

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

In the Matter of Applications of)
)
RESORT AVIATION SERVICES, INC.)
)
For Renewal of Aeronautical Advisory)
Station WYT9, Coeur d'Alene Airport,)
Hayden, Idaho)
)
and)
)
KOOTENAI COUNTY, COEUR D'ALENE)
AIRPORT)
)
For a New Aeronautical Advisory Station at)
Coeur d'Alene Airport, Hayden, Idaho)

WT DOCKET NO. 02-179

File No. 0000628303

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

File No. 0000663272

To: Arthur I. Steinberg
Administrative Law Judge

**ENFORCEMENT BUREAU'S RESPONSE TO
RESORT AVIATION'S MOTION TO ENLARGE ISSUES**

1. On July 26, 2002, Resort Aviation Services, Inc. ("Resort Aviation"), by counsel, filed a motion ("Motion") to enlarge the issues in the above-captioned proceeding. The Enforcement Bureau, pursuant to section 1.229 of the Commission's rules, 47 C.F.R. § 1.229, does not oppose Resort Aviation's Motion.

2. The *Hearing Designation Order*, WT 02-179, released July 2, 2002, in this proceeding ("*HDO*"), designated the above-captioned applications for comparative hearing to determine which applicant would provide the public with better Unicom service and, in light of the evidence presented, which application, if either, should be

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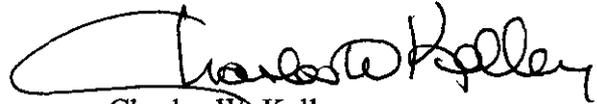
granted. The *HDO*, at note 4, specifically advised that if any party intended to submit evidence regarding “the unusually good or unusually poor” record of Resort Aviation during its license term, “that party must first file a motion to enlarge issues with the presiding administrative law judge.” The *HDO*, at note 4, also specifically referenced section 1.229 of the Commission’s rules, which describes the procedures for filing a motion to enlarge issues.

3. Section 1.229(d) of the Commission’s rules states, in relevant part, that a motion to enlarge “shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact . . . shall be supported by affidavits of a person or persons having knowledge thereof.” 47 C.F.R. § 1.229(d). Although Resort Aviation failed to direct its Motion to the Presiding Administrative Law Judge, the Motion appears to satisfy the minimal procedural requirements of section 1.229 of the Commission’s rules, namely, that the motion contain specific allegations of fact and accompanying affidavits supporting such allegations of fact. The president of Resort Aviation, Fred M. Miller, affirms that Resort Aviation has “had an unusually good record during the prior license term.” *See* Affidavit of Fred M. Miller in Support of Motion to Enlarge Issues. Mr. Miller’s affidavit incorporates by reference an affidavit of Kathlean Garren, along with 75 survey responses, that Resort Aviation had submitted when it filed its renewal application.

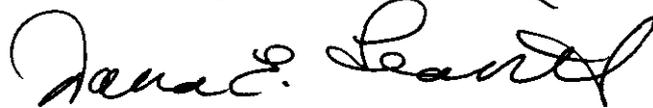
4. Notwithstanding Resort Aviation's failure to include in its Motion a copy of Ms. Garren's affidavit and the supporting survey responses, the Bureau is satisfied that Resort Aviation has met the threshold requirements necessary to grant its Motion.

5. Accordingly, the Bureau does not oppose Resort Aviation's Motion.

Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division



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August 5, 2002

CERTIFICATE OF SERVICE

Karen Richardson, a Legal Technician in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 5th day of August 2002, sent by first class mail and facsimile or by hand copies of the foregoing "Enforcement Bureau's Response to Resort Aviation's Motion to Enlarge Issues" to:

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