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

NOV 21 1991

Federal Communications Commission  
Office of the Secretary

In re Applications of )  
 )  
WHITE BROADCASTING PARTNERSHIP )  
 )  
 et al. )  
 )  
 )  
For a Construction Permit for )  
A New FM Station )  
Baldwin, Florida )

MM DOCKET NO. 91-10

To: Administrative Law Judge  
Edward Luton

**MASS MEDIA BUREAU'S OPPOSITION TO JOINT PETITION  
FOR APPROVAL OF SETTLEMENT AGREEMENT**

1. On November 8, 1991, Peaches Broadcasting Ltd. ("Peaches"), White Broadcasting Partnership ("White"), Douglas Johnson ("Johnson"), JEM Broadcasting Limited Partnership ("JEM"), and Northeast Florida Broadcasting Corp. ("Northeast Florida") (hereinafter, collectively, "Petitioners"), applicants in the above-captioned proceeding, filed a Joint Petition for Approval of their Settlement Agreement. The Mass Media Bureau submits the following comments in opposition.

2. The settlement agreement contemplates the grant of Peaches' application, and the dismissal of the White, Johnson, Jem

and Northeast Florida applications in exchange for monetary consideration. The consideration consists of \$24,500, \$22,000, \$25,000, and \$50,000, respectively. In the Bureau's view, the Joint Petition and supporting materials submitted by Petitioners fail to satisfy the requirements of Section 73.3525 of the Commission's Rules, as recently amended, in that they fail to establish that the consideration to be paid is limited to legitimate and prudent expenses relative to the applications. It is not relevant to show, as several of the Petitioners have shown, that the expenses were billed and/or paid. Rather, what the Commission requires is "a brief description of the nature of the specific activity and its connection with the comparative new proceeding." Amendment of Section 73.3525 of the Commission's Rules Regarding Settlement Agreements Among Applicants for Construction Permits, 6 FCC Rcd 85, n. 54 (1990). Specifically, White has not described legal expenses beyond the meaningless "Services Rendered." With respect to Johnson, neither legal nor engineering fees are sufficiently described. JEM's legal expenses are not described and only \$1,000 in engineering fees is described. Similarly, Northeast Florida's description of its engineering expenses is inadequate and only \$1,802.50 of its claimed \$41,434 in legal expenses is identified. Thus, none of the applicants has shown that all of the claimed expenses are legitimate and prudent, and none has established that all expenses are related to the application. For this reason, the Bureau submits that the settlement agreement cannot be approved.

3. Accordingly, the Bureau opposes the Joint Petition  
for Approval of Settlement Agreement.

Respectfully submitted,  
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Chief, Mass Media Bureau



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Chief, Hearing Branch



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November 21, 1991

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 21st day of November, 1991, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Opposition to Joint Petition for Approval of Settlement Agreement" to:

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