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January 14, 2003

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

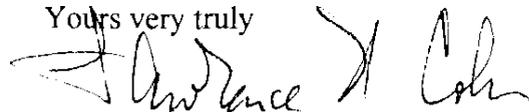
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 – 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Dear Ms. Dortch

On behalf of Tichenor License Corporation, there is herewith submitted an original and five (5) copies of its Opposition to Motion for Leave to File Reply Comments in MB Docket No. 02-212 (Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Vinton, Louisiana, Crystal Beach, Winnie, and Lumberton, Texas)).

Please direct any communications regarding the enclosure to the undersigned counsel.

Yours very truly



Lawrence N. Cohn

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202(b)) MB Docket No. 02-212
Table of Allotments) RM-10516
FM Broadcast Stations)
(Vinton, LA, Crystal Beach, Winnie.)
and Lumberton, TX)

To: John Karousos, Assistant Chief
Audio Division
Media Bureau

Opposition to Motion for Leave to File Reply Comments

Tichenor License Corporation ("TLC"), by its counsel, hereby submits this Opposition to the Motion for Leave to File Reply Comments ("Motion") submitted by Charles Crawford on January 6, 2003. TLC opposes the Motion, and in support states the following:

In its Public Notice of December 11, 2002 (Report No. 2587), the FCC announced that it would consider the proposal set forth by TLC in its timely-file reply comments in the above-referenced proceeding as a counterproposal in the proceeding and provided interested parties 15 days (until December 26, 2002) in which to file reply comments with respect to TLC's counterproposal. No further pleadings were contemplated by the Public Notice or are authorized by any provision of the Commission's rules. TLC timely filed Reply Comments in support of its counterproposal

on December 26, 2002. On January 6, 2003, Crawford submitted a pleading captioned “Reply Comments of Charles Crawford,” together with the Motion to which this pleading is addressed.

In his Motion, Crawford seeks leave to file reply comments after the established date for doing so and proffers, as the sole “good cause” basis for acceptance of his unauthorized pleading, that certain legal arguments presented by TLC in its Reply Comments are “totally inconsistent” with arguments which TLC advanced in opposition to “another party in another proceeding” (referring to TLC’s Comments dated November 8, 1499, In re the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station (Galveston and Missouri City, Texas; MM Docket No. 99-284). Motion, page 1.

Crawford’s Motion is frivolous. Assuming arguendo that TLC’s Reply Comments included legal arguments that were “totally inconsistent” with arguments which it advanced more than three years ago in MM Docket No. **99-284**¹, any such “inconsistency” is of no significance whatever to an assessment of the relative merits of

¹ The argument TLC made in that proceeding (relating to the legal significance in the context of an FM rule making proceeding of a petitioner’s request to change a station’s community of license where the change was not necessitated by the location of the station’s tower) was not addressed, much less resolved, by the Commission in that proceeding (see, Report and Order in MM Docket No. 99-284, 16 FCC Red 747, (rel. January 12, 2001)). **As** TLC’s position in the former proceeding was **not** adopted by the Commission, it is not improper, wrong, or unethical for TLC and its counsel to advance a legal argument in this proceeding which is different from the one which it advanced in the prior proceeding and, moreover, the matter is of no consequence to the Commission’s assessment of the issue in the current proceeding.

the proposals before the Commission in the instant FM rule making proceeding.^{2f} Hence, any such "inconsistency" provides not the slightest support for, much less does it affirmatively establish the requisite "good cause" for, consideration of Crawford's unauthorized Reply Comments.

Accordingly, the Motion should be denied and the Reply Comments of Charles Crawford submitted concurrently by Crawford should be dismissed.

Respectfully submitted

TICHENOR LICENSE CORPORATION

A handwritten signature in black ink, appearing to read "Lawrence N. Cohn", written over a horizontal line.

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Its Counsel

Date: January 14, 2003

^{2f} It is richly ironic that Crawford strenuously asserts that the merit of TLC's counterproposal in *the instant* proceeding is somehow diminished by the mere fact that TLC advanced another argument in another proceeding. This absurd effort to discredit the merit of TLC's position in this proceeding brilliantly demonstrates why, as TLC argued in its Reply Comments, the Commission has wisely decided not to allow parties in FM rule making proceedings to attack the character and motivations of their adversaries, lest these proceedings take on the "slash and burn" aura of the FM comparative hearing cases of the 1970s and 1980s.

CERTIFICATE OF SERVICE

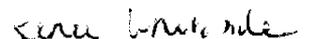
I, Renee Whiteside, hereby certify that on this 14th day of January, 2003, I caused copies of the foregoing "Opposition to Motion for Leave to File Reply Comments" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

John Karousos, Assistant Chief
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Renee Whiteside