

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC, 20554

In the Matter of )  
Creation of a Low ) MB Docket No. 05-210  
Power Radio Service ) RM-10960

MOTION TO DISMISS

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
1 2th Street Lobby - TW - A325  
Washington, D.C. 20554

Thursday, November 03, 2005

My name is Joseph D'Alessandro (WREBG-LP), and I strongly do not support any actions the Federal Communications Commission takes to expand and support The NAB & Ed Fritz and all of the Radio stations under the Jurisdiction of the NAB and There Attorneys, and demand a MOTION TO DISMISS there frivolous, void and moot replies comments.

"Substantive Due Process of Law, and Civil, and Legal Rights."

(I) I must have have Primary Status, i have \$20,000.00 thousand dollars in my station now. As of Tuesday, 26 July, 2005 i am investing another \$10,000.00 thousand

(II) My life is in WRBG-LP You Will Not USURP IT AWAY, By Greed and Oligarchy Government Laws by the few The FCC & NAB. The FCC & NAB in which a small group exercises control especially for selfish purposes, not the good of the people, it is a deception perpetrated By Ed Fritz And His Attorneys, for greed and power, and MONEY. How in world can infinity own over 2000 thousand radio stations HOW ???? Mis Prison Of Treason Against The United States Constitution, and Mis Prison Of Treason Against the Citizens of The United States.

Plaintiffs rights to a Hearing and a jury trial  
Fed.R.Civ.P. 8(f) reads: "All pleadings shall be so construed as to do substantial justice."

## Substantive Due Process

"Substantive Due Process" is the fundamental constitutional legal theory upon which the Griswold/Roe/Casey privacy right is based. The doctrine of Substantive Due Process holds that the Due Process Clause not only requires "due process," that is, basic procedural rights, but that it also protects basic substantive rights. "Substantive" rights are those general rights that reserve to the individual the power to possess or to do certain things, despite the government's desire to the contrary. These are rights like freedom of speech and religion. "Procedural" rights are special rights that, instead, dictate how the government can lawfully go about taking away a person's freedom or property or life, when the law otherwise gives them the power to do so. The "why" is substantive due process. Even if an unreasonable law is passed and signed into law legally (procedural due process), substantive due process can make the law unconstitutional.

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## THE LAW

In a Democracy, The People Get the Government They Deserve

"IF YOU DO NOT KNOW YOUR RIGHTS YOU HAVE NO RIGHTS"

The FCC and The NAB are in subjection to Federal Law title 47 of the United States Code (Interstate) Connecting, or existing between two or more states especially of the U.S. interstate commerce not (intrastate) existing or occurring within a state THIS IS THE LAW wheather you like it or not you the NAB have no jurisdiction over WRBG-LP, now if COX and CRX attempt to force me off the air you will have a long uphill battle NOT ME. I Accuse you Ed Fritz and the NAB of Mis Prison of Treason aganist MY and/or OUR United States Constitutional Rights, First, Ninth, and Fourteenth Amendments.

The Federal Communications Commission is an independent federal agency established pursuant to the Communications Act of 1934 (title 47 of the United States Code - available online Section 1 of the Act sets forth the authority for the creation of the FCC, stating,

For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without

discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communications, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is created a commission to be known as the "Federal Communications Commission", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter.

This is very broad authority. This section grants jurisdiction to the FCC over all interstate radio and wireline communications, which pretty much covers everything. You should also notice that this initial language has universal service language built right into it, setting forth the driving policy of making available to all people an efficient communications service.

Signed Mr. Joseph D'Alessandro

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Thank You Sincerly,

Joseph D'Alessandro