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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

20 SEP 1991

IN REPLY REFER TO:  
8920-MT

Donald L. Jones  
3017 Piedmont Rd., N. E.  
Suite 200  
Atlanta, GA 30305

Charles E. Richardson  
Warner Robins Communications, Inc.  
2361 Kensington Road  
Macon, GA 31211

Faye Scott  
Great Scott Broadcasting  
1018 Timber Lane  
Pottstown, PA 19464

In re: NEW(FM), Warner Robins, Georgia  
Genesis Broadcasting Corporation  
[formerly Donald L. Jones]  
("Genesis")  
BPH-900518MS

NEW(FM), Warner Robins, Georgia  
Warner Robins Communications, Inc.  
("WRC")  
BPH-900530MF

NEW(FM), Warner Robins, Georgia  
Great Scott Broadcasting ("GSB")  
BPH-900531MD

Dear Applicants:

This is in reference to the above mutually exclusive construction permit applications for a new FM station in Warner Robins, Georgia. Under consideration with this matter, we have: (i) petitions to deny filed on December 17, 1990 by Voices North, Inc., ("Voices") against each of the above-referenced applications, (ii) a Joint Motion for Approval of Settlement Agreement filed on April 17, 1991 and (iii) an opposition to the Joint Motion for Approval of Settlement Agreement filed on May 1, 1991 by Voices.

First, by way of background, Voices' application was returned by the Commission's Fee Section for failure to make timely the payment of its application fee. Subsequently, on October 9, 1990, Voices filed with the Commission a petition for reconsideration of that return which was denied by the Managing Director's Office. On May 23, 1991 Voices filed an application for review, which to date remains under consideration by the Commission. Additionally, on

December 17, 1990, Voices filed a petition to deny against each of the applicants in this proceeding requesting solely that the Commission not process or grant any of the construction permit applications filed for the Warner Robins allotment until its petition for reconsideration had been acted upon by the Commission. By letter dated April 23, 1991, the Commission's Office of Managing Director denied Voices' reconsideration. Accordingly, in light of the Commission action taken upon Voices' reconsideration petition, the petitions to deny filed against Jones, WRC and GSB will be denied.

Secondly, on May 1, 1991, Voices again filed a pleading with the Commission, stylized as an opposition to the April 17, 1991 Joint Motion for Approval of Settlement Agreement. As there is no designated pleading cycle following the filing of a Settlement Agreement, Voices' pleading is in essence an informal objection pursuant to 47 C.F.R. § 73.3587. Substantively, in this pleading, Voices again argues that the Warner Robins proceeding should be held in abeyance until its various petitions to deny have been considered. However, the Commission has a longstanding policy of approving settlement agreements while an associated appeal is pending, provided that the authorization is conditioned on the outcome of the appeal. Accordingly, Voices' informal objection must be denied. However, any authorization granted in this proceeding cannot, as a matter of law and Commission application processing policy, become final until Voices' application for review has been considered. See David T. Murray, 5 FCC Rcd 5770 (1990), Special Markets Media, Inc., 4 FCC Rcd 5753 (1989), Word of Life Ministries, Inc., 3 FCC Rcd 2060 (Rev. Bd. 1988).

Finally, under the terms of the Joint Motion for Approval of Settlement Agreement filed April 17, 1991, GSB's application will be dismissed in return for payment of \$15,000, which payment shall be shared equally by Jones and WRC. WRC shall also dismiss its application and, together with Jones, its shareholders shall become shareholders of Genesis Broadcasting Corporation, successor to Jones.

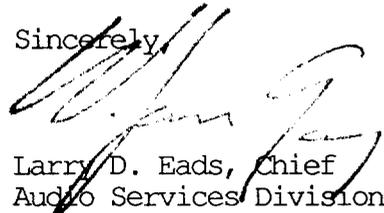
We have examined the agreement and the declarations attached thereto. Based on this examination, we find that approval of the agreement would serve the public interest and that the applications of WRC and GSB were not filed for the purpose of reaching or carrying out the agreement. Accordingly, the applicants have complied with the provisions of 47 U.S.C. § 311(c) (3) and 47 C.F.R. § 73.3525. Since all three applicants propose to serve the same community, no Section 307(b) questions have been presented and no publication is required.

Furthermore, we find that Genesis Broadcasting Corporation is fully qualified and that a grant of its application would serve the public interest.

Accordingly, Voices' December 17, 1990 petitions to deny against Jones, WRC and GSB ARE DENIED, Voices' May 1, 1991 opposition to the Joint Motion for Approval of Settlement Agreement IS DENIED; pursuant to 47 C.F.R. § 0.283, the Joint Request IS GRANTED; the applications of WRC (BPH-900530MF) and GSB (BPH-900513MD) ARE DISMISSED and the application of Genesis Broadcasting Corporation [formerly Donald L. Jones] (BPH-900518MS) IS GRANTED and conditioned as follows:

This authorization cannot, as a matter of law and Commission application processing policy, become final until Commission action is taken on an application for review filed by Voices North, Inc. Any construction pursuant to this permit is at the sole risk of the permittee.

Sincerely,



Larry D. Eads, Chief  
Audio Services Division  
Mass Media Bureau

cc:

Robert S. Stone, Esq.  
Ann K. Ford, Esq.  
Robert B. Jacobi, Esq.  
Neal J. Friedman, Esq.  
Voices North, Inc.