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ROBERT S. MARQUIS

December 3, 1991

VIA FEDERAL EXPRESS

The Honorable Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

ATTN: FM Branch
Audio Services Division
Mass Media Bureau

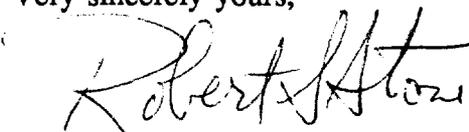
Re: BPH-901221MI, Greenville, Georgia

Dear Ms. Searcy:

Enclosed please find an original and four (4) copies of a Petition for Leave to Amend and accompanying amendment, filed herewith on behalf of our client in the above proceeding, Orchon Broadcasting Company. Also enclosed is an additional copy of the Petition and amendment to be returned to us in the enclosed postage paid, self-addressed envelope after it has been date stamped by your office.

Should you or any members of your staff have questions concerning the enclosed, please contact the undersigned for clarification. Thank you for your cooperation in this matter. With kind regards, I remain

Very sincerely yours,


Robert S. Stone

RSS/dlb
Enclosures

cc: Orchon Broadcasting Company

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

In re Application of)
)
ORCHON BROADCASTING COMPANY) File No. BPH-901221MI
)
For Construction Permit)
for a New FM Station)
on Channel 239A (95.7 MHz))
in Greenville, Georgia)

To: FM Branch
Audio Services Division
Mass Media Bureau

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PETITION FOR LEAVE TO AMEND

FCC MAIL BRANCH

Orchon Broadcasting Company ("Orchon"), by counsel, and pursuant to §§ 1.65 and 73.3522(a)(6) of the Commission's rules and regulations, hereby respectfully submits its Petition for Leave to Amend so as to report updated information in connection with the ownership structure and integration proposal of the applicant, following the death of C. Fred McCurdy, Jr., vice president, director, and 8% shareholder of Orchon Broadcasting Company on October 21, 1991, as previously reported to the Commission. In support whereof, the following is shown:

1. The amendment, proffered herewith, reports the bequest of Mr. McCurdy's interest in Orchon to his wife, Sierra S. McCurdy, in accordance with the terms of Mr. McCurdy's Last Will and Testament. Consistent therewith, the amendment reflects that Ms. McCurdy, heretofore secretary, director, and 22% shareholder of the applicant, shall now serve as vice president, secretary, director, and 30% shareholder of Orchon Broadcasting Company.

2. The amendment also reflects that, as a result of Mr. McCurdy's death, Edmidio Fernandez, Jr., president, director, and 60% shareholder of the applicant, will now serve as full-time general manager as well as program director of the proposed facility, and sets forth his duties as general manager, as had been previously proposed for Mr. McCurdy prior to his death.

3. Finally, the amendment reports updated information in connection with the residential address of Cliff F. McCurdy, III, to further comply with § 1.65 of the Commission's rules. As noted therein, the residence of Cliff F. McCurdy, III is now 19 Stonehaven Drive, Newnan, Georgia, which became effective November 18, 1991.

4. Orchon respectfully submits that, in addition to compliance with § 1.65 of the Commission's rules and regulations, "good cause" exists for the grant of the instant petition and full acceptance of the amendment filed herewith. In that regard, Orchon recognizes that it may not seek comparative credit above and beyond the comparative attributes previously attending its integration proposal in response to Section IV-B, Items 1 and 2, FCC Form 301 (June, 1989 Edition). Richardson Broadcasting Group, 3 FCC Rcd 5453 (MMB, 1988); Rose Broadcasting Company, 68 FCC 2d 1248 (1978). Thus, Orchon does not seek qualitative enhancement credit by virtue of Mrs. McCurdy's gender beyond her 22% ownership as reflected in Orchon's application as amended on March 22, 1991, prior to the deadline for amendments to its application as a matter of right. *See, Public Notice*, Report No. 14935, p. 6, released February 22, 1991. Further, Orchon does not seek qualitative credit for the past local (service area) residence, civic activities, or previous broadcast experience of the late Mr. McCurdy which had attended his integration proposal included in Orchon's March 22, 1991 amendment. Finally, although Mr. McCurdy's proposal to serve as general manager of Orchon's station has now been adopted by Edmidio Fernandez, Jr., president, director, and 60% shareholder of the applicant, Mr.

Fernandez had already proposed integration into the operations of Orchon's station in a significant managerial capacity. Consequently, no comparative "upgrading" will result from acceptance of Orchon's amendment proffered herewith. In that regard, it should be noted that the comparative impact of the change of residence of Cliff F. McCurdy, III, while relevant, is subject to diminished credit as a post-filing relocation. Goodlettsville Broadcasting Company, Inc., 6 FCC Rcd 5651, 5654 (Rev. Bd. 1991) (commencement of service area residence after filing of application entitled to no more weight than proposal to move to service area upon grant of application).

5. All other elements of the Commission's "good cause" test are satisfied by Orchon's amendment. The amendment has been prepared and filed promptly following the applicant's November 12, 1991 Statement for the Record announcing Mr. McCurdy's death on October 21, 1991. Indeed, as the amendment reports, Mr. McCurdy's Last Will and Testament has still not been admitted to probate. Thus, Orchon has demonstrated its diligence. Similarly, no modification or addition of issues or parties would be necessitated by the amendment, no hearing proceeding would be disrupted, and no other party would be unfairly prejudiced by acceptance thereof. Erwin O'Conner Broadcasting Company, 22 FCC 2d 140, 143, 18 RR 2d 820, 824 (Rev. Bd. 1970).

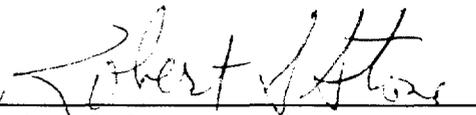
WHEREFORE, premises considered, Orchon Broadcasting Company respectfully requests the FM Branch, Audio Services Division, Mass Media Bureau to grant the instant Petition and to accept the amendment proffered herewith for association with its application now on file at the Commission.

Respectfully submitted,

ORCHON BROADCASTING COMPANY

McC Campbell & Young, Its Attorneys

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By: 
Robert S. Stone

December 3, 1991

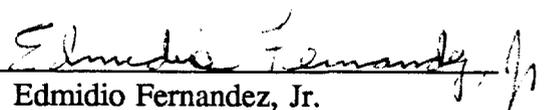
AMENDMENT

The application of Orchon Broadcasting Company for authority to construct and operate a new FM broadcast station to serve the community of Greenville, Georgia on FM Channel 239A (File No. BPH-901221MI) is hereby to report the death of C. Fred McCurdy, Jr., vice president, director, and 8% shareholder of Orchon Broadcasting Company on October 21, 1991. Although not admitted to probate, the last will and testament of Mr. McCurdy provides for the bequest of his interest in Orchon Broadcasting Company to his wife, Sierra S. McCurdy. Consistent therewith, the Commission is advised that, henceforth, Ms. McCurdy shall serve as vice president, secretary, director, and 30% shareholder of Orchon Broadcasting Company. Ms. McCurdy's integration proposal as set forth in the applicant's March 22, 1991 amendment to its application remains the same to the extent that her proposal to serve as full-time (minimum 40 hours per week) news and public affairs director of the applicant's proposed station has not changed. As a result of Mr. McCurdy's death, Edmidio Fernandez, Jr., president, director, and 60% shareholder of the applicant, will now serve as full-time (minimum 40 hours per week) general manager/program director. As general manager, he will direct and supervise the overall day-to-day operations and management of the station and its employees, including responsibility for compliance with FCC rules and regulations and the implementation and administration of the station's equal employment opportunity program. He will supervise the station's business and financial affairs, including the supervision of employees engaged in billing, bookkeeping, purchasing, and technical operations. He shall also oversee programming content of the station and will supervise and hire the station's on-air staff as well as direct and supervise the station's programming service, including the establishment and implementation of programming policies and management of programming personnel as program director of the proposed station.

The application is further amended to report that, effective November 18, 1991, the residence of Cliff F. McCurdy, III shall be 19 Stonehaven Drive, Newnan, Georgia 30265.

Dated this 18th day of November, 1991.

ORCHON BROADCASTING COMPANY

By: 
Edmidio Fernandez, Jr.
President

CERTIFICATE OF SERVICE

I certify that a true and perfect copy of the foregoing Petition for Leave to Amend has been served upon the following by placing same in the United States Mail with sufficient postage thereon, this 3rd day of December, 1991:

Barbara L. Waite, Esq.
Venable, Baetjer, Howard & Civiletti
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Counsel for Rocky Mount Broadcasting

Mr. James Crutchfield
FM Branch
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Federal Communications Commission
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Robert S. Stone