

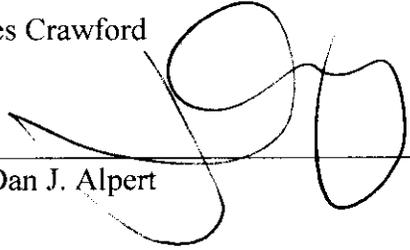
Bryan A. King
BK Radio
1809 Lightsey Road
Austin, Texas 78704

Matthew L. Leibowitz, Esq.
Leibowitz & Associates, P.A.
One SE Third Avenue, Suite 1450
Miami, Florida 33131
Counsel for Next Media Licensing, Inc.

Gregory L. Masters, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for Capstar TX LP and
Clear Channel Broadcast Licenses, Inc.

Mark N. Lipp, Esq.
Shook, Hardy & Bacon, L.L.P.
600 14th Street, N.W., Suite 800
Washington, D.C. 20005
Counsel for First Broadcasting Company, L.P. and Rawhide Radio, L.L.C.

Gene A. Bechtel, Esq.
9312 Wooden Bridge Road
Potomac, Maryland 20854
Counsel for Elgin FM Limited Partnership and Charles Crawford



Dan J. Alpert

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 00-148
Table of Allotments,)	RM-9939
FM Broadcast Stations.)	RM-10198
(Quanah, Texas, <i>et al.</i>))	

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

OPPOSITION TO FURTHER MOTION FOR EXTENSION OF TIME

M&M Broadcasters, Ltd., by its attorney, hereby respectfully submits its Opposition to the "Further Motion for Extension of Time" filed by First Broadcasting Company, L.P.; Rawhide Radio, L.L.C.; Next Media Licensing, Inc.; Capstar TX Limited Partnership; and Clear Channel Broadcast Licenses, Inc. (together, the "Joint Parties") on April 1, 2002. With respect thereto, the following is stated:

1. In their Further Motion for Extension of Time, the Joint Parties are seeking an extension of the time in which to respond to the Commission's *Request for Supplemental Information*, DA 02-158, released January 18, 2002. The Joint Parties stated that "they are engaged in ongoing efforts to obtain information which will enable them to fully respond to the information requested by the Commission." Further Motion for Extension of Time at 1. While this request initially sounds somewhat appealing, the limited nature of the information requested must be kept in mind.

2. Specifically, the Commission requested that the Joint Parties provide a copy of agreement with A.M. & P.M. Broadcasting, LLC ("AM & PM"), licensee of KICM(FM), Krum,

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Texas. This agreement has been described as providing that after grant of an upgrade application for KICM(FM) and the allotment changes requested by the Joint Parties in this proceeding were approved by the Commission, AM & PM would file an application to downgrade the KICM(FM) facilities. The Commission also requested comment on the applicability of Section 1.420(j) of the Commission's Rules to such an agreement, along with the documentation required by Section 1.420(j).

3. It is not clear which of these requests could possibly create such a substantial delay in responding to the Commission. With regard to the agreement with AM & PM, presumably that document was already in existence, and all that would be required would be to provide a photocopy of the document. The documentation required by Section 1.420(j) should be almost equally quick to prepare, as the primary items required are a certification as to the compensation to be paid, a figure which would be in the agreement, and information as to expenses which have already taken place. Further, development of an argument as to whether Section 1.420(j) should apply in such circumstances, while requiring some thought and research, is not complicated as to require some three and one-half months to prepare.

4. It must be remembered that the Commission's *Request for Supplemental Information* was released on January 18, 2002. The Joint Parties have now already had almost three months within which to provide the documents, most of which presumably were pre-existing documents. Given the simplicity of the Commission's request, the necessary question arises of why the Joint Parties could possibly require so much time. Their mention of utterly unauthorized and unacceptable "Comments and Counterproposal of the Sister Sherry Lynn Foundation, Inc."¹ is

¹ This filing would appear on its face to be untimely, as well as irrelevant to the issue of an extension. Further, since the filing is labeled as a counterproposal and seeks to add an allotment at a new community not previously included in this proceeding, a public notice seeking

nothing more than a red herring, as those comments are completely unrelated to the information requested by the Commission. Thus, once again, for what reason is the extension of time actually needed? Given the utter lack of any expressed justification for the inordinate delay in responding to the Commission, M&M hereby opposes the Joint Parties' Further Request for Extension of Time.

WHEREFORE, it respectfully is requested that the "Further Motion for Extension of Time" be denied.

*The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201*

April 16, 2002

Respectfully submitted,

M&M BROADCASTERS, LTD.

By:

Dan J. Alpert

Its Attorney

comments would be necessary before the Commission could take any positive action on that proposal. Clearly, the appropriate time for a response from any interested parties, including the Joint Parties, would be at that time. Moreover, once the Commission's staff examines the filing, it will find that the filing is unacceptable in that it is a counterproposal filed approximately eighteen months after the counterproposal deadline in this proceeding, and it attempts to introduce a new community long after all comment deadlines have passed.

CERTIFICATE OF SERVICE

I, Dan J. Alpert, do hereby certify that true copies of the foregoing "Opposition to Further Motion for Extension of Time" have been served this 16th day of April, 2002, by First Class Mail, postage prepaid, upon the following:

NationWide Radio Stations
Marie Drischel, General Partner
496 Country Road
Suite 308
Big Creek, Mississippi 38914

Station KXOO
Paragon Communications, Inc.
P.O. Box 945
Elk City, Oklahoma 73648

Vincent A. Pepper, Esquire
Womble Carlyle
1401 I St., N.W.
Suite 700
Washington, DC
Counsel for Windthorst Radio
Broadcasting Company

Station KKAJ
Chuckie Broadcasting Co.
Box 429
1205 Northglen
Ardmore, Oklahoma 73402

Station KSEY
Mark V. Aulabaugh
Box 471
Seymour, Texas 76380

Timothy Brady, Esquire
P.O. Box 71309
Newnan, Georgia 30271-1309
Counsel for Chuckie Broadcasting
Co.

Station KLRK
KRZI, Inc.
1018 N. Valley Mill Drive
Waco, Texas 76710

Stations KGOK and KICM
AM & PM Broadcasting LLC
5946 Club Oaks Drive
Dallas, Texas 75248

Station KRZB
Texas Grace Communications
P.O. Box 398
Wichita Falls, Texas 76307

Robert L. Thompson, Esquire
Thiemann Aitken & Vohra, L.L.C.
908 King Street
Suite 300
Alexandria, Virginia 22314
Counsel for AM & PM
Broadcasting, LLC

Lee Peltzman, Esquire
Shainis & Peltzman, Chartered
1850 M Street, N.W.
Suite 240
Washington, D.C. 20036
Counsel for KRZI, Inc.

Sheldon Broadcasting, Ltd.
P.O. Box 1996
Temple Texas 76502

David P. Garland, President
Stargazer Broadcasting, Inc.
P.O. Box 519
Woodville, Texas 75979

Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, Texas 77345