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July 29, 2003

**SENT BY FEDERAL EXPRESS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: New Ulm Broadcasting Company "Motion to  
Strike Unauthorized 'Response' of Linda Crawford"  
in MB Docket No. 02-248, RM-10537,  
FM Table of Allocations, Smiley, Texas.

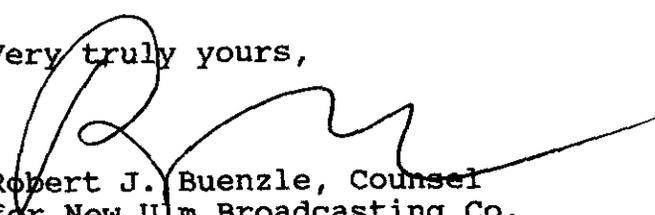
Dear Ms. Dortch:

Transmitted herewith is an original and four copies of  
the above captioned pleading as directed to the Assistant  
Chief, Audio Division, Media Bureau.

It is requested that the attached copy marked "FILE" be  
date-stamped and returned to us in the enclosed self-  
addressed stamped envelope.

Should any additional information be required, please  
contact this office.

Very truly yours,

  
Robert J. Buenzle, Counsel  
for New Ulm Broadcasting Co.

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Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C.

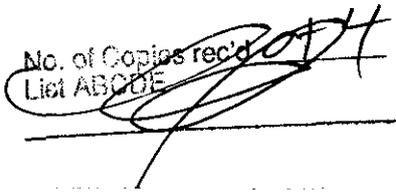
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In the Matter of	)	MB Docket No. 02-248
	)	
Amendment of Section 73.202(b)	)	RM-10537
Table of Allotments	)	
FM Broadcast Stations	)	
Smiley, Texas	)	

To: Assistant Chief,  
Audio Division  
Media Bureau

**MOTION TO STRIKE UNAUTHORIZED  
'RESPONSE' OF LINDA CRAWFORD**

On June 11, 2003, the Commission released a Public Notice in this docket (Report No. 2609) listing the counterproposal of LBR Enterprises, Inc, and inviting Reply Comments. Reply Comments were then in fact filed on June 25, 2003, by New Ulm Broadcasting Company ("New Ulm"), LaGrange Broadcasting Corporation, and by Linda Crawford ("Crawford"). The Public Notice did not provide for any further pleadings of any kind by any party. Most specifically it did not contemplate nor authorize any "Response" pleading to be filed by anyone. Notwithstanding its complete lack of authority or permission to do so, Crawford nonetheless proceeded to file an additional pleading on July 5, 2003, styled as a "Response To Reply Comments of New Ulm Broadcasting". For the reasons set forth below New Ulm objects to receipt or consideration of this unauthorized pleading in this proceeding.

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**I. The Pleading is Procedurally Defective in That it is Totally Unauthorized and Contrary to the Commission's Rules, and It Should Therefore Be Dismissed And Crawford Admonished For Its Clear and Repeated Abuse of Process In This Proceeding.**

The first point to note here is that Crawford is no stranger to FCC procedures and has been a petitioner and proponent in a substantial number of FM Rulemaking cases filed and prosecuted by her over the past several years. She is no stranger to FCC proceedings or FCC rules that govern such proceedings and, as such, must be assumed to be fully aware of the prohibitions and restrictions as stated in the rules which govern such proceedings, and to have acted willfully in this case in direct contravention and violation of those rules.

Secondly, the FCC Public Notice clearly provided for Reply Comments to be filed and indicated no other subsequent pleadings as being authorized or approved to be filed by any party. Furthermore, FCC Rules both generally (47 CFR 1.45(c)) and in rulemaking proceedings (1.415(d)) make it clear beyond peradventure that "additional pleadings may be filed only if specifically requested or authorized by the Commission". To state the obvious, no such additional pleadings were "requested" from Crawford, nor did Crawford receive, or even seek, any "authorization" for its additional pleading.

Third, Crawford has already been the subject of a prior Motion to Strike a Crawford pleading filed by New Ulm in this very proceeding on January 16, 2003. On that occasion, New Ulm objected to Crawford's filing of yet another additional pleading

styled as a "Response" that had been filed ten days after the applicable pleading cycle had expired, as well as a subsequent Reply pleading (directed to New Ulm's Opposition to the "Response") pleading which would have otherwise been authorized but which was itself filed almost a week and one-half late. As noted in the January 16, 2003, New Ulm Motion to Strike that "Reply", Crawford's alleged "excuse" for the late-filed "Reply" was unbelievable and raised even more questions as to Crawford's conduct in this case, forming the basis, as argued there, for a finding of abuse of process by Crawford. In reviewing the instant Motion to Strike, it is requested that the Commission also review again the January 16, 2003, Motion to Strike since it establishes scienter on Crawford's part and the repeated nature of Crawford's violations.

**II. The "Substance" of Crawford's Unauthorized "Response" Pleading is Patently Absurd, Untimely (again), and So Utterly Wasteful of the Commission's Time and Assets That It Compounds the Abuse of Process By Crawford.**

While recognizing that the Crawford pleading was so clearly contrary to the Commission's procedural rules, unauthorized and without even a request to be allowed to file, that it must be dismissed out of hand, New Ulm is nonetheless required perforce to also comment upon the "substance" of what Crawford has tried to argue to the Commission. In the New Ulm Counterproposal filed on October 21, 2002, New Ulm noted that the town of Schulenburg was 100% white area, with no existing radio transmission service or reception service of any kind.

On November 5, 2002, Crawford filed her Reply pleading and, at that time, chose not to include any challenge to the New Ulm claim of "white area". Apparently not content with what she had said in her Reply, Crawford then filed an additional pleading ten days after the Reply date (and the filing of her own Reply pleading), this time adding various other arguments but again, including no challenge to the white area that had been claimed by New Ulm in its Counterproposal. New Ulm filed an Opposition to the Crawford "Response" on procedural and substantive grounds, and the time for any "Reply" to that Opposition came and went with nothing more filed by Crawford. Nine days after the filing date however, Crawford filed her "Reply" (with an "excuse " for lateness that was simply beyond belief) and in that "Reply" for the first time ever, challenged the white area claim by New Ulm.

The claim was obviously untimely by almost two months (and by two pleadings) and was also based upon nothing more than an internet site relied upon by Crawford that purported to describe radio service generally in America. New Ulm moved to Strike for both procedural and substantive reasons and included a further "Engineering Statement" by its professional Electrical Engineer (who specializes in radio and television engineering and whose qualifications are a matter of record with the Commission) again confirming the New Ulm white area claim in full, consistent with all FCC rules and regulations defining such service.

Now, in the most recent shot by Crawford, she again returns to her totally baseless and unsupported personal speculation that

New Ulm's engineer is wrong in his conclusion as to the white area. As far as we can tell in this proceeding, Crawford has no engineering credentials or degrees (she has offered no claim to such expertise) and no qualifications whatsoever for her totally baseless and totally wrong engineering claims and arguments. This lack of engineering competency has not stopped her, nor has it deterred her in any way, from repeating arguments with no basis in fact or analyses consistent with FCC Rules and Regulations which, by definition, govern such matters.

New Ulm's professional engineer has analyzed all service as defined by FCC rules and has concluded and stated categorically not once, but twice now, that there is no existing reception service and no existing transmission service, as defined and measured by FCC Rules, in any part of the city of Schulenburg. It is 100% white area. This claim was originally made by New Ulm in its Counterproposal as filed on October 21, 2002, was further supported and defended in a second Engineering Statement included in New Ulm's Motion to Strike as filed on January 16, 2003, and it has not changed in any way. It remains as it was stated then: The city of Schulenburg is 100% white area. The continued unqualified and baseless claims by Crawford to the contrary are patently wrong and patently absurd and it is a disservice to the parties and the Commission for Crawford to continue to make claims in an area in which she has no competency to assert such claims. Such continued arguments with the lack of any professional engineering support or verification constitutes a

needless waste of the Commission's time and assets in dealing with it and compounds the existing abuse of process by Crawford.

In sum, while we might have strong disagreement with the substance of Crawford's various nontechnical arguments, we would not object to her right to make a timely offer of whatever argument she might wish to make on any nontechnical matter, the merit of which, or lack thereof, could then be easily determined. On the other hand however, we strenuously object to Crawford's repeated claims and unfounded speculations in the engineering area (i.e. what constitutes radio "service" as defined by the Commission's rules, measurements, standards and analyses) without benefit of the signature of any qualified professional radio engineer willing to sign his name in support of Crawford's own non-competent engineering arguments and conclusions. Absent such verification by a qualified professional engineer, her own unique speculations, determinations, conclusions and theories in that area remain baseless, unsupported, and unworthy of further analyses or consideration by the Commission or anyone else.

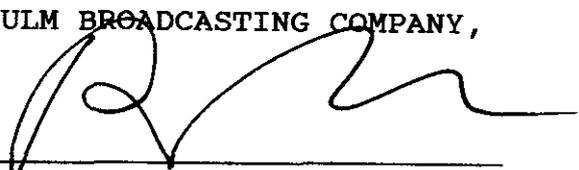
### **III. Conclusion**

Wherefore, it is respectfully requested that the Audio Division grant this Motion to Strike, dismiss the Crawford "Response To Reply Comments of New Ulm Broadcasting" without further consideration, and admonish Linda Crawford to observe and obey the Commission's Rules which govern these proceedings.

Respectfully submitted,

NEW ULM BROADCASTING COMPANY,

by

A handwritten signature in black ink, appearing to read 'R. Buenzle', is written over a horizontal line. The signature is stylized and cursive.

Robert J. Buenzle

Its Counsel

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July 30, 2003

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Motion to Strike Unauthorized 'Response' by Linda Crawford have been served by United States mail, postage prepaid this 30th day of July, 2003, upon the following:

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Media Bureau  
Federal Communications Commission  
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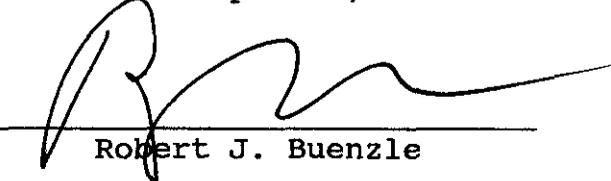
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Robert J. Buenzle

\* Also Sent By Fax