

Before the
FEDERAL COMMUNICATIONS COMMISSION Federal Communications Commission
Washington, D.C. 20554 Office of the Secretary

In re Applications of) MM DOCKET NO. 92-63
)
NADINE P. RICHARDSON, d/b/a) File No. BPH-901221MG
ROCKY MOUNT BROADCASTING)
)
ORCHON BROADCASTING COMPANY) File No. BPH-901221MI
)
)
For Construction Permit)
Greenville, Georgia)

To: Chief Administrative Law Judge
Joseph Stirmer

**MASS MEDIA BUREAU'S COMMENTS ON
JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT**

1. On April 30, 1992, Nadine Richardson, d/b/a Rocky Mount Broadcasting ("Richardson") and Orchon Broadcasting Company ("Orchon) filed a joint motion for approval of settlement agreement. On May 4 and May 8, 1992, Richardson filed supplements to the joint motion. The Mass Media Bureau submits the following comments in support.

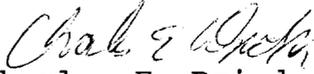
2. The proposed agreement contemplates dismissal of Richardson's application in consideration of a payment of \$16,860.90 from Orchon. Review of the agreement and declarations of the respective principals shows that Richardson and Orchon have complied with the requirements of Section 73.3525 of the Commission's Rules, which implements Section 311(c)(3) of the Communications Act of 1934, as amended. Richardson and Orchon demonstrate that approval of their agreement is in the public interest since it will expedite new FM service to Greenville, Georgia. Also, Richardson and Orchon show that neither of their applications was filed for an improper purpose.

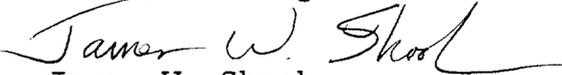
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Finally, Richardson has shown that the amount promised by Orchon does not exceed Richardson's legitimate and prudent expenses.

3. In sum, the Bureau supports grant of the joint motion, approval of the agreement, dismissal of Richardson's application, grant of Orchon's application,¹ and termination of this proceeding.

Respectfully submitted,
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Chief, Hearing Branch


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May 14, 1992

¹ By letter dated May 6, 1992, the Chief, Audio Services Division determined that the environmental assessment submitted by Orchon satisfied the requirements of 47 C.F.R. § 1.3111 of the Commission's Rules. The Chief therefore requested elimination of the contingent environmental issue specified against Orchon. Elimination of this issue, and grant of the instant joint motion, will permit grant of Orchon's application.

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 14th day of May, 1992, sent by regular United States mail, U.S. Government frank, copies of the foregoing "**Mass Media Bureau's Comments on Joint Motion for Approval of Settlement Agreement**" to:

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