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October 20, 1999

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
Portals II, Filing Counter, TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

OCT 20 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket No. 97-122; Assignment Application of Gerard A. Turro and Press Broadcasting Company, Inc. (FM Translator Stations W276AQ and W232AL) (Not Yet Accepted for Filing)

Dear Ms. Salas

On behalf of Universal Broadcasting of New York, Inc., there are herewith submitted an original and fourteen copies of the following pleadings for consideration by the Commission in connection with the above-referenced matters:

1. Renewed Petition for Extraordinary Relief and Issuance of an Order Requiring Gerard A. Turro to Come into Immediate Compliance with 47 C.F.R. §74.1232;
- ✓ 2. Motion for Expedited Processing; and
3. Supplement to Petition to Deny and Post-Hearing Statement of Position of Universal Broadcasting of New York, Inc.

In connection with this submission, please note that copies of the above-listed pleadings have been hand served on this date on the offices of Commissioners Ness, Powell, Tristani and Furchtgott-Roth. Copies of these filings have not been served on the offices of Chairman Kennard, because the Chairman has rescued himself from participation in the consideration of the matters to which these pleadings pertain.

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Ms. Magalie R. Salas
October 20, 1999
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Please direct any questions regarding these submissions to the undersigned.

Very truly yours

A handwritten signature in black ink, appearing to read "J. Brian DeBoice". The signature is fluid and cursive, with a large initial "J" and "B".

J. Brian DeBoice

Enclosures

cc: Attached Service List

SERVICE LIST

The Honorable Harold Furchtgott-Roth
Commissioner
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, DC 20554

The Honorable Susan Ness
Commissioner
Federal Communications Commission
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Roy Stewart
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The Honorable Gloria Tristani
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Mountaintop Broadcasting, Inc.

ORIGINAL

BEFORE THE

Federal Communications Commission

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)
GERARD A. TURRO)
For Renewal of License)
For FM Translator Stations)
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)

MM Docket No. 97-122
File Nos. BRFT-970129YC
BRFT-970129YD

To: The Commission

MOTION FOR EXPEDITED PROCESSING

Universal Broadcasting of New York, Inc. ("Universal") hereby requests that the Commission afford expedited processing to Universal's contemporaneously-filed "Renewed Petition for Extraordinary Relief and Issuance of an Order Requiring Gerard A. Turro to Come into Immediate Compliance with 47 C.F.R. §74.1232." In support, the following is stated:

As set forth in Universal's renewed petition, Gerard Turro has been operating his FM translator stations in direct violation of 47 C.F.R. §74.1232 for the past five years, since October of 1994. Although the Mass Media Bureau ruled more than three and one-half years ago that Turro's FM translator operations are unlawful and must therefore cease, Turro has never terminated his unlawful operations. Although the Commission

expressly affirmed more than two and one-half years ago the Mass Media Bureau's determination that Turro's operations are illegal, Turro has continued his illegal operations without interruption since, and he remains today, as he was five years ago, in open and notorious violation of the Commission's rules.

In its renewed petition, Universal has requested that the Commission issue an order on an expedited basis requiring Turro to cease immediately his five-year history of illegal FM translator operations. It is only proper that this matter be given the highest possible processing priority, since Turro has now been in violation of Commission rules for more than half a decade. Turro's long running course of unlawful conduct can no longer be tolerated. He should not be permitted to continue his unlawful conduct one instant longer than the time it takes to bring that conduct to a swift close.

Universal therefore requests that the Commission afford Universal's renewed petition the most expedited processing possible.¹ In addition, once the pleading cycle on the renewed petition has concluded, the Commission should rule on the petition with the greatest possible dispatch.

¹ In this regard, Universal does not intend to oppose any reasonable request by Turro for an extension of time in which to respond to Universal's exceptions to the *Initial Decision* of ALJ Steinberg, which are being filed contemporaneously with the renewed petition. There is no legitimate reason, however, why Turro should need any extension of time to respond to Universal's renewed petition. The petition raises only one simple issue -- whether Turro must now be required, after five years of illegal FM translator operations, to come finally into compliance with the Commission's rules. If Turro wishes to argue that he should be permitted to continue violating the Commission's FM translator rules, he clearly can state that position within the period allowed under Commission rules for a response to Universal's renewed petition.

For the foregoing reasons, Universal requests that the Commission afford expedited processing to Universal's renewed petition and rule on the petition promptly at the close of the pleading cycle.

Respectfully submitted

UNIVERSAL BROADCASTING
OF NEW YORK, INC.

By: 

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Dated: October 20, 1999

CERTIFICATE OF SERVICE

I, Barbara J. McKeever, do hereby certify that on October 20, 1999, a copy of the foregoing "Motion for Expedited Processing" was hand delivered to the following:

The Honorable Harold Furchtgott-Roth
Commissioner
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, DC 20554

The Honorable Susan Ness
Commissioner
Federal Communications Commission
445 12th Street, S.W., Room 8-B115
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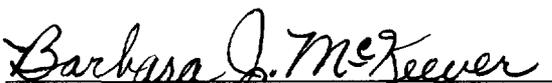
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Barbara J. McKeever