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

JUN - 9 1997

Federal Communications Commission
Office of Secretary

In re Applications of) MM Docket No. 97-128

Martin W. Hoffman, Trustee-in-Bankruptcy)
for Astroline Communications Company) File No. BRCT-881201LG¹
Limited Partnership)

For Renewal of License of)
Station WHCT-TV, Hartford, Connecticut)

and)

Shurberg Broadcasting of Hartford) File No. BPCT-831202KF

For Construction Permit for a New)
Television Station to Operate on)
Channel 8, Hartford, Connecticut)

To: Administrative Law Judge)
John M. Frysiak)

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**MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF
PETITION FOR LEAVE TO INTERVENE AS A MATTER OF RIGHT**

1. On May 29, 1997, Richard P. Ramirez ("Ramirez"), pursuant to Section 1.223 of the Commission's Rules, 47 C.F.R. § 1.223, filed a petition for leave to intervene as a matter

¹The Memorandum Opinion and Order & Hearing Designation Order, FCC 97-146 released April 28, 1997 ("HDO"), incorrectly specifies the file number of the 1988 renewal application for WHCT-TV as BRCT-881202KF. The correct file number is BRCT-881201LG, and the Bureau will henceforth use that file number in its pleadings. The Bureau respectfully suggests that the caption of this proceeding be corrected accordingly.

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of right in the above-captioned proceeding. The Mass Media Bureau supports Ramirez's petition.

2. This proceeding concerns the 1988 license renewal application for Station WHCT-TV, Hartford, Connecticut. WHCT-TV is licensed to Martin W. Hoffman ("Hoffman"), Trustee-in-Bankruptcy for Astroline Communications Company Limited Partnership ("Astroline"). Ramirez was the general partner of Astroline. The basic issue in this proceeding is whether "Astroline misrepresented facts to the Commission and the Federal Courts, in connection with statements it made concerning its status as a minority-controlled entity." HDO at para. 15. The HDO made Astroline a party and provided that the ultimate burden of proof will be on Astroline and Hoffman. See HDO at para. 17.

3. Ramirez argues that he should be allowed to intervene in this proceeding pursuant to Section 1.223(a) of the Commission's Rules. Ramirez states that he was a general partner of Astroline, a company which has since been dissolved. He contends that the designated issues directly relate to him and his involvement with Astroline. He asserts that he is the only person who can address the allegations raised against him and that his participation is integral to the defense of the issues. He argues that he has a direct interest in this proceeding since the outcome may impact his reputation and that he must be permitted to submit direct evidence to defend his honor in the broadcast industry. In support of his position Ramirez cites to Palmetto Communications Co., 6 FCC Rcd 5023 (Rev. Bd. 1991) and Quality Broadcasting Corp., 4 RR 2d 865 (1965). Finally, Ramirez contends that his participation in the proceeding will assist the Commission in resolving the designated issues.

4. Within specified circumstances not at issue here, Section 1.223(a) of the Commission's Rules essentially permits intervention as a matter of right to any person who qualifies as a party in interest. That concept appears in both subsections (d) and (e) of Section 309 of the Communications Act of 1934, as amended. In NAB Petition for Rulemaking, 82 FCC 2d 89, 93-96 (1980) ("NAB"), the Commission observed in discussing parties in interest in conjunction with the filing of petitions to deny that "anyone with a right to appeal a Commission decision should be able to present his claims to the agency before a decision is made." NAB, 82 FCC 2d at 95. Additionally, the Commission stated that it must apply judicial standing principles in determining whether any entity qualifies as a party in interest. Thus, an entity must demonstrate that it may be "aggrieved" or "adversely affected" by an adverse decision. To do so, the entity must allege a threatened or actual injury to itself, "whether economic, aesthetic or otherwise [footnote omitted], that is likely to be prevented or redressed by a favorable decision. [footnote omitted]" NAB, 82 FCC 2d at 96.

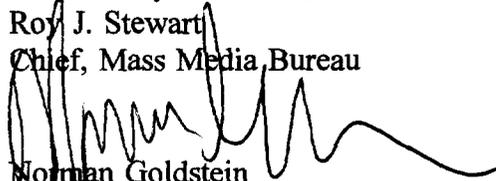
5. A hearing on the designated issues will necessarily concern the actions of Ramirez during the time he was a general partner of Astroline and the outcome of the hearing may have an impact on his reputation. In addition, as Ramirez contends, his interest is not adequately protected by the other parties, particularly since Astroline no longer exists and has not filed a notice of appearance in this proceeding. Accordingly, we believe that Ramirez has demonstrated an interest sufficient to justify his intervention in this proceeding. See Palmetto Communications Co., 6 FCC Rcd 5023 (Rev. Bd. 1991) (previous general partner permitted to intervene where hearing could reflect adversely on him). Moreover, Ramirez has first-hand knowledge regarding the control and operation of Astroline and his participation in this

proceeding will assist the Commission in resolution of the designated issues. In such circumstances, the Commission has routinely granted petitions to intervene. See Faith Center, Inc., 82 FCC Rcd 1, 39, n. 122 (1980) (parent corporation allowed to intervene in renewal proceeding where the corporation had demonstrated an interest in the proceeding and its participation was likely to be helpful to the Commission).

6. Accordingly, the Bureau submits that Ramirez should be allowed to intervene in this proceeding as a matter of right under Section 1.223(a) of the Commission's Rules.

Respectfully submitted,

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CERTIFICATE OF SERVICE

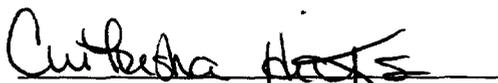
CurTrisha Hicks, a secretary in the Complaints and Political Programming Branch, Mass Media Bureau, hereby certifies that she has on this 9th day of June, 1997, sent by regular first class U.S. mail, copies of the foregoing "Mass Media Bureau's Comments in Support of Petition For Leave to Intervene as a Matter of Right" to:

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