

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of

) MM Docket No. 96-70
)
)
)

UNDER HIS DIRECTION, INC.

Order to Show Cause Why the
License for Station KUHD (AM)
Port Neches, Texas Should
Not Be Revoked

To: Administrative Law Judge
Edward Luton

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

MASS MEDIA BUREAU'S OPPOSITION TO
PETITION FOR LEAVE TO INTERVENE

1. On May 2, 1996, Vision Latina, Inc. ("Vision") filed a petition for leave to intervene in the above captioned proceeding. The Mass Media Bureau hereby opposes Vision's petition.

2. Vision's petition states that it is filed pursuant to Section 1.223(b) of the Commission's rules. This Section requires, inter alia, that the petitioner set forth the interest of the petitioner in the proceeding and show how the petitioner's participation in the hearing will assist the Commission in the determination of the issues in question. Vision's petition fails to demonstrate that it has either a cognizable interest in this proceeding or that its participation will assist the Commission in resolving the issues in question.

3. Vision has been attempting to acquire KUHD (AM) from the current licensee Under His Direction, Inc. ("His Direction").

File of Documents
List 6

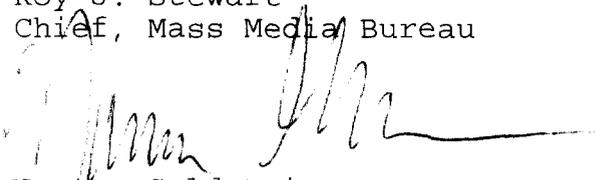
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To-date, no contract for the sale of the station has been entered into and no assignment application has been filed. Vision claims that, because it is a potential assignee of station KUHD(AM) and has negotiated a purchase agreement with the third party owner of the station's equipment, it has an interest in this proceeding which warrants intervention. In fact, Vision has no cognizable interest in this proceeding or in the licensee and will not have any such interest until and unless a transfer of KUHD(AM) to Vision is approved by the Commission. Indeed, to permit intervention to a mere potential assignee would open the doors of Commission proceedings to all comers and make the process unwieldy. Cf. Arizona Mobile Telephone Co., 80 FCC2d 87, 90 (Rev. Bd. 1980).

4. Moreover, Vision's participation will not be of assistance in this proceeding. The licensee here has the burden of showing that it has the capability and intent to expeditiously resume the broadcast operation of KUHD(AM). The licensee's capability, and its intent to do so, are within its knowledge. Vision does not state how it could assist in the development of the record on this matter, nor is its ability to do so apparent. To the extent that Vision does have relevant evidence on the issues in this proceeding, it may be referred to undersigned counsel. Corydon Broadcasters Limited, 3 FCC Rcd 3586, n. 1 (Rev. Bd. 1988),

5. In conclusion, Vision has failed to establish either that it has a financial interest in this proceeding which would warrant intervention or that its participation will assist the Commission in determining the issues. Consequently, the Presiding Judge should deny Vision's petition for leave to intervene.

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



Norman Goldstein
Chief, Complaints and Political
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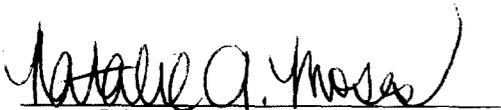
May 13, 1996

CERTIFICATE OF SERVICE

Natalie Moses, a secretary in the Hearing Branch, Mass Media Bureau certifies that she has on this 13th day of May 1996, sent by regular United States mail, U.S. Government frank, copies of the foregoing "**Mass Media Bureau's Opposition to Petition for Leave to Intervene**" to:

Mark Peterson, President
Under His Direction, Inc.
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