

XI. Conclusion.

Judge Chachkin's Initial Decision should be reversed and this case remanded for further fact-finding. The Commission's regulatory ban on microbroadcasting is unlawful under both the Act and the Constitution, and cannot form the basis for this enforcement action. The forfeiture is excessive, unjustified, and unconstitutional.

Respectfully submitted,



Hans Bader  
Center for Individual Rights  
1233 20<sup>th</sup> Street NW  
Suite 300  
Washington, DC 20036  
202-833-8400



James A. Moody  
Suite 600  
2300 N. Street N.W.  
Washington, DC 20037  
202-663-9011

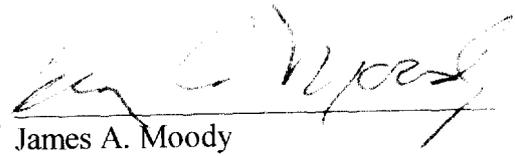
October 5, 1998

**CERTIFICATE OF SERVICE**

I, Hans Bader, hereby certify that copies of the Exceptions to Initial Decision were served by mail on this 5th day of October 1998, to the following:

Chief Administrative Law Judge Joseph Chachkin  
Federal Communications Commission  
2000 L Street, N.W., Suite 226  
Washington, D.C. 20554.

Jacqueline Effington, Esq.  
Federal Communications Commission  
2025 M Street, NW, Suite 8210  
Washington, D.C. 20554.

  
James A. Moody