

ORIGINAL  
FILE

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

In the Matter of )  
ANDREW L. BANAS )  
Licensee of Station WAPR (AM), )  
Avon Park, Florida )  
Order to Show Cause Why the )  
License for Station WAPR (AM), )  
Avon Park, Florida, Should Not )  
Be Revoked )

MM DOCKET NO. 92-40

RECEIVED

APR 24 1992

Federal Communications Commission  
Office of the Secretary

To: Andrew L. Banas

**BILL OF PARTICULARS**

Issue (a) of the Commission's Order to Show Cause and Hearing Designation Order, FCC 92-91, released March 26, 1992, is based upon the following information and allegations:

1. The Commission's records indicate that WAPR(AM), Avon Park, Florida, has been silent since at least August 10, 1987. By letter dated December 29, 1989, the Commission granted to Florida Broadcasting, Inc. ("FBI"), the licensee of WAPR(AM) at that time, temporary authority to remain silent thru March 8, 1990, in order to complete sale negotiations and to allow time to process the pending license renewal application.

2. On April 16, 1990, an application was filed to assign the license of WAPR(AM) from FBI to Andrew L. Banas ("Banas"). This assignment application and the WAPR(AM) license renewal application were both granted on August 24, 1990. The assignment grant contained the following condition:

- (a) That the assignment of license covered by BAL-900416EE will be consummated within sixty (60) days of the date of the grant, that the Commission will be notified of such consummation within one day thereafter, and that the station will resume broadcasting within sixty (60) days after consummation of grant of the assignment application.

In addition, the renewal grant stated:

Failure to meet these conditions will render the grant null and void, and will cause the renewal application to revert to pending status.

No. of Copies rec'd 076  
List A B C D E

The Commission was notified that the assignment of license was consummated on September 5, 1990. However, WAPR(AM) has never resumed broadcasting.

3. By letters dated November 6, 1990, and August 21, 1991, the Commission staff requested Banas to submit information concerning his compliance with § 73.1740 (Minimum Operating Schedule) and § 73.1750 (Discontinuance of Operation) of the Commission's Rules. However, the Commission has not received a response to either official letter of inquiry.

4. The license for the station has not been turned in.

Respectfully submitted,  
Roy J. Stewart  
Chief, Mass Media Bureau



By: Charles E. Dziejcz  
Chief, Hearing Branch

April 24, 1992

**CERTIFICATE OF SERVICE**

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 24th day of April 1992, sent by regular United States mail; U.S. Government frank, copies of the foregoing **"Bill of Particulars"** to:

Administrative Law Judge  
John M. Frysiak  
Federal Communications Commission  
2000 L Street, N.W., Suite 223  
Washington, D.C. 20554

Andrew L. Banas \*  
12408 Olive Trail  
Plymouth, Indiana 46563

Andrew L. Banas \*  
Radio Station WAPR (AM)  
U.S. Highway 27 South  
Suite 5801  
Avon Park, Florida 33825

Andrew L. Banas \*  
Rural Route 2  
Plymouth, Indiana 46563

Michelle C. Mebane  
Michelle C. Mebane

\* By Certified Mail-Return Receipt Requested