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

FCC 92M-633  
02973

In re Applications of	)	MM DOCKET NO. 92-63
	)	
NADINE P. RICHARDSON d/b/a	)	
ROCKY MOUNT BROADCASTING	)	File No. BPH-901221MG
	)	
ORCHON BROADCASTING COMPANY, INC.	)	File No. BPH-901221MI
	)	
For Construction Permit for a	)	
New FM Station on Channel 239A	)	
in Greenville, Georgia	)	

MEMORANDUM OPINION AND ORDER

Issued: June 1, 1992 ; Released: June 2, 1992

1. Under consideration are a "Joint Motion for Approval of Settlement Agreement" filed by Orchon Broadcasting Company (Orchon) and Nadine P. Richardson d/b/a Rocky Mount Broadcasting (Richardson) on April 30, 1992; "Supplement to Joint Motion for Approval of Settlement Agreement" filed by Richardson on May 4, 1992; "Further Supplement to Joint Motion for Approval of Settlement Agreement" filed by Richardson on May 8, 1992; and "Mass Media Bureau's Comments on Joint Motion for Approval of Agreement" filed by the Bureau on May 14, 1992.

2. Orchon and Richardson have entered into an agreement to resolve this proceeding and have submitted such agreement for approval. Pursuant thereto, Richardson has agreed to dismiss her application in consideration of the payment by Orchon of \$16,860.90. The dismissal of the Richardson application will moot the comparative issue. Because there are no basic issues outstanding with respect to Orchon, its application may be immediately granted.<sup>1</sup>

3. The applicants have complied with the requirements of Sections 73.3525(a)(1) and (a)(2) of the Commission's rules, and Section 311(c)(3) of the Communications Act of 1934, as amended. Specifically, a copy of the

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1 By Order of the Presiding Judge (FCC 92M-604), released May 27, 1992, the contingent environmental issue specified against Orchon was DELETED.

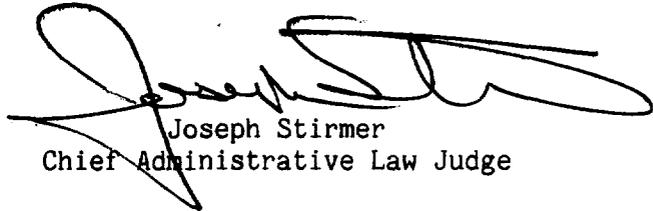
settlement agreement has been filed, both applicants have demonstrated that approval of the settlement agreement would serve the public interest, and that neither application was filed for the purpose of reaching or carrying out a settlement agreement. Moreover, it has been established that the \$16,860.90 to be paid to Richardson is not in excess of legitimate and prudent expenses. Thus, approval of the agreement will serve the public interest.

Accordingly, IT IS ORDERED that the "Joint Motion for Approval of Settlement Agreement" filed by Orchon Broadcasting Company and Nadine P. Richardson d/b/a Rocky Mount Broadcasting on April 30, 1992, IS GRANTED; the agreement IS APPROVED; payment in the amount of \$16,860.90 IS AUTHORIZED; the application of Nadine P. Richardson d/b/a Rocky Mount Broadcasting (File No. BPH-901221MG) IS DISMISSED, with prejudice; the application of Orchon Broadcasting Company, Inc. (File No. BPH-901221MI) for a construction permit for a new FM station on Channel 239A in Greenville, Georgia, IS GRANTED;

IT IS FURTHER ORDERED that the prehearing conference to be held June 12, 1992, and the hearing scheduled to commence August 26, 1992, ARE CANCELLED;

IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Joseph Stirmer  
Chief Administrative Law Judge