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Federal Communications Commission  
Office of the Secretary

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

In re	DOCKET FILE COPY ) ORIGINAL	MB Docket No. 04-191
<b>San Francisco Unified School District</b>	)	
	)	
For Renewal of License for Station KALW(FM), San Francisco	)	Facility ID No. 58830 File No. BRED-19970801YA
To: Chief Administrative Law Judge Richard L. Sippel		

**ENFORCEMENT BUREAU'S BRIEF**

1. In a Joint Status Report, filed by the Enforcement Bureau (the "Bureau") and by the San Francisco Unified School District ("SFUSD") on October 15, 2004, the parties reported to the Presiding Administrative Law Judge about a number of matters, including what each believed to be the relevant time period in this proceeding. In this regard, the parties opined that the relevant period began on January 1, 1991; however, there was no agreement as to when the relevant period ended. Consequently, by *Order*, FCC 04M-36, (rel. Oct. 21, 2004), the Presiding Administrative Law Judge directed the parties to file briefs regarding the appropriate termination date. The Bureau hereby submits its brief.

2. The significant issues in this proceeding focus on possible deceit by SFUSD, first in the above-captioned renewal application which was filed at the Commission on August 1, 1997, and second, in an April 6, 2001, response to a staff inquiry dated February 5, 2001. Other, secondary matters, concern alleged rule violations which could result in forfeitures. Consequently, the focus of this proceeding will be on the facts and circumstances that led to the preparation of the 1997 renewal application and the April 2001 response to the staff inquiry. In addition, the Bureau expects to adduce evidence

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relative to alleged rule violations. As of now, the Bureau cannot determine with any reasonable certainty when all such violations ceased. Consequently, some of the evidence offered may pertain to events that post-date SFUSD's April 6, 2001, response already discussed above. Should such violations be established, the Bureau further expects that evidence relevant to SFUSD's current financial situation will be offered by SFUSD and/or the Bureau so as to allow for a proper determination of a forfeiture amount. Finally, the Bureau notes that by *Memorandum Opinion and Order*, FCC 04M-31 (rel. Oct. 8, 2004), the Presiding Administrative Law Judge has already determined that SFUSD will be permitted to introduce evidence on meritorious service for two one-year periods (November 3, 1996 to November 3, 1997, and July 16, 2003 to July 16, 2004), presumably for the purpose of mitigating the impact of any rule violations, other than misrepresentation, that SFUSD may have committed.

3. In light of the above, the Bureau perceives no reason to set a firm "termination

date” with respect to the relevant period for this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James W. Shook". The signature is written in a cursive style with a large, sweeping initial "J".

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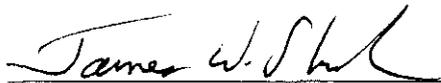
**Certificate of Service**

James W. Shook, special counsel in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has, on this 27th day of October, 2004, sent by first class United States mail, electronic mail ("email") or delivered by hand, copies of the foregoing "Enforcement Bureau's Brief" to:

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James W. Shook