

FCC MAIL SECTION

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

FCC 99I-17
90664

In re	DISPATCHED BY)	
)	
GERARD A. TURRO)	MM Docket No. 97-122
)	
For Renewal of License)	File Nos. BRFT-970129YC
for FM Translator Stations)	BRFT-970129YD
W276AQ(FM), Fort Lee, NJ and)	
W232AL(FM), Pomona, NY)	
)	
MONTICELLO MOUNTAINTOP)	
BROADCASTING, INC.)	
)	
Order to Show Cause Why the)	
Construction Permit for FM Radio)	
Station WJUX(FM), Monticello, NY,)	
Should Not be Revoked)	

ORDER

Adopted: October 1, 1999 ; Released: October 4, 1999

By the Assistant General Counsel, Administrative Law Division:

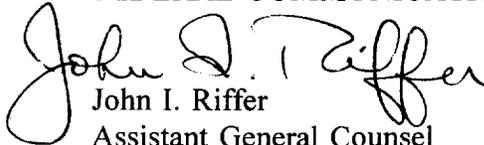
1. This order denies the Motion to Exceed Page Limit filed September 24, 1999 by Universal Broadcasting of New York, Inc. In response, Gerard A. Turro filed Comments on September 27, 1999, and Monticello Mountaintop Broadcasting, Inc., filed a Statement on September 28, 1999.

2. The Motion asks that Universal, in seeking review of the Initial Decision, FCC 99D-03, released in this proceeding on August 16, 1999, be permitted to file a consolidated brief and exceptions not exceeding 40 pages, or 15 more than the limit of 25 pages set forth in 47 C.F.R. § 1.277(c). Universal urges that permission to exceed the page limitation is warranted in view of the voluminous record, complex factual background, and unique procedural posture of this proceeding, and because the Initial Decision is 78 single-spaced pages and presents several issues of first impression. Commission policy encourages issue-oriented, rather than fact based pleadings, and prescribes that requests to exceed page limitation restrictions are not routinely granted. See 47 C.F.R. § 1.48(b). While in rare instances, extensions of the page limits for exceptions have been permitted, those situations typically involved numerous complex issues and unusually lengthy records. In contrast, notwithstanding Universal's broad, conclusory contentions, the size, scope, and complexity of

the record, for this four-party hearing which required two weeks to conduct, does not appear significantly out of the ordinary. In this regard, as Turro notes, Universal has not discussed the relevance of the procedural posture of this case to its request or explained why the issues to be resolved require extraordinary treatment. Moreover, Universal has been afforded a generous extension of time to file its exceptions, see Order, FCC 99I-16, released September 22, 1999, which should assist in tailoring pertinent arguments to the critical factors in this case. Under these circumstances, the public interest will be best served by denial of Universal's Motion.

3. ACCORDINGLY, IT IS ORDERED, That, pursuant to the authority delegated under 47 C.F.R. § 0.251(c), the Motion to Exceed Page Limit filed September 24, 1999 by Universal Broadcasting of New York, Inc., IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



John I. Riffer
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