

FCC MAIL SECTION

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

In re Applications, of)	MM Docket No. 92-50 ✓
)	
GOLDEN CORNERS BROADCASTING, INC.)	File No. BPH-901218MH
)	
FISHER COMMUNICATIONS OF CLEMSON, INC.)	File No. BPH-901219MB
)	
CLEMSON BROADCASTING, INC.)	File No. BPH-901219MD
)	
For Construction Permit for New FM)	
Station on Channel 285A in)	
Clemson, South Carolina)	

MEMORANDUM OPINION AND ORDER

Issued: July 1, 1992

Released: July 6, 1992

1. Golden Corners Broadcasting, Inc. (GCBI), Fisher Communications of Clemson, Inc. (Fisher), and Clemson Broadcasting, Inc. (CBI) seek a ruling on: (1) a Joint Petition for Approval of Settlement Agreement; (2) a Supplement to Joint Petition for Approval of Settlement Agreement; and (3) a Joint Amendment of Joint Petition for Approval of Settlement Agreement.

2. They filed the Joint Petition on May 2, 1992, the Supplement on May 8, 1992, and the Joint Amendment on June 26, 1992. The Mass Media Bureau, on May 14, 1992, supported approval of the Joint Petition.

3. These three applicants have settled their differences. Fisher has agreed to dismiss their application. In return GCBI will pay Fisher a minimum of \$7,617.47 and a maximum of \$8,617.47.¹ The additional \$1,000 is for any additional legal expenses Fisher may incur in connection with the Amendment to Settlement Agreement and Amendment to Joint Petition for Approval of Settlement Agreement. If those additional expenses are less than \$1,000 the \$8,617.47 is reduced accordingly.

1 The \$8,617.47 is exclusive of the hearing fee.

4. CBI has agreed to dismiss their application. In return, GCBI will pay CBI \$14,186.45, a sum less than CBI's total costs and expenses incurred in prosecuting its Clemson FM application.^{2 3}

5. Both payments; i.e., the one to Fisher, and the one to CBI are exclusive of the hearing fee. And of course, payment is conditioned upon a grant of GCBI's Clemson application.

Ruling

6. The Trial Judge will grant the Joint Amendment to the Joint Petition for Approval of Settlement Agreement and approve the amended settlement agreement. The parties have submitted the appropriate documents. See Oak Television of Everett, Inc. 53 RR 2d 995 (1983). There is no indication that any of the three filed their application for an improper purpose. Also approval of the agreement will speed up the start up of a new FM station in Clemson, South Carolina. So the public interest is furthered.

7. One more thing. GCBI now faces no basic qualifying issues. See FCC 92M-737, released July 6, 1992. They are qualified to construct and operate subject to the condition they have agreed can be attached to a grant of their application.

SO the Joint Petition for Approval of Settlement Agreement filed on May 2, 1992, as supplemented on May 8, 1992, and jointly amended on June 26, 1992, IS GRANTED; and the amended joint settlement agreement IS APPROVED;

Fisher Communications of Clemson, Inc's application (BPH-901219MB) IS DISMISSED with prejudice;

Clemson Broadcasting, Inc's application (BPH-901219MD) IS DISMISSED with prejudice;

2 The \$14,186.45 is exclusive of the hearing fee.

3 There are outstanding character issues against one of CBI's principals, Becky Jo Clark, in the Franklin, Alabama cellular case, CC Docket 91-142. But that poses no bar to the monetary payoff here. See Allegan County Broadcasters, Inc., 83 FCC 2d 371, 48 RR 2d 941 (1980) at 942-943.

Golden Corners Broadcasting, Inc's application (BPH-901218MH) IS GRANTED subject to the following condition:

"Upon receipt of notification from the Commission that harmful interference is being caused by the operation of the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after one-year of interference-free operation."

This proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Walter C. Miller
Administrative Law Judge

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