

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

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

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| In re |) | |
| |) | |
| CONTEMPORARY MEDIA, INC. |) | MM Docket No. 95-154 |
| |) | |
| Station WBOW(AM), Terre Haute, IN |) | |
| Station WBFX(AM), Terre Haute, IN |) | |
| Station WZZQ(FM), Terre Haute, IN |) | |
| |) | |
| CONTEMPORARY BROADCASTING, INC. |) | |
| |) | |
| Station KFMZ(FM), Columbia, MO |) | |
| Station KAAM-FM, Huntsville, MO |) | |
| |) | |
| LAKE BROADCASTING, INC. |) | |
| |) | |
| Station KBMX(FM), Eldon, MO |) | |
| Station KFXE(FM), Cuba, MO |) | |
| (New) FM Station, Bourbon, MO |) | File No. BPH-921112MH |

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To: Administrative Law Judge
Arthur I. Steinberg

**MASS MEDIA BUREAU'S OPPOSITION TO
PETITION TO INTERVENE**

1. On October 26, 1995, KWIX, Inc. ("KWIX"), filed a Petition to Intervene in this proceeding. The Chief, Mass Media Bureau, by his attorneys, hereby opposes KWIX's request for intervention for the following reasons.¹

2. KWIX claims that it has an interest in this proceeding because it is the licensee of

¹ Although KWIX's Certificate of Service omits reference to the Bureau, a party to this proceeding, the Bureau notes that it nonetheless received a copy of the Petition to Intervene on October 30, 1995.

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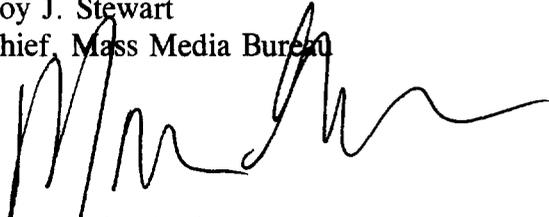
two radio stations in Moberly, Missouri. According to KWIX, Moberly is located only about eight miles from Huntsville, Missouri, the community of license of Contemporary Broadcasting, Inc.'s unbuilt Station KAAM(FM). KWIX maintains that it would have to compete with Contemporary Broadcasting, Inc. for advertising revenue and thus suffer potential economic injury if KAAM(FM) goes on the air. KWIX also states that one of its officers, David L. Shepherd ("Shepherd"), has information which is material and relevant to the issues in this proceeding. Finally, KWIX states it previously provided information to the Commission which resulted in the commencement of this revocation proceeding. For these reasons, KWIX claims that intervention is warranted.

3. The Bureau submits that KWIX has failed to demonstrate that it is entitled to intervention. Pursuant to § 1.223(b) of the Commission's Rules, the Presiding Judge has the discretion to permit intervention when the moving party demonstrates that its participation will assist the Commission in the determination of the issues in question. While Shepherd may have information which is relevant to the issues in this proceeding, KWIX advances no reason why it should be granted full party status. Indeed, the Mass Media Bureau, which bears all of the burdens in this proceeding, is fully capable of eliciting Shepherd's testimony, thoroughly examining other witnesses, amassing documentary evidence, and otherwise zealously developing a full and complete record in this case without the addition of another party. See Ellis Thompson Corporation, 10 FCC Rcd 7325, 7326 (Rev. Bd. 1995) (Presiding Judge's decision denying intervention upheld where moving party failed to demonstrate that, absent its participation as a party, "important issues of fact or law [would]

not be adequately raised or argued." Presiding Judge also noted that Bureau's participation as a party would assure full exploration of the designated issue.).

4. Based on the foregoing, KWIX's Petition to Intervene, filed on October 26, 1995, should be denied.

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



Norman Goldstein
Chief, Complaints and Investigations Branch



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November 1, 1995

CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Complaints & Investigations Branch, Mass Media Bureau, certify that I have, on this 1st day of November 1995, sent by regular United States mail, copies of the foregoing, "Mass Media Bureau's Opposition to Petition to Intervene" to:

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