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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of) MM DOCKET NO. 92-114
)
Robert B. Taylor) File No. BRH-880926UJ
Jupiter, Florida)
)
For Renewal of Station WTRU(FM))
)
Jupiter Broadcasting, Corp.) File No. BPH-890103MD
Jupiter, Florida)
)
For A Construction Permit)

To: Administrative Law Judge
Walter C. Miller

**MASS MEDIA BUREAU'S COMMENTS ON
MOTION FOR PARTIAL SUMMARY DECISION**

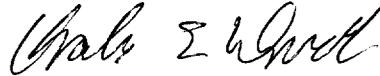
1. On May 26, 1992, Jupiter Broadcasting Corp. (JBC) filed a motion for partial summary decision. The Mass Media Bureau submits the following comments.

2. JBC's motion seeks denial of renewal applicant Robert B. Taylor's (Taylor) "renewal expectancy" under the standard comparative issue. However, Taylor has not yet indicated whether he is claiming a "renewal expectancy" and is not required to do so until June 9, 1992. See PREHEARING ORDER, FCC 92M-612, released May 27, 1992, at paragraph 4. Thus, JBC's motion is premature. Moreover, Taylor is entitled to make a "renewal expectancy" showing, and in the Bureau's view, until such time as Taylor makes his showing, summary decision as requested by JBC would be unwarranted. Cf. Cowles Broadcasting, Inc., 86 FCC 2d

993, aff'd sub nom. Central Florida Enterprises, Inc. v. FCC, 683 F.2d 503 (D.C. Cir. 1982), cert. denied, 103 S. Ct. 1174 (1983); Broadcast Communications, Inc., 93 FCC 2d 1162, 1166 (1983), modified 97 FCC 2d 61 (1984), aff'd by judgment sub nom. Genesis Broadcasting, Inc., v. FCC, No. 84-1154 (D.C. Cir., filed March 29, 1985).

3. In the event Taylor claims a "renewal expectancy" and the Presiding Judge requests the Bureau's comments on JBC's motion, without consideration of any showing on the part of Taylor, the Bureau requests until June 23, 1992, to submit its comments.

Respectfully submitted,
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June 9, 1992

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau certifies that she has on this 9th day of June, 1992, sent by regular United States mail, U.S. Government frank copies of the foregoing **"Mass Media Bureau's Comments on Motion for Partial Summary Decision"** to:

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