

she needed to do research to find it (Praise Ex. 4, pp. 1-2).

32. Ms. Washington made every effort to contact Mr. Murray and Mr. Ferrell, who apparently were involved in the operation of KARW under American Plastics. She could not locate Mr. Ferrell, and Mr. Murray would not discuss the matter. Ms. Washington believed that Mr. Williams would have some information regarding American Plastics, but he also would not discuss the matter with Ms. Washington, because of her concerns with his handling of the station's revenues. Ms. Washington called Mr. Washington to explain the situation (Praise Ex. 4, p. 2).

33. Mr. Washington spoke directly with Mr. Shook and Ms. Washington in a conference call. After the conference call, Mr. Washington told Ms. Washington that he would obtain the information regarding American Plastics and Ms. Washington should gather any information as to the other questions. Mr. Washington also asked that Ms. Washington forward future correspondence from the FCC to him in Chicago. From that time on, when Ms. Washington received a letter from the FCC, she would send it on to Mr. Washington without review (Id.).

34. After her initial phone conversation with Mr. Shook, Ms. Washington spoke with him on several occasions to discuss their progress in gathering information. Finally, Ms. Washington informed Mr. Shook that some information simply could not be located. Mr. Shook told her that he needed the information by the next day, and that the information should be submitted in typewritten form. She hurriedly prepared a response to the questions by hand based on the information available to her, and gave it to her secretary to type, along with the supporting information. Ms. Washington intended that a cover letter would accompany the response, but it was mailed by her secretary to Mr. Shook without a covering letter. In light of her many conversations with Mr. Shook, Ms. Washington assumed that he would know who sent the response (Praise Ex. 4, pp. 2-3).

35. Because the January 26, 1993 response did not answer all of the Commission's questions and was not signed, the Commission sent the station a final letter on February 10, 1993, enclosing the previous three letters and seeking clarification of some of the information in the January 26, 1993 response, as well as requesting additional information (Bureau Exs. 1-2, Admission 33). Mr. Shook and Ms. Washington spoke several times after the January 26, 1993

response was submitted. He stated that the response did not cover all the questions. Ms. Washington replied that the response submitted all the information available to her. Ms. Washington and Mr. Shook spoke at length, and it was her understanding that any required clarification of her January 26, 1993 response was covered during that conversation. Mr. Shook indicated that if she had no further information, a hearing would probably be required. He asked that Ms. Washington forward to the FCC any relevant information she found in the future (Praise Ex. 4, p. 3). Thus, Praise did make a written response to the February 10, 1993 letter (Bureau Exs. 1-2, Admission 34).

36. After this case had been designated for hearing, Mr. Shook told Ms. Washington that she needed legal counsel. At first, Ms. Washington entered into a retainer agreement with a Texas attorney, Kenneth Kilgore, on or about November 9, 1993. After Kilgore had "filed the wrong information" with the FCC, Ms. Washington was referred by Christopher Holt to Alan Campbell (Tr. 297-98).

E. Compliance With Commission Rules

37. Generally. At the time Praise negotiated and closed on the purchase of station KARW on February 10, 1992, the principals of Praise were made aware of the inspection

conducted by the FCC staff and the rule compliance items which needed to be corrected¹⁰. Following Praise's purchase of the station the following improvements/corrections were made by Praise and at its expense: KARW's tower was painted in April, 1992; a new Emergency Broadcast System was purchased and installed in November, 1992; the ruined brick building was demolished; and the station's transmitter power was monitored and regulated after February, 1992. In addition, the transmitter logs and public reference file were kept up-to-date (Praise Ex. 5, p. 1). However, the station went silent on September 12, 1994 (Id.; Tr. 78-79). This was due to vandalism and theft at the station, when equipment and the station's music collection were taken (Tr. 209-212)¹¹. At the end of September, 1994 KARW attempted to go back on the air after Ms. Washington acquired new music; however, the station only remained on the air for "a couple of weeks" because of problems with the transmitter that

¹⁰See HDO.

¹¹Janet Washington went to the Longview Police Department to report the incident; a police report dated September 21, 1994 was issued; that report only mentions the stolen "religious and gospel music CDs". The police report contains at least one obvious error, as it recorded the date of the incident as "8-13-94". Bureau Ex. 5. Janet Washington remembered reporting to the police that a transformer, two CD players, a cassette player and an antenna matcher were stolen from KARW (Tr. 210-214).

distorted the station's sound (Tr. 220-21). Ms. Washington was informed that it would require \$30,000.00 to make the necessary repairs to get the station back on the air; an expenditure she was not willing to make "and then not have the license" for KARW (Tr. 221; 240).

38. Tower Lighting. Subsequent to September 12, 1994, the tower lights were off at KARW on three days in October, 1994 due to a lightning strike (Tr. 169); additionally, there was one day in November when the lights were out due to a lightning strike (Id.). On November 18, 1994, the Southwestern Electric Power Company (SWEPCO), the electric utility in Longview, Texas, disconnected KARW's power service for non-payment. According to SWEPCO's records, as of January 26, 1995, the KARW account remained disconnected (Bureau Ex. 3). Thus, the lights on the tower at KARW were turned off on November 18, 1994, and were continuously off through the end of November, the entire month of December, and the first portion of January, 1995 (Tr. 158-59). However, on January 18, 1995, a cash deposit was paid to SWEPCO for the purpose of restoring power to KARW so that the tower lights could be turned back on (Tr. 159-60). To the best of Ms. Washington's knowledge, the tower lights

were in fact turned back on sometime between January 21 and January 25, 1995 (Tr. 171).

39. After the tower lights had been turned off on November 18, 1994, Ms. Washington called the Gregg County Airport and a person there instructed her to call the FAA and gave her a telephone number; she dialed that number and spoke to a person who identified himself as "Whiskey Juliet" and told that person that the tower lights were off, giving the latitude and longitude of the location of the tower. This took place about November 19-20, 1994. The FAA gave her two reference numbers pertaining to her report: 011-26BS; and L0193 (Tr. 178-80).

40. Mitigating Public Service Matters. Due to the cloud over the station's license, Praise has had difficulty obtaining the financing necessary to make needed improvements and obtain access to network programming, as well as expanding and improving its staff situation. Nevertheless, even with its extremely limited resources and inexperienced management, Praise has tried to provide a unique radio service. As the only minority-owned station in Longview, Praise is unique in that sense; and during the time when KARW was on the air after Praise's purchase of the station, KARW broadcast a "Rhythm and Blues/ Gospel" format

targeted to its minority audience (demographically, the station was targeted to the listeners aged 30-55). Gospel was broadcast Monday-Friday from 12-6 a.m. and all day Sunday. The station's slogan has been "KARW AM 1280 -- The Voice of the Black Community -- Committed to Caring and Willing to Serve". Programming targeted to Longview's growing Hispanic community was broadcast (in Spanish and English) from 10 - 3 on Saturdays. Public affairs programming included several church service broadcasts by local congregations as well as public service announcements and other programming (Praise Ex. 5, pp. 1-2).

41. Praise is particularly proud to the efforts it made to be a positive force in the Longview community. For example, when Longview High Schools students wanted access to the high school auditorium during Black History Month for plays and programs, KARW sponsored a show to achieve a dialogue among students, teachers, parents and School Board members. As a result of these efforts, the interested parties were able to reach an agreement to make the school's facilities available (Praise Ex. 5, p. 2).

F. Filing of Renewal Application

42. The pending KARW renewal application was filed on August 17, 1990 and bears the file number BR-900817UF; it

was filed in the name of "KLGTV - Ken Tuck - Pine Tree Media, Inc." (at that time, the call letters of the station were KLGTV). The application, at paragraph 4(b), represented that the date the last ownership report was filed was 1988; at paragraph 5, it represented that the applicant was in compliance with Section 310 of the Communications Act pertaining to alien ownership; at paragraph 6, it represented that no adverse finding or final action had occurred relating to the applicant as to any felony, broadcast related anti-trust or unfair competition, criminal fraud or fraud before another governmental unit, or discrimination; at paragraph 7, it represented that a grant of the renewal would not entail "a significant environmental impact"; and at paragraph 8, it represented that the appropriate documentation had been placed in the station's public inspection file at the appropriate times. The application was signed on August 11, 1990 by Robert Dub Murray, General Manager (Praise Ex. 6, Attachment A).

43. Neither Praise nor Mr. or Mrs. Washington were involved with KARW at the time the renewal application was filed. Mr. Williams may have had a show on the station at that time, but he was not involved in station management. Attempts to contact Mr. Murray to respond to the FCC's

letter of inquiry were met with hostility and a complete lack of any effort to cooperate in providing any information to the Commission regarding this matter. Mr. Murray has never been associated with Praise (Praise Ex. 6, p. 1).

G. Wherewithal to Return KARW to the Air

44. Ms. Washington has a plan to return KARW to the air. She has contacted a company called "Our Specialty" and has located the necessary equipment to restore KARW to operating condition. She has contacted a company called "ABC Satellite" which offers a satellite-delivered music service with professional DJs; that company would also assist her in "sales marketing, sales people, advertising, market the station on a professional level". In essence, the station would be "automated", but KARW would have the capability to "cut in with your own programming at any time" (Tr. 223-24).

45. Praise has been working with Citizens Mortgage, Inc., 3010 North 2nd Street, Suite 101, Phoenix, Arizona 85012 (CMI) to secure loan funding to permit station KARW to return to the air. CMI loan officer Corliss Ford has stated in pertinent part that (Praise Ex. 9):

Janet Washington has applied for a loan, through my company, to get her radio station operational and on the air again. I have been informed that

Janet has run out of time and that she will not be granted a FCC license if she can not show that she is financially able to meet the requirements of the FCC.

Janet's loan is in process and, at this time, it looks favorable for her. She has applied for a surety guarantee repayment bond and has received a letter of confirmation to that affect [sic]. Along with the bond, we will be using the land and the facility as collateral for this loan. It is not too difficult to find an investor willing to fund only 50% of the loan to value on any real estate transaction.

In addition, I have spoken with the Vice-President of All Financial Services (See enclosed letter)¹² regarding Janet's situation. He has responded very favorably, compared to some of his responses. I feel confident that, between Mr. Stephenson and I we will be able to obtain adequate financing for Janet.

46. Praise obtained a "Credit Payment Guarantee" from ICB Surety Group for up to \$150,000.00 (Praise Ex. 10).

G. 47 CFR §§73.1740, 73.1750

47. KARW went silent on September 12, 1994 (Praise Ex. 5, p. 1; Tr. 78-79). Thereupon, Janet Washington typed a letter on the stationery of KARW and signed her name to it (Praise Ex. 7; Tr. 84):

SEPTEMBER 13, 1994

Federal Communications Commission

¹²This letter, from Don Stephenson, All Financial Services, Manhattan Beach, California, to Corliss Ford, is in evidence as Praise Ex. 11.

Washington, D.C. 20554

To whom it may concern:

As of September 12, 1994 due to vandalism and theft of equipment in the radio station KARW 1280 AM located at 2929 Signal Hill Drive in Longview, Texas is off the air until equipment and music is replaced.

Very truly yours,

/s/

Janet Washington/GM

cc: Alan Campbell, Esq.*

48. Ms. Washington used the facilities of Jodac Office Outfitters, 1-903-753-6043, to "fax" this letter to Alan Campbell. It was Ms. Washington's understanding that Mr. Campbell, Praise's communications counsel at the time, was going to file this letter with the Commission. However, Ms. Washington never received any indication that this letter was in fact filed at the Commission (Tr. 84).¹³

¹³Mr. Campbell withdrew as counsel to Praise by a notice filed with the Commission on January 25, 1995 (see also Order, FCC 95M-41, released February 8, 1995); present counsel for Praise was retained on the evening of March 20, 1995; when counsel received the files maintained by Mr. Campbell's office, he found the letter which is in evidence as Praise Ex. 7 in one of the files, which was marked "37500.03". The undersigned reviewed KARW's "license file" and "correspondence file" at the FCC's Public Reference Room at Room 239, 1919 M Street, N. W., and could not find a copy of this letter in either file (see colloquy, Tr. 82-88).

49. Ms. Washington attempted to telephonically notify the Commission to inform them that KARW had gone silent. She first spoke to Charles Dziedzic, who indicated he could not talk to her about the matter. Ms. Washington then spoke to a lady named "Claudine" and then she spoke to Mr. Burtle¹⁴. It was when she was "transferred from place to place", Ms. Washington indicated she was told by her attorneys to "just fax everything to them and they'll take care of it because I never could find out who to send what to" (Tr. 89).

50. When KARW went back on the air temporarily at the end of September-early October, 1994, and then left the air, those facts were reported by Ms. Washington to Mr. Campbell, her former attorney, in a telephone call. However, so far as we can tell the Commission was not informed of this (Tr. 220-22).

51. On January 20, 1995, the Commission's AM Branch sent a letter to Alan C. Campbell on behalf of station KARW requesting Mr. Campbell "to verify that [KARW] is currently operating under the specifications of the station's

¹⁴James R. Burtle is known to the undersigned to be the Chief, AM Branch, Audio Services Division, Mass Media Bureau.

license", and also advising that, if the station were off the air, to either apply for a special temporary authorization or to turn in the license for cancellation (Bureau Ex. 4). Mr. Campbell withdrew from this case on January 25, 1995 (official notice requested); no response to the letter was filed¹⁵.

¹⁵There is no evidence that Mr. Campbell ever sent this letter to Praise.

III. PROPOSED CONCLUSIONS OF LAW

52. The following paragraphs state our proposed conclusions of law on issues 1, 2, 3, 4, 6 and 7 (the specific hearing issues) and issues 5 and 8 (the ultimate issues). As Praise is a successor in interest to Pine Tree, we are proposing conclusions of law with respect to Praise.

A. Issue 1) (Unauthorized Transfer of Control)

53. The facts in this case are uncontroverted that unauthorized transfers of control in violation of Sections 73.3540 and 73.3541 of the Commission's Rules took place. In fact, there were a number of instances which constituted violations of the Commission's Rules: first, when Ken Tuck, subsequent to his consummation of the transfer of control of Pine Tree Media, Inc. to him from Wren and Jones did not file the requisite FCC Form 323 ownership report; second, when Ken Tuck died in May, 1990 and no transfer application (on either FCC Forms 314, 315 or 316) was filed with the Commission to reflect the operation of KARW (then KLGW) by H. E. Ferrell and Robert Dub Murray as of the time the KARW renewal application was filed; third, when in August 1991 Wren and Jones foreclosed on their note secured by the assets of KARW and thus assumed control of the station; and

fourth, when in February, 1992 Wren and Jones entered into their transaction with Praise.

54. Where an unauthorized transfer of control has taken place, such unauthorized transfer is not disqualifying where it "was not accompanied by deceit or concealment". **The Petroleum V. Nasby Corporation**, 10 FCC Rcd --, FCC 95R-11 at ¶2; see also **Pine Tree Media, Inc.**, *supra*, 9 FCC Rcd at 2773, n. 6, citing **Silver Star Communications-Albany, Inc.**, 6 FCC Rcd 6905, 6906-07, 6908 n. 8 (1991).

55. In this case, it is abundantly clear that Praise did not engage in any concealment and deceit. Indeed, the record reflects that it was Praise that brought its control of KARW to the Commission's attention, when the HDO failed to name Praise as a party-in-interest. The record also reflects that Janet Washington was in frequent telephonic communication with James Shook, an attorney in the Mass Media Bureau's enforcement division.

56. Therefore, issue 1 must be resolved in Praise's favor.

B. Issue 2) (Misrepresentation in Renewal)

57. The record reflects that Praise was not involved in any way in the preparation or filing of the Pine Tree

renewal application in 1990. The facts concerning the preparation and filing of this application were not within the possession, custody or control of Praise, and the signator of the application, Robert Dub Murray, would not speak with Praise concerning those facts. Thus, this issue must be resolved in favor of Praise.

C. Issue 3) (Failure to Respond to FCC Letters)

58. Clearly, the facts establish that Ms. Washington attempted to comply with the FCC's December 3, 1992 letter, which was a follow up to its September 9, 1992 and September 23, 1992 letters, in view of her frequent telephone calls with Mr. Shook, and her one written submission to the Commission. With respect to the February 10, 1993, Ms. Washington believed that she had responded to it as a result of her conferences with Mr. Shook.

59. The failure of Pine Tree or any of its successors, including Praise, to promptly respond to the letters of September 9, 1992, September 23, 1992 and February 10, 1993 were clearly technical violations of Section 73.1015 of the Commission's Rules¹⁶.

¹⁶Section 73.1015 of the Commission's Rules states:

The Commission or its representatives may, in writing, require from any applicant, permittee, or licensee written

60. However, based on the findings of fact stated above (Findings, ¶¶30-36), the worst that can be said about these technical violations was that they were made through either ignorance or carelessness. There is no evidence on this record that Praise or Ms. Washington willfully intended to conceal facts from the Commission or otherwise deceive the Commission by failing to respond.

61. The case precedents clearly support a resolution of this issue which does not result in the disqualification of Praise. In *Dixie Broadcasting, Inc.*, 8 FCC Rcd 4386 (Steinberg, ALJ, 1993), at ¶¶118-119, a Section 73.1015 issue was resolved in favor of the renewal applicant where

the circumstances surrounding this rule violation establish that the misrepresentations were caused by gross negligence and wanton carelessness, rather than any intent to deceive. They do not, therefore, rise to a level justifying the denial of DBI's renewal applications.

statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a license should be revoked, or to any other matter within the jurisdiction of the Commission, or, in the case of a proceeding to amend the FM or Television Table of Allotments, require from any person filing an expression of interest, written statements of fact relevant to that allotment proceeding. No applicant, permittee, licensee, or person who files an expression of interest shall in any response to Commission correspondence or inquiry or in any application, pleading, report or any other written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission.

Accord: *WXBM-FM, Inc.*, 6 FCC Rcd 7356, at ¶18 (Frysiak, ALJ, 1991).

D. Issue 4) (Operational Rule Violations)

62. The facts in Findings ¶37 demonstrate that, when Ms. Washington's attention was directed in December, 1992 to various operational rule violations at KARW, the problems were remedied. In compliance with Sections 17.21 to 17.23 of the Commission's Rules, the tower was painted. In compliance with Section 73.932 of the Rules, new Emergency Broadcast System equipment was purchased and installed. In compliance with Sections 73.1800, 73.1820 and 73.3526, the station's logs and public file were kept up to date. Apparently at the Commission's behest, a ruined brick building was demolished, apparently to attempt to comply with Section 1.1307(b) of the rules.

63. Thus, after the Commission's inspection in December, 1992 took place, Praise, an inexperienced entity totally unfamiliar with FCC rules, did what it could to comply with the operational rules. No attempt to conceal rule violations from the Commission was made. It must be concluded that issue 4 does not form a basis for the disqualification of Praise.

64. Although technically not part of issue 4 as the problem arose after designation for hearing and the issues were not enlarged to cover the events of November-January, 1995, Praise was in violation of Section 17.21(a), which requires that tower structures in excess of 200 feet must be painted and lighted. In mitigation, there is uncontroverted evidence that Ms. Washington contacted first the Gregg County Airport, then the FAA, to report the fact that the tower lights were not lit. Despite this violation, this cannot form the basis for the disqualification of Praise.

E. Issue 6) (Capability to Resume Operations)

65. Based on Findings ¶¶44-46, it must be concluded that Praise has a plan to return KARW to operations. It has made serious and substantial efforts to secure loan financing through Citizens Mortgage, Inc. Ms. Washington has a plan to obtain new equipment to replace the damaged transmitting equipment at KARW and to automate the station to improve its sound quality and its marketability.

66. In a case where the station was off the air for over two years because of financial difficulties, and an issue similar to issue 6) was designated, the issue was resolved in favor of the licensee where, as here, the

licensee had a plan to return the station to the air. **Cavan Communications (WTMS)**, 10 FCC Rcd --, FCC 95D-2 (Luton, ALJ, March 17, 1995).

67. It is respectfully submitted that there are unusual circumstances present in this case. First, KARW was the only minority-programmed station serving Longview, Texas, a community of 70,311 persons (1990 Census) in an area of East Texas with a sizable minority population. Ms. Washington intends to restore KARW to serve the minority community in the Longview area. Second, the Commission's policy is to aid and abet minority entrepreneurship in the mass media. Indeed, FCC Chairman Reed E. Hundt has stated that: "At the FCC, we are also working hard to make sure that African-Americans have fair opportunities to work in the new industries of the communications revolution"¹⁷. Therefore, it is incumbent on the FCC, for it to keep faith with its Chairman, to work with small, inexperienced minority companies like Praise.

68. For the foregoing reasons issue 6) must be resolved in favor of Praise.

¹⁷Speech of FCC Chairman Reed E. Hundt to the 1994 National Urban League Conference, Tuesday, July 26, 1994, FCC mimeo no. 44077, at p. 4.

F. Issue 7) (Sections 73.1740/73.1750 Issue)

69. While it appears that Praise committed technical violations of at least Section 73.1740 because the Commission's records do not reflect either the filing of a notification that KARW went silent or the filing of a request for a special temporary authorization to remain silent, there is evidence that Praise's Ms. Washington attempted to notify the Commission of KARW's temporary cessation of broadcasting (Findings ¶47-51).

70. ***Cavan Communications***, *supra*, resolved a Section 73.1740/73.1750 issue in favor of the licensee, owned by an experienced communications attorney, despite the fact that ALJ Luton found repeated violations of Section 73.1740 of the Commission's Rules. There, as here, there was no evidence of intent to deceive the Commission. Here, unlike there, we have an inexperienced person trying to comply with Commission rules. Simple fairness and compassion requires that Praise cannot be disqualified under this issue.

IV. ULTIMATE CONCLUSIONS

71. Issue 5 of the *HDO* and the issue we have numbered as issue 8 from the March 2, 1995 *Order* are the ultimate issues: should the license of station KARW be renewed.

72. The equities require that the license of KARW be renewed subject to Praise filing an application on FCC Form 314 for assignment of the license of KARW to it which would be handled by the Commission's processing line.¹⁸ No issue, taken by itself, can serve as sufficient grounds for the revocation of or failure to renew the KARW license. Praise is a minority-owned company. Praise has injected some \$180,000.00 into an attempt to make a go of KARW (Findings ¶29).¹⁹ Were the above-captioned application to be denied,

¹⁸Even if we had filed such an application immediately after the hearing, the ALJ would have had no jurisdiction to consider it, as such an application was not included in the Hearing Designation Order. See *Western Cities Broadcasting, Inc.*, 6 FCC Rcd 2325, FCC 91R-38 (Rev. Bd. 1991).

¹⁹Praise should not be punished to the extent of the extinguishment of its investment in KARW as a result of its unauthorized acquisition of the station. At the outset, Praise was induced to invest in the station by persons more experienced than its principals, and was led to believe that it was all right for it to do so at the time. It is to be noted that an old precedent of the D. C. Circuit states "that valuable rights and investments made in reliance on a license of the Federal Communications Commission should not be destroyed except for the most compelling reasons". *Churchill Tabernacle v. FCC*, 160 F.2d 244, 247 (D. C. Cir. 1947).

this investment would be lost. The presiding Judge is urged to heed FCC policy to make sure that African-Americans have fair opportunities in the communications industry.

73. With respect to the issue of a forfeiture, and while we have conceded that there have been violations of certain FCC rules, the presiding Judge is urged to follow the rule of *Cavan Communications, supra*; in the event that he believes that a forfeiture is warranted, such forfeiture should not exceed \$1,000.00, taking into consideration the inexperience of Praise and its modest financial means.

WHEREFORE, it is urged that the above-captioned application for renewal of license of Standard Broadcast Station KARW **BE GRANTED**, subject to the requirement that Praise Broadcasting, Inc. file an application for assignment of license of station KARW to it on FCC Form 314 and that such application be granted by the Commission's Audio Services Division²⁰.

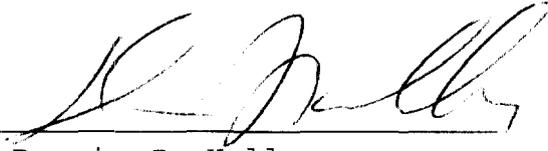
²⁰This would be consistent with the relief allowed by the Commission in *Silver Star, supra*, at fn. 6:

Silver Star proposes to assign stations WMJM and WFAV(FM) to a minority buyer for less than 50 percent of fair market value. Silver Star asserts that extraordinary circumstances warrant permitting a distress sale here, although Silver Star failed to timely elect a distress sale before the commencement of the hearing. Because we have determined that Silver Star's licenses should not be revoked and are terminating this proceeding, Silver Star may seek assignment

Respectfully submitted,

PRAISE MEDIA, INC.

By


Dennis J. Kelly
Its Attorney

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July 5, 1995

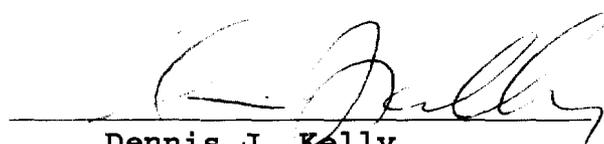
of its licenses irrespective of the distress sale policy.
The Mass Media Bureau may routinely process any such
applications in accordance with its ordinarily applicable
policies and procedures.

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing *Proposed Findings of Fact and Conclusions of Law* were served by hand on this 5th day of July, 1995, upon the following:

Honorable John M. Frysiak
Administrative Law Judge
Federal Communications Commission
Washington, DC 20554

Robert A. Zauner, Esquire
Hearing Branch, Mass Media Bureau
Federal Communications Commission
2025 M Street, N. W., Room 7212
Washington, DC 20554


Dennis J. Kelly