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October 28, 1997

RECEIVED

VIA HAND DELIVERY

OCT 28 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: In re Application of Capital Broadcasting Systems, Inc. for renewal of
Experimental Radio Station License, File No. 5379-EX-R-97;
In re Application of Global Broadcasting Company, Inc. for an
Experimental Broadcast Station License, File No. BPEX-970502-MD.

Dear Mr. Caton:

Diversified Ventures Broadcasting, Inc. ("DVI") submits this letter in response to the most recent pleading filed by Global Broadcasting Company, Inc. ("Global") entitled "Leave to File and Response to Reply" (the "Second Response"). Global fails to provide any basis, much less good cause, for Commission consideration of the Second Response -- the fourth pleading in this proceeding. Instead, similar to its other filings before the Commission, Global raises irrelevant and incorrect information in an attempt to focus the Commission's attention away from its deficient past performance over four years of experimental event broadcasting authority and its current proposals for only more of the same. Accordingly, Global's request for leave to file the Second Response should be denied.

Should the Commission decide to consider Global's Second Response despite its obvious failings, DVI respectfully requests this brief opportunity to respond to Global's misstatements. First, Global's attempt to create a relationship between it and Covington & Burling must be rejected. As noted in previous pleadings, Covington & Burling never represented Global. Covington & Burling did represent Joel Chaseman, a stockholder of Global's predecessor Capital Broadcasting, Inc. ("Capital"). However, in this capacity, Covington & Burling never had access to Capital's confidential or proprietary material.

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Indeed, Joel Chaseman -- not Capital -- asked for Covington & Burling's assistance in coordinating the August 8, 1995 meeting with the Mass Media Bureau highlighted in the Second Response. By letter dated August 4, 1995 -- addressed to Roy Stewart of the Mass Media Bureau (the "Bureau") and copied to Greg Deieso of Capital and Joel Chaseman (see Second Response, Exhibit 1) -- Jonathan Blake went to great lengths to distinguish Covington & Burling's representation of Mr. Chaseman from that of Capital. In the letter's opening paragraph, Mr. Blake emphasized that "Hal McCombs" is "counsel to Capital." And Mr. Blake detailed the reason Mr. McCombs would not be available to attend the August 8th meeting. More importantly, solicitous of his role as counsel to Mr. Chaseman and not Capital, Mr. Blake confirmed to the Bureau that Mr. McCombs authorized the meeting to take place despite his inability to attend. Certainly this information dispels any belief on the part of the Bureau that Covington & Burling represented Capital at the meeting.

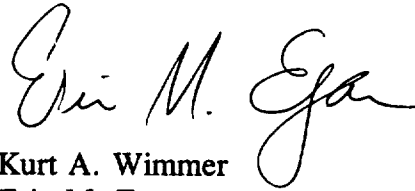
In addition, the August 4, 1995 letter and Global's other supporting exhibit -- the August 4, 1995 memorandum from Mr. Blake to Greg Deieso of Capital, Mr. McCombs and Mr. Chaseman (see Second Response, Exhibit 2) -- discredit Global's contention that Mr. Blake "was acting on behalf of Global in requesting a meeting and in attending that meeting." See Global Response at 3. Both documents remind Mr. Deieso of Capital that Mr. McCombs would not attend the August 8th meeting and that Mr. McCombs requested that the meeting go forward despite his absence. Mr. Deieso's decision whether or not to attend the meeting without representation for Capital was between Mr. Deieso and Mr. McCombs. At no time did Mr. Blake inform Mr. Deieso, or give him or anyone else at Capital the impression, that Covington & Burling would represent Capital's interests at the meeting due to or despite Mr. McCombs absence. Global's claim to the contrary is unjustified.

Global's other assertions simply are irrelevant. Recognizing its faulty past performance, Global now claims that "it will comply with any conditions, requirements or requests in furtherance of the creation of [the event broadcasting] service." See Second Response at 4. But this is too little, too late. Global -- not the Commission -- had to produce substantive data on its experimental event broadcasting program and Global -- not the Commission -- has to support a request for further experimental authority. Having failed in both areas, Global should not be permitted to waste Commission resources in the future. In addition, Global's public interest arguments fail to appreciate that the public interest favors not only open and vital development of event broadcast operations, but also healthy and competent development of the service. Global's experience with event broadcast operations constituted an ill-use of sparse spectrum -- a result directly at odds with the public interest.

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Global is not prepared or willing to develop the information necessary for an event broadcasting service. The Second Response only solidifies this conclusion. For these reasons and the other points raised in its earlier pleadings, DVI urges the Commission to deny the above-referenced applications.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Erin M. Egan".

Kurt A. Wimmer
Erin M. Egan
Attorneys for Diversified Ventures
International, Inc.

cc: Mr. Keith Larson
Mr. Bruce Romano
Mr. Brian Butler
Mr. Harold McCombs