

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In re Applications of ) MM Docket No. 92-106
JEFFERY SCOTT ) File No. BPH-910213ME
EICHER COMMUNICATIONS, INC. ) File No. BPH-910213MF

For Construction Permit for New FM Station on Channel 278A at Bethany Beach, Delaware

To: The Honorable Richard L. Sippel Administrative Law Judge

ORIGINAL FILE

RECEIVED

JUL - 6 1992

PROOF OF PUBLICATION

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Jeffery Scott, by his attorneys, hereby provides proof of publication of a notice concerning hearing designation in the above-captioned proceeding. The notice was published three consecutive times in a weekly newspaper in Bethany Beach, Delaware. Although publication started one week later than specified in Section 73.3594(a)(1)(i) of the Commission's Rules, there has been substantial compliance with that rule. Likewise, the slight delay in filing the certificate of publication has prejudiced no party to this proceeding. Its acceptance is therefore respectfully requested.

Respectfully submitted,

JEFFERY SCOTT

By: Dennis P. Corbett Dennis P. Corbett

Leventhal, Senter & Lerman 2000 K Street, N.W. Washington, D.C. 20006-1809

July 6, 1992

His Attorney

No. of Copies rec'd 0 + 2 List A B C D E

ATLANTIC PUBLICATIONS, INC.

**CERTIFICATE OF PUBLICATION**

Summer Place Condo  
Rt 1 Bethany Beach 19930

This is to certify that the attached has been published in the **WAVE** a weekly paper of general circulation in Sussex County, published in Bethany Beach, Delaware, on the following dates:

- 6-3-92
- 6-10-92
- 6-17-92

Witnessed:  
Dorothy Mitchell

**WAVE**  
P O Box 1467  
Bethany Beach, DE 19930  
537-1881

**PUBLIC NOTICE**

On May 14, 1992, the Federal Communications Commission released a Hearing Designation Order, designating for hearing two mutually exclusive applications for a construction permit to operate a new commercial FM radio station on channel 278A at Bethany Beach, Delaware. The applicants designated for hearing are as follows: Jeffery Scott ("Scott") and Eicher Communications, Inc. ("Eicher").

The hearing is to commence in the offices of the Federal Communications Commission in Washington, D.C. on September 29, 1992 at 10:00 a.m.

The issues designated for hearing are as follows:

1. If a final environmental impact statement is issued with respect to Scott and Eicher in which it is

concluded that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine whether the proposals are consistent with the National Environmental Policy Act, as implemented by 47 C.F.R. SS 1.1301-1319.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the specified issues, which of the applications should be granted, if any.

A copy of the application filed by Jeffery Scott and all amendments thereto can be inspected by members of the public during normal business hours at Summer Place Condo Association Rt. 1, Penn Avenue, Bethany Beach, De., 19930

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CERTIFICATE OF SERVICE

I, Katharine K. Bryant, do hereby certify that a copy of the foregoing "Proof of Publication" was mailed, United States first-class mail, postage prepaid, this 6th day of July, 1992 to the following:

\*Honorable Richard L. Sippel  
Administrative Law Judge  
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Katharine K. Bryant

\*By Hand Delivery