

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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DEC 23 1999

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Winslow, Camp Verde,
Sun City West, and Mayer, Arizona)

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MM Docket No. 99-246
RM - 9593
RM - 9770

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

MOTION TO STRIKE LATE FILED PLEADING

Desert West Air Ranchers Corporation ("Petitioner"), by its counsel, hereby moves to strike the "Comments of REC Networks" submitted on December 8, 1999, as late filed. In support hereof, Petitioner states as follows:

1. On November 4, 1999, the Commission issued a Public Notice, Report No. 2369, announcing the filing of Petitioner's proposal to change the community of license for Station KFMR to either Sun City West or Mayer, Arizona. Reply Comments were due on November 19, 1999. On that date both Petitioner and Capstar Royalty II Corporation filed timely reply comments. However, on December 8, 1999, approximately three weeks later and more than a month after the Public Notice was issued, REC Networks submitted its "Comments" without a request for leave to file late and without any explanation as to why the comments were submitted after the record closed. See Section 1.415(d) of the Commission's Rules. In the absence of a "good cause" showing, the REC Networks "Comments" should be stricken from the record.

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2. Furthermore, as a substantive matter, the REC Networks Comments are not entitled to consideration because there are no new developments or changed circumstances justifying a late pleading nor does REC Networks present anything decisionally significant that would justify acceptance of the pleading. Petitioner has already brought the matter of principal community coverage to the Commission's attention and is filing a separate Supplement pertaining to this issue. Thus, the Commission does not need to accept the REC Networks Comments in order to address this matter.

3. Accordingly, the Comments of REC Networks are not entitled to consideration due to their lateness. Substantively these comments add nothing to the record of a decisional nature. The Commission should not waive its procedural rules for this filing.

Respectfully submitted,

DESERT WEST AIR RANCHERS CORPORATION

By: 
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Its Counsel

December 23, 1999

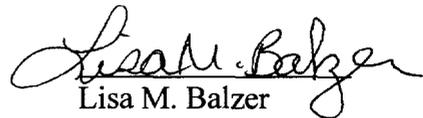
CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 23rd day of December, 1999 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "REPLY COMMENTS" to the following:

- * Ms. Nancy V. Joyner
Federal Communications Commission
Mass Media Bureau
445 12th Street, SW
Room 3-A267
Washington, DC 20554

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- Richard-Michelle Eyre
REC Networks
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Lisa M. Balzer

- * HAND DELIVERED