the multiple ownership rule and is far easier to interpret. Although Speer's control of WTMW(TV) also implicated the 12-station rule by giving Silver King 13 stations, the Commission largely ignored this matter.

37. Finally, in Speer and Fox, the Commission recognized that the licensees were entitled to the benefit of any doubts. For example, when statements made by Silver King in relation to its dealings with WTMW(TV) were incomplete, the Commission said the statements were not false, but simply "did not go far enough in characterizing the nature of its role." 3 CR at 382. Because the incident in Silver King had taken place six years earlier, erroneous statements were construed as "faulty shading of recollection" instead of an intent to deceive. 3 C.R. at 383. Yet here, both the Bureau and the Judge would strip Trinity's license for allegedly not revealing information that was amply disclosed in contemporaneous filings, and the Bureau condemns Trinity and NMTV under a brand-new theory based on inferences.

38. All of this has occurred in a proceeding in which NMTV is not an applicant. In its Hearing Designation Order, 8 FCC Rcd 2475 (1993) ("HDO"), the Commission specifically stated that it was not calling for early renewals of the licenses held by NMTV or instituting revocation proceedings. Moreover, the Commission stated that "NMTV, TBN and its affiliates may also acquire licenses during the pendency of this proceeding, subject to compliance with relevant Commission rules and policies." HDO, para. 45, recon. dismissed, FCC 94-124, released June 8, 1994. The ID imposed no sanction on NMTV and did not recommend further action against NMTV. Indeed, the Judge specifically stated that "[t]he loss of Trinity's license is a sufficient sanction." ID, para. 334.

39. Despite these pronouncements which would ostensibly permit NMTV to proceed with its business, NMTV and a company formed by NMTV's minority Directors (without Dr. Crouch) have incurred insurmountable obstacles in continuing their broadcast business and

ministry. NMTV continues to be repeatedly attacked by Glendale/Maravillas and by various petitioners. Since the hearing in this proceeding, NMTV has retained new FCC counsel, new local counsel, a new consulting engineer, and has taken other substantial steps to address any possible Commission concerns, even though NMTV does not believe it transgressed any Commission rule or policy. NMTV's minority shareholders formed a company, Mayville Communications, Inc. (without Dr. Crouch), which has filed an application to acquire the outstanding construction permit for Station WWRS-TV, Channel 52, Mayville, Wisconsin. Despite the fact that the application has been on file for a considerable period of time, it is still pending, under challenges from both Glendale/Maravillas and another petitioner that point to the ID in this case. Very recently, the seller of the Mayville television facility has notified Mayville of its intent to terminate the sale, citing delays in processing and grant of the assignment application. Thus, as a direct result of NMTV's entanglement in this proceeding, the residents of Mayville, Wisconsin and surrounding areas may well lose the outstanding public service and community outreach, particularly to minorities, that NMTV provides over its Portland station and that Mayville would similarly provide over WWRS-TV.

40. Simply stated, this proceeding has paralyzed the ability of NMTV to conduct its business and has precluded the minority directors of NMTV from pursuing other opportunities in communications. The paralysis continues with every passing day that the Commission refuses to resolve the qualifications of NMTV to be a Commission licensee. This state of affairs threatens NMTV and its minority Directors, and, even more importantly, the public that stands to benefit from their television mission. This proceeding has encouraged opportunistic challengers to file strike petitions despite the fact that NMTV has not been found to have engaged in any intentional wrongdoing. In addition, the Commission's inaction concerning NMTV applications stands in marked contrast to its relatively speedy treatment of the complex alien ownership problems in

Fox Broadcasting Stations, Inc. and the de facto control and abuse of process problems raised in Roy M. Speer.

III. Conclusion

41. The uncertainty must end. With the elimination of the Review Board, and NMTV's resulting inability to have its exceptions to the ID heard, Trinity's Motion presents the full Commission with its first opportunity to pass upon the merits of this proceeding. NMTV joins Trinity in requesting the Commission to vacate the record on the improvidently designated issues on this case. Separately, however, NMTV urges the Commission, irrespective of its determination on Trinity's Motion, to immediately find that NMTV is qualified to be a Commission licensee, so that NMTV may continue its ministry of broadcast service and outreach.

Accordingly, for the reasons set forth herein, the Commission should grant the Motion to Vacate the Record on Improvidently Designated Issues filed by Trinity Broadcasting of Florida, Inc. and Trinity Broadcasting Network.

Respectfully submitted,

NATIONAL MINORITY TV, INC.

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Dated: October 25, 1996

CERTIFICATE OF SERVICE

I, Margie Sutton Chew, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **"COMMENTS OF NATIONAL MINORITY T.V., INC. IN SUPPORT OF MOTION TO VACATE THE RECORD ON IMPROVIDENTLY DESIGNATED ISSUES"** was served on this 25th day of October, 1996, by first U.S. class mail, to the following:

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