC 2d 840, 57 Rad.

Reg. 2d (P&F) 495 (Rev. Bd. 1984), and Madelene Gunden Partnership, 2 FCC Rcd 5513, 63 Rad. Reg. 2d (P&F) 1647 (Rev. Bd. 1987), review denied, 3 FCC Rcd 7186 (1988), the applicants had not even contacted the site owners or the site owner's agents when they certified that they had "reasonable assurance" to specify the site. In Port Huron Family Radio, supra, the applicant based its putative right to use the site on seeing a "for sale" sign on the property, and never contacted the site owner. In addition, the applicant's testimony on the matter was found to be less than believable. In Cannon Communications Corp., 5 FCC Rcd 2695, 67 Rad. Reg. 2d (P&F) 1159 (Rev. Bd. 1990), the applicant was not allowed to amend to a new site because it misrepresented the availability of its initially specified site. In Progressive Radio, Inc., 103 FCC 2d 429, 59 Rad. Reg. 2d (P&F) 1173 (Rev. Bd. 1986), the applicant submitted a false declaration concerning site availability. In Classic Vision, Inc., 104 FCC 2d 1271, 60 Rad. Reg. 2d (P&F) 1681 (Rev. Bd. 1986), the Commission dismissed an application because the applicant conceded that it had no understanding with the site owner. In Rem Malloy, supra, the Commission held that an applicant never received "reasonable assurance" of the availability of the site when it concealed from the site owner the fact that it intended to construct a 258 foot tower on top of a 22 foot building. A review of the reported cases on site availability does not reveal a single case in which an applicant was denied the right to amend its application when the applicant

was essentially an innocent party who was the victim of mistake or misunderstanding. In each case there was an element of wrongdoing involved in the specification of the original site, which meant that the amending applicant did not have "clean hands." None of these cases involved an applicant who had contacted a site owner and honestly believed that he had received permission to use the site.

19. Because of McEwing's, and Family's, essential innocence, whether Family did or did not have reasonable assurance of its site when its application was filed should not alone be determinative of whether Family is permitted to amend to specify a new site. In analogous or similar situations the Commission has placed a greater emphasis on the applicant's intent and the public interest in promptly initiating broadcast service rather than a draconian application of black letter law. For example, in Georgia Public Telecommunications Commission, 7 FCC Rcd 2942, 70 Rad. Reg. 2d (P&F) 1308 (Rev. Bd. 1992), review denied, FCC 92-523 (released December 9, 1992), the Review Board held that an applicant could not be disqualified under a false financial certification issue unless there was an intent to deceive the Commission and, because of the applicant's innocent intent, did not find the applicant financially unqualified, or remand the case to the Presiding Officer, despite the fact the applicant admittedly was financially unqualified when it filed its original financial certification. In determining the issue in

the applicant's favor the Review Board focused on the good faith of the applicant rather than its clear financial deficiencies.

20. Likewise, in another instance which sheds light on the Commission's attitude concerning essentially innocent applicants, the Commission refused to use "the blunderbuss of disqualification" on applicants which had represented that they had received reasonable assurance of the availability of their site from the Bureau of Land Management, despite the fact that the applicant's clearly had not received "reasonable assurance" from the BLM because of the BLM's policy of refusing to give permission to use a site until the FCC had granted the application. While the representation that the applicants had obtained "reasonable assurance" was not strictly accurate, the Commission held that the applicants had acted in good faith and did not add a site availability issue. Arizona Number One Radio, Inc., 103 F.C.C.2d 550, 60 Rad. Reg. 2d (P&F) 89 (Rev. Bd. 1986).

21. Likewise, the Commission has permitted applicants to file subsequent amendments to change transmitter sites when the initial site availability certification was erroneous as a result of a mistake or misunderstanding. For example, in Harrison Broadcasting Co., 6 FCC Rcd 5819, 70 Rad. Reg 2d (P&F) 40 (Rev. Bd. 1991), review denied, FCC 92-204 (released May 12, 1992), the applicant was permitted to amend its application to specify correct site coordinates, even though the original coordinates did not locate the site on land whose owner had granted permission for the filing of the application, and who, when the

issue was raised, sought and received permission from an adjoining land owner on whose land the site was also not located. The Commission held that even though the applicant had twice specified sites for which it had no reasonable assurance because of the incorrect coordinates, no one "had shown that the applicant did not earnestly believe" that he had reasonable assurance to use the site. Harrison Broadcasting Co., supra, 70 Rad. Reg. 2d (P&F) at 48. Accordingly, it was the subjective and innocent belief of the applicant to which the Commission referred, rather than the essential detail of whether the applicant had, in fact, specified a site for which the applicant had reasonable assurance.

22. Similarly, in Brownfield Broadcasting Corp., 93 FCC 2d 1197, 53 Rad. Reg. 2d (P&F) 1175 (Rev. Bd. 1983), review denied 84-11 (released January 17, 1984), the Commission permitted an applicant to amend to specify new site coordinates, even after the Commission had added a site availability issue, because the applicant had made a mistake and always meant to specify the correct site. Accord, Family Broadcasting, Inc., 93 FCC 2d 771, 53 Rad. Reg. 2d (P&F) 662 (Rev. Bd. 1983), review denied FCC 83-559 (released November 29, 1983) (applicant with no reasonable assurance of site specified in application because of mistake in coordinates permitted to amend after a site availability issue was added because the applicant believed, in good faith, that the site was available). In other instances applicants have been permitted to amend to new sites when specification of its initial

site was due to an error. In Tucson Community Broadcasting, Inc., 4 FCC Rcd 6316, 66 Rad. Reg. 2d (P&F) 1689 (1989), the Commission permitted an applicant to amend to a new site long after the hearing because the applicant had made a good faith mistake that the existing site owner had obtained FAA approval for the tower when that was not the case.

23. McEwing's honest and good faith belief that he had the site owner's permission--reasonable assurance--to use the Mt. Defiance site, distinguishes this case from cases where the applicant's bad faith or misconduct required the denial of the applicant's request to amend its application to specify a new site. As noted above, the Commission has always considered the equities involved, particularly in cases which interpret the "good cause" requirement of Section 73.3522 (b), and permitted innocent applicants acting in good faith to amend their applications, even post-designation, often in instances where the applicant did not have reasonable assurance of the originally specified site because of a mistake. The applicant's "good faith" was the qualitative difference upon which the Commission's analysis turned.

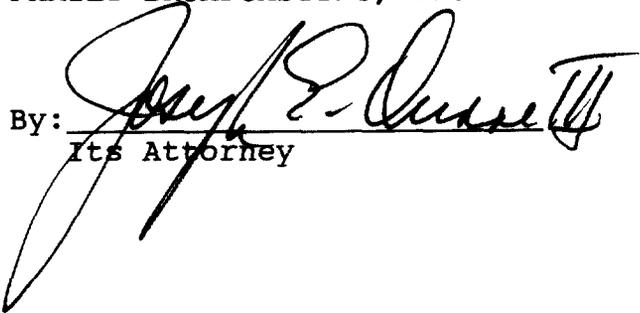
24. In addition to Family's and Mr. McEwing's adjudicated good faith, the record is replete with other factors which support the acceptance of Family's amendment and the grant of its application. This proceeding involves a single applicant, so the disqualification of Family means that no new FM service to Hague will be initiated without the substantial delay involved in the

filing and processing of a new application. Hague, New York, at present, has no video or audio transmission service serving the community. Family is a fully qualified and experienced broadcast entity with a record of building stations and initiating broadcast service. The record shows that Mr. McEwing, and Family, have always proceeded in good faith and with a fixed determination to initiate the first local transmission service to the residents of Hague, New York.³ Family submits that regardless of whether it had reasonable assurance of the availability of the Mt. Defiance site, that the equities of the case, its good faith and innocent intent, and the public interest in the prompt initiation of the first local transmission service to Hague, New York, strongly supports the acceptance of Family's proffered amendment and the grant of its application. As the Commission stated in Imagists, Inc., 8 FCC Rcd 2763, 72 Rad. Reg. 2d 632, 634-35 (1993), the "...agency has a public interest obligation to provide new service to the public as expeditiously as possible." The public interest served by the grant of Family's application must be the lodestar of the Commission's decision.

³ The Review Board may take official notice of the fact that no operating radio station is licensed to Hague, New York, nor have any construction permits been granted for an authorization to serve Hague, New York.

WHEREFORE, the foregoing considered, Family Broadcasting, Inc. respectfully urges that its exceptions to the Initial Decision of Administrative Law Judge John M. Frysiak be granted.

FAMILY BROADCASTING, INC.

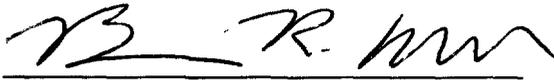
By: 
Its Attorney

JOSEPH E. DUNNE III, ESQ.
Attorney At Law
1000 Thomas Jefferson Street, N.W.
Suite 520
Washington, D.C. 20007
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CERTIFICATE OF SERVICE

I, Brian R. Claydon, a legal assistant in the law offices of Joseph E. Dunne III, Esq., hereby certify that I have caused the foregoing "Exceptions To Initial Decision" to be sent by first class U.S. mail, postage prepaid, to the following.

Robert A. Zauner, Esq.
Hearing Division, Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554

By: 

Brian R. Claydon