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Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Stamping Ground and)
Nicholasville, Kentucky))

MM Docket 95-28
RM-8593
RM-8696

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To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

MOTION TO STRIKE
"OPPOSITION TO SUPPLEMENT AND
STATEMENT FOR THE RECORD"

Mortenson Broadcasting Company of Kentucky, L.L.C. ("MBC"), by its counsel, hereby moves to strike the "Opposition To Supplement And Statement For The Record" filed by Scott County Broadcasting, Inc. ("Scott County"), on October 19, 1995. In support thereof, MBC states as follows:

1. On September 13, 1995, the Commission issued a Public Notice, Report No. 2098, announcing the acceptance of MBC's counterproposal to allot Channel 240A to Nicholasville, Kentucky. The Public Notice set a reply deadline of 15 days thereafter. This period expired on September 28, 1995. On

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October 19, 1995, some 36 days after the Public Notice was issued, Scott County filed its opposition pleading. Although a motion to accept the pleading was attached, the motion failed to explain the untimeliness of Scott County's filing and to request acceptance as a late filed pleading.

2. Scott County describes its pleading as an Opposition to the Supplement filed by MBC on August 30, 1995, rather than a reply to the Commission's Public Notice of September 13, 1995. MBC's Supplement was served by mail on Scott County on August 30, 1995. If Scott County wished to object to MBC's Supplement it should have do so in a timely fashion. The Commission generally provides 15 days to respond to pleadings other than the initial comment period (which is 30 days). Scott County's response was filed 50 days after MBC's Supplement was served by mail. Scott County cannot reasonably argue that it did not have sufficient time to respond. The Commission should not permit Scott County to disregard filing deadlines and submit pleadings any time it wishes.

3. Accordingly, MBC moves to strike the "Opposition To Supplement And Statement For The Record" filed by Scott County on October 19, 1995.

Respectfully submitted,

**MORTENSON BROADCASTING COMPANY
OF KENTUCKY, L.L.C.**

By:


Mark N. Lipp

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Its Counsel

November 3, 1995

CERTIFICATE OF SERVICE

I, Jacqueline Solomon, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that I have this 3rd day of November, 1995, sent by first-class U.S. Mail, postage prepaid, copies of the foregoing "MOTION TO STRIKE 'OPPOSTION TO SUPPLEMENT AND STATEMENT FOR THE RECORD'" to the following:

* Mr. John A. Karousos
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.--5th Floor
Washington, D.C. 20554

* Ms. Sharon P. McDonald
Allocations Branch -- Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.--Room 569
Washington, D.C. 20554

Mr. James P. Gray, President
Scott County Broadcasting, Inc.
10 Trinity Place
Fort Thomas, KY 41075



Jacqueline Solomon

* HAND DELIVERED