

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

In re)
)
FAMILY BROADCASTING, INC.)
)
Order to Show Cause Why the Licenses for)
Stations WSTX(AM) and WSTX-FM,)
Christiansted, U.S. Virgin Islands,)
Should Not Be Revoked)

EB Docket No. 01-39

RECEIVED

MAR 16 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**ENFORCEMENT BUREAU'S OPPOSITION
TO PETITION FOR RECONSIDERATION**

1. On March 15, 2001, Family Broadcasting, Inc. ("Family") filed a "Petition for Reconsideration" ("petition"). Family seeks reconsideration of the *Order to Show Cause and Notice of Opportunity for Hearing* ("OSC") in this proceeding. See *Family Broadcasting, Inc.*, FCC 01-44, released February 13, 2001. The OSC initiated a hearing proceeding to determine whether the licenses for WSTX(AM) and WSTX-FM, Christiansted, Virgin Islands, should be revoked. For the reasons that follow, the Enforcement Bureau ("Bureau") opposes Family's petition.

2. Family's petition does not address, nor seek a waiver of, section 1.106(a) of the Commission's rules, 47 C.F.R. § 1.106(a). Among other things, that provision states:

"A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding."

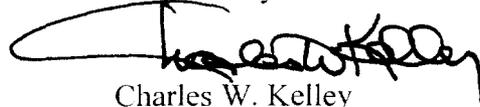
Although styled as a petition for reconsideration, Family's petition does not ask the Commission to reconsider any particular aspect of the OSC. Rather, Family's petition requests that the Commission set aside the OSC to allow Family to correct technical

0+14

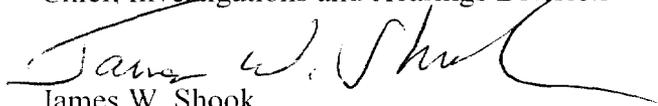
deficiencies cited therein and to effectuate a transfer of control from Family's controlling stockholder and his wife to their children. In this regard, Family claims that none of the children had any role in the wrongdoing alleged in the *OSC*. Nothing in Family's petition suggests that it relates in any way to an adverse ruling with respect to Family's participation. Indeed, the *OSC* grants Family the right to participate fully in the upcoming hearing and explain, if it can, why it should be allowed to retain its licenses.

3. Accordingly, the Bureau opposes Family's petition and submits that both the pertinent rule and related precedent¹ require dismissal of Family's petition.

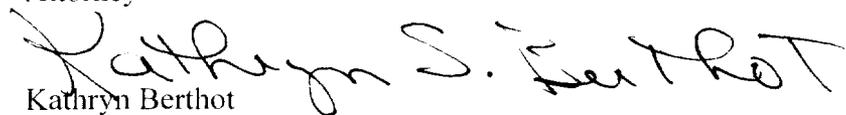
Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division



James W. Shook
Attorney



Kathryn Berthot
Attorney

Federal Communications Commission
445 12th Street, S.W., Room 3-B443
Washington, D.C. 20554
(202) 418-1420

March 16, 2001

¹ See, e.g., *WWOR-TV, Inc.*, 6 FCC Red 4878 (1991); *Cable TV, Inc.*, 54 FCC 2d 465 (1975); *Service Electric Cable TV, Inc.*, 51 FCC 2d 763, 764-65 (1975); *Time Sales, Inc.*, 49 FCC 2d 1403, 1404 (1974).

CERTIFICATE OF SERVICE

Karen Richardson, secretary of the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 16th day of March 2001, sent by facsimile, first class mail or by hand copies of the foregoing "Enforcement Bureau's Opposition to Petition for Reconsideration" to:

Lauren A. Colby, Esquire (by facsimile and first class mail)
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

Administrative Law Judge Richard L. Sippel (by hand)
Federal Communications Commission
445 12th Street, S.W.. Room 1-C864
Washington, D.C. 20054


Karen Richardson