

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FCC - MAILROOM

In the Matter of )  
 )  
Reclassification of License of ) RM-10567  
Station KJEL(FM) )  
(Lebanon, Missouri) )  
 )  
TO: Chief, Audio Division )

**OPPOSITION TO ORDER TO SHOW CAUSE**

Ozark Broadcasting, Inc. ("Ozark"), the licensee of FM Broadcast Station KJEL, Lebanon, Missouri, by its attorney, hereby respectfully opposes the Order to Show Cause, released in this proceeding on September 20, 2002, proposing to downgrade Station KJEL from a Class C facility to a Class C0 facility. In opposition thereto, it is alleged:

1. On November 4, 2002, counsel for Ozark received a telephone call from a member of the FCC staff, asking whether Ozark had filed any response to an Order to Show Cause, allegedly released in this proceeding on September 20, 2002. Counsel advised the FCC staff member that counsel had no knowledge of any such Order to Show Cause. The staff member then faxed a copy of the Order to counsel.

2. The Order directs the Commission staff to send a copy of the Order to Show Cause by certified mail, return receipt requested, to Ozark Broadcasting, Inc., P.O. Box 430, Moberly, Missouri 65270. That is a correct address. However, when counsel telephoned and emailed the president of Ozark, David Shepherd, Mr. Shepherd was completely shocked. He had

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never seen a copy of the Order to Show Cause; none of his operating staff had seen such an Order; and nobody remembers seeing any such communication from the FCC.' Thus, it appears that something went wrong; that Ozark did not receive the notice required by Section 316 of the Communications Act, as a prerequisite to any modification of the license of Station KJEL

3. Briefly, the proposed downgrading of Station KJEL from a Class C to Class  $\infty$  station will not serve the public interest. Ozark vigorously opposes any such downgrading and demands the hearing to which it is entitled under 47 U.S.C. Section 316. FCC v. NBC (KOA), 319 U.S. 239 (1943).

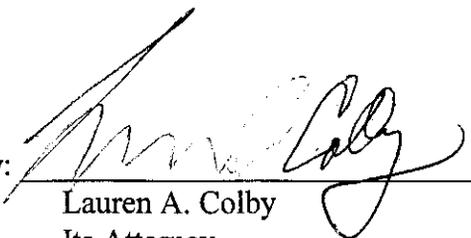
4. This is to advise the Commission, furthermore, that Ozark fully intends to apply for full Class C facilities for Station KJEL and that such application will be filed within 180 days, or such lesser period of time as may be required to forestall downgrading of Station KJEL to a Class  $\infty$  facility.

Respectfully submitted,

OZARK BROADCASTING, INC.

November 4, 2002

Law Office of  
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By:   
Lauren A. Colby  
Its Attorney

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<sup>1</sup>Normally the same person picks up the mail from the post office **box** everyday, and she knows that communications from the FCC are **of** utmost importance.

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, or by overnight courier this 4<sup>th</sup> day of November, 2002, to the offices of the following:

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Traci Maust