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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of:)	MM Docket No. 88-577
)	
LIBERTY PRODUCTIONS,)	File No. BPH-870831MI
A LIMITED PARTNERSHIP)	
)	
For Construction Permit)	
for an FM Broadcast Station)	
)	
)	
Biltmore Forest,)	
North Carolina)	
)	
To: The Commission)	

REPLY TO OPPOSITION

Respectfully submitted,

WILLSYR COMMUNICATIONS,
LIMITED PARTNERSHIP

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January 18, 2000

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REPLY TO OPPOSITION

Willsyr Communications, Limited Partnership ("Willsyr"), by its counsel, pursuant to 47 CFR 1.294 (c), hereby submits this reply to opposition filed by Liberty Productions, a Limited Partnership ("Liberty") on January 8, 2000.

Willsyr filed on January 3, 2000, a motion to strike a reply filed by Liberty on December 3, 1999. The reply was to an opposition filed by Willsyr on November 22, 1999, against Liberty's November 10, 1999, amendment. The Commission's Rules, in 47 CFR 1.294, do not allow the filing of a reply to an opposition to an amendment. In support of its reply to Liberty's opposition, Willsyr submits the following comments.

Liberty's Continuing Fanciful Interpretation of Commission Rules

Liberty contends that its reply to Willsyr's opposition was proper because 47 CFR 1.294 does not apply to the filing of amendments of right. According to Liberty, 47 CFR 1.294 only applies to "interlocutory requests" filed in "hearing" proceedings.

Liberty continues its fanciful interpretation of Commission Rules to suit its own purposes and to do what it pleases. As with Humpty Dumpty in "Through the Looking Glass" and "Alice's Adventures in Wonderland," words mean just what Liberty chooses them to mean --- neither more nor less, the only question is to be master --- that's all. However, it is the Commission that is the "master" of what the words in its rules mean --- not Liberty.

Contrary to what Liberty would like to believe, this proceeding is in "hearing" status to determine its qualifications

to be a Commission licensee because of its past misconduct and disingenuous representations. See, Orders, FCC 99I-11, rel. May 12, 1999, and FCC 99I-23, rel. November 23, 1999.

Contrary to what Liberty would like to believe, any amendment to an application which is submitted is "interlocutory" in nature because its acceptance does not result in a final decree. This is true, regardless of whether the amendment is filed "as of right."

Contrary to what Liberty would like to believe, the submission of an amendment, even if filed "as of right," is a "request" for Commission action because applicants cannot act unilaterally without Commission consent. Here, Liberty requested that the Commission accept its amendment "as of right."

Regardless of what rule the amendment was filed under, the hearing parties have the right, pursuant to 47 CFR 1.294 (b), to inform the Commission, by means of an opposition, that the amendment is defective in whatever respect. However, under 47 CFR 1.294, Liberty does not have the right to file a reply to an opposition thereto.

Liberty does have the right under 47 CFR 1.294 to request leave from the Commission to file a reply. However, as in previous actions, such as its tower site certification and auction certifications, Liberty chose to ignore Commission Rules and to do what it pleased. This further calls into question its reliability and trustworthiness to be a Commission licensee.

Liberty gets even more fanciful in its January 8, 2000, opposition, at paras. 3-4, According to Liberty, its reply to

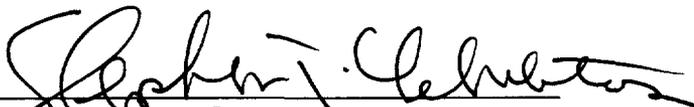
Willsyr's opposition to amendment was really an opposition to an initial interlocutory request by Willsyr, and thus authorized by 47 CFR 1.294. However, if this was actually the basis of Liberty's "reply," it would have said so at the time. It did not, and its arguments now are nothing more than post-hoc rationalizations and a playing with words that even Humpty Dumpty might find to be silly.

Liberty's January 8, 2000, opposition was directed to both Willsyr and Orion Communications Limited ("Orion"). Orion will not be filing a separate reply and joins in support of Willsyr's reply hereto.

WHEREFORE, in view of the foregoing, Willsyr requests that its motion to strike, and that of Orion, be granted.

Respectfully submitted,

WILLSYR COMMUNICATIONS, LIMITED PARTNERSHIP

By: 
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January 18, 2000

CERTIFICATE OF SERVICE

I, Stephen T. Yelverton, an attorney at law, do hereby certify that on this ¹⁹18th day of January, 2000, I have caused to be hand-delivered or mailed, U.S. Mail, first-class, postage prepaid, a copy of the foregoing "Reply to Opposition" to the following:

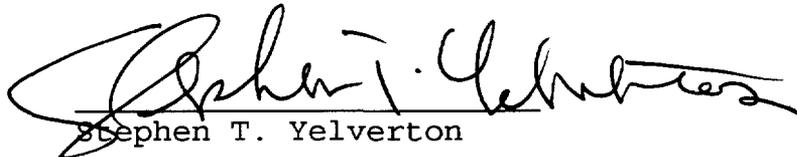
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