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*ADMITTED ONLY IN MICHIGAN

February 28, 1989

HAND DELIVERED

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: BPCT-831202KF

Dear Ms. Searcy:

I am writing on behalf of Shurberg Broadcasting of Hartford, Inc. ("SBH"). On December 2, 1983, SBH filed the above-referenced application (FCC Form 301) for a construction permit for a new UHF television station to operate on Channel 18 in Hartford, Connecticut. That application was mutually exclusive with the then-pending application for renewal of the license of Station WHCT-TV, Hartford.

Several matters raised by the filing of SBH's application were resolved in the Commission's decision in Faith Center, Inc., 99 F.C.C.2d 1164 (1984). SBH appealed that decision in Shurberg Broadcasting of Hartford, Inc. v. FCC, Case No. 84-1600 (D.C. Cir., argued January 8, 1986), a case which is still pending before the U.S. Court of Appeals for the District of Columbia Circuit. However, neither in its decision in Faith Center, Inc., supra, nor at any time prior to or since then has the Commission taken any action returning, dismissing or denying SBH's above-referenced application. Indeed, a motion to dismiss SBH's application was filed in January, 1985 -- more than a year after the application was filed and almost two months after the release of Faith Center, Inc., supra. The fact that that motion was filed indicates that SBH's application survived the Commission's decision in Faith Center, Inc. and is still pending. The same conclusion can be drawn from the fact that the Commission has not yet acted on the motion to dismiss. Review of the Commission's files has confirmed that, according to Commission records, SBH's application is still pending.

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The present licensee of Station WHCT-TV filed, on December 1, 1988, an application for renewal of that station's license. The filing of that renewal application may be deemed to have opened a "window" for competing applications (although the dismissal of that renewal application would, in SBH's view, preclude any applications for Channel 18 other than SBH's, since SBH's application was "cut-off" on March 1, 1984, by operation of Section 73.3516 of the Commission's Rules, see Florida Institute of Technology, Inc., FCC 89-9, released February 14, 1989).

SBH remains interested in obtaining the Channel 18 license, and it intends to take all steps necessary toward that end. In the event that SBH prevails in its pending appeal of the Commission's 1984 Faith Center, Inc. decision, it is clear that SBH would not be required to file a further application in order to assure its consideration for that license. Moreover, SBH understands that it is presently precluded, by the continued pendency of its 1983 application, from filing a second application for essentially the same facilities. See Section 73.3520 of the Commission's Rules (proscribing the filing of multiple or inconsistent applications). Thus, it appears that SBH need not file a new application in order to assure its continued ability to compete for the Channel 18 license and that, even if SBH believed that it would be necessary to file such a second application, SBH would be precluded from doing so by the Commission's own rules.

Since the history of SBH's application has been complicated thus far, SBH is submitting this letter to state clearly and unequivocally its intention to continue to prosecute its above-referenced application for the Channel 18 license. In the event that some further proceeding may ultimately be necessary to dispose of that license, SBH intends to participate as a party-applicant therein, with the goal of acquiring the construction permit and constructing and operating the station. This letter is intended to assure that SBH's failure to file a new application during the present "window" cannot be misinterpreted by the Commission as an indication that SBH is no longer interested in pursuing the Channel 18 license. SBH continues to want the construction permit which it has pursued

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since 1983, and it is determined to continue to prosecute its presently-pending application to that end.

Please call me if you have any questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Cole", written over the typed name.

Harry F. Cole

Counsel for Shurberg Broadcasting
of Hartford, Inc.