

FCC MAIL SECTION

DOCKET FILE COPY ORIGINAL

Federal Communications Commission

JUN 25 11 54 AM '97

DISPATCHED BY
Before the
Federal Communications Commission
Washington, D.C. 20554

FCC 97 M-109
71432

In re Applications of)	
)	
Martin W. Hoffman)	MM Docket No. 97-128
Trustee-in-Bankruptcy for)	
Astroline Communications Company)	
Limited Partnership)	
)	
For Renewal of License of)	File No. BRCT-881201LG ¹
Station WHCT-TV,)	
Hartford, Connecticut)	
)	
and)	
)	
Shurberg Broadcasting of Hartford)	
)	
For Construction Permit for a New)	File No. BPCT-831202KF
Television Station to Operate on)	
Channel 18, Hartford, Connecticut)	
)	

MEMORANDUM OPINION AND ORDER

Issued: June 18, 1997; Released: June 20, 1997

1. Under consideration are the following:

Petition for Leave to Intervene As a Matter of Right, filed May 29, 1997, by Richard P. Ramirez;

Opposition of Shurberg Broadcasting of Hartford ("SBH") to Petition for Leave to Intervene As a Matter of Right of Richard P. Ramirez ("Ramirez"), filed June 9, 1997; and

Mass Media Bureau's Comments in Support of Petition for Leave to Intervene As a Matter of Right, filed June 9, 1997.

¹ The 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. Accordingly, IT IS ORDERED that the caption in this proceeding IS CORRECTED.

Federal Communications Commission

2. At issue in this proceeding is whether Astroline Communications Company Limited Partnership ("Astroline") misrepresented facts to the Commission and the Federal Courts in connection with statements it made concerning its status as a minority-controlled entity. Ramirez was a general partner of Astroline during the period in question.

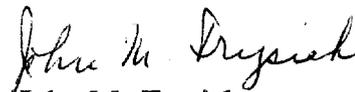
3. A hearing on the designated issues will necessarily concern the actions of Ramirez during the time he was a general partner of Astroline and the outcome of the hearing may have an impact on his reputation. Ramirez also contends that his interest is not adequately protected by the other parties, particularly since Astroline no longer exists and has not filed a notice of appearance in this proceeding.

4. Commission case precedent supports granting Ramirez leave to intervene. In Palmetto Communications Co., 6 FCC Rcd 5023 (Rev. Bd. 1991), the previous general partner was permitted to intervene in a comparative hearing, where he had been accused of making false representations to the Commission concerning Palmetto's ownership structure. In granting the petition to intervene, the Commission's Review Board recognized that the evidence adduced in the remand hearing might well reflect adversely on the general partner.

5. Furthermore, as the Bureau notes, 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 case. In such circumstances, the Commission has routinely granted petitions to intervene. See Faith Center, Inc., 82 FCC Rcd 1, 39, n. 122 (1980).

In light of the foregoing, IT IS ORDERED that Ramirez's Petition for Leave to Intervene As a Matter of Right, IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION



John M. Frysiak
Administrative Law Judge