

**McCAMPBELL & YOUNG**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

2021 PLAZA TOWER  
POST OFFICE BOX 550  
KNOXVILLE, TENNESSEE 37901-0550

(615) 637-1440  
TELECOPIER (615) 546-9731

H. H. McCAMPBELL, JR. (1905-1974)  
F. GRAHAM BARTLETT (1920-1982)

ALSO ADMITTED IN  
VIRGINIA:

ROBERT S. MARQUIS

ROBERT S. YOUNG, JR.  
LINDSAY YOUNG  
ROBERT S. MARQUIS  
ROBERT S. STONE  
J. CHRISTOPHER KIRK  
MARK K. WILLIAMS  
JANIE C. PORTER  
GREGORY E. ERICKSON  
R. SCOTT ELMORE

July 8, 1992

**Via Federal Express**

The Honorable Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

ATTN: Office of Managing Director

Re: Orchon Broadcasting Company (BPH-901221MI)  
Application for Hearing Fee Refund (MM Docket No. 92-63)

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

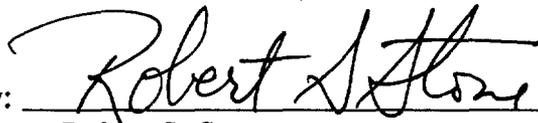
Enclosed please find an original and three copies of an Application for Refund of Hearing Fee, filed herewith on behalf of our client, Orchon Broadcasting Company. Also enclosed is an additional copy to be returned to the undersigned in the enclosed postage paid, self-addressed envelope after it has been date-stamped by your office.

Should you or other members of the Commission's staff have questions concerning the enclosed, please contact the undersigned for clarification. Thank you for your cooperation in this matter.

Very truly yours,

MCCAMPBELL & YOUNG, P.C.

By: \_\_\_\_\_



Robert S. Stone  
Counsel to Orchon Broadcasting Company

RSS/dlb

Enclosure: Application for Refund of Hearing Fee

cc: Orchon Broadcasting Company  
The Honorable Thomas M. Holleran

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

0+3

RECEIVED  
ORIGINAL FILE  
JUL 9 1992  
FCC MAIL BRANCH  
RECEIVED  
'JUL - 9 1992

RECEIVED

JUL - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

In Re Application of )  
)  
ORCHON BROADCASTING COMPANY )  
)  
For Refund of Hearing Fee )  
Paid in MM Docket No. 92-63, )  
Greenville, Georgia FM Channel 239A )

File No. BPH-901221MI

RECEIVED

To: Office of Managing Director

JUL 9 1992

FCC MAIL BRANCH

APPLICATION FOR REFUND OF HEARING FEE

Orchon Broadcasting Company ("Orchon")<sup>1</sup>, by counsel, hereby respectfully submits its Application for Refund of Hearing Fee paid by Orchon on July 10, 1991, prior to the designation of its above-captioned application for comparative hearing. In support whereof, the following is respectfully shown:

1. By *Public Notice*, Report NA-143, released March 11, 1991, the Commission announced the acceptance for filing of Orchon's application. Thereafter, the Commission announced its determination that comparative applicants for broadcast facilities would be required to pay hearing fees prior to designation for comparative hearing. *Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases*, 6 FCC Rcd. 157, 158, *recon. granted in part*, 6 FCC Rcd. 3403 (1991) ("*Hearing Reform Order*"). Because Orchon's application had already been accepted for filing in a public notice released prior to the

<sup>1</sup> By a predesignation amendment filed March 22, 1991, Orchon reported that its correct corporate name is "Orchon Broadcasting Company," rather than "Orchon Broadcasting Company, Inc." which had been reflected in Orchon's construction permit application as originally filed on December 21, 1990. The Audio Services Division failed to drop the suffix, "Inc.," however, when designating Orchon's application for hearing. *See, Nadine P. Richardson, d/b/a Rocky Mount Broadcasting*, 7 FCC Rcd. 2297 (MMB 1992).

effective date of the *Hearing Reform Order* (July 1, 1991), the Commission announced that Orchon's hearing fee would be due on or before July 15, 1991. 6 FCC Rcd. at 3403. As noted above, Orchon timely submitted its hearing fee (See *Exhibit A*).

2. On April 13, 1992, Orchon's application was designated for comparative hearing by the Chief, Audio Services Division. *Nadine P. Richardson, d/b/a Rocky Mount Broadcasting*, 7 FCC Rcd. 2297 (MMB 1992) ("*HDO*"). Therein, a contingent environmental issue was specified against Orchon, subject to deletion upon the submission of an environmental assessment which satisfied the requirements of § 1.1311 of the Commission's rules. On April 30, 1992, Orchon submitted its environmental assessment in the form of a petition for leave to amend, which was found acceptable by the Audio Services Division. By *Order*, FCC 92M-604, released May 27, 1992, Chief Administrative Law Judge Joseph Stirmer accepted Orchon's April 30, 1992 amendment and deleted the contingent environmental issue which had been specified against Orchon.

3. On April 30, 1992, Orchon and competing applicant Nadine P. Richardson, d/b/a Rocky Mount Broadcasting ("Richardson") filed a Joint Motion for Approval of Settlement Agreement, contemplating the dismissal of Richardson's application and the grant of Orchon's application. By *Memorandum Opinion and Order*, FCC 92M-633, released June 2, 1992, Judge Stirmer granted the Joint Motion filed by Richardson and Orchon, dismissed Richardson's application, and granted Orchon's application, noting that the contingent environmental issue previously specified against Orchon had been deleted (See *Exhibit B*). It should be noted that the Joint Motion for Approval of Settlement Agreement was filed prior to the Notice of Appearance deadline (May 4, 1992) established by § 1.221 of the Commission's rules.

4. In light of the above, Orchon respectfully submits that it is entitled to a refund, in full, of its hearing fee in the amount of Six Thousand Seven Hundred Sixty Dollars

(\$6,760.00), pursuant to the provisions of § 1.1111(b)(4) of the Commission's rules. *See, also, Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Reconciliation Act of 1989 (Memorandum Opinion and Order)*, 6 FCC Rcd. 5919, 5925 (1991). Orchon's Settlement Agreement was filed with the Presiding Judge by the Notice of Appearance deadline, which Settlement Agreement provided for the dismissal of all but Orchon's application. Because the contingent environmental issue could be and was deleted, Orchon's application was immediately grantable, thereby allowing for a full refund of Orchon's hearing fee.

WHEREFORE, premises considered, Orchon Broadcasting Company respectfully urges the Managing Director to order full refund to Orchon of its \$6,760.00 hearing fee.

Dated this 8th day of July, 1992.

Respectfully Submitted,

ORCHON BROADCASTING COMPANY

MCCAMPBELL & YOUNG, P.C.

By:   
Robert S. Stone

MCCAMPBELL & YOUNG  
A Professional Corporation  
2021 Plaza Tower  
Post Office Box 550  
Knoxville, Tennessee 37901-0550  
(615) 637-1440

# **EXHIBIT A**

Hearing Fee Payment

DATED RECEIPT COPY

Approved by OMB  
3060-0440  
Expires 12/31/90

FEDERAL COMMUNICATIONS COMMISSION  
FEE PROCESSING FORM

FOR  
FCC  
USE  
ONLY

RECEIVED JUL 10 1991  
FCC/MELLS  
FCC/MELLS JUL 10 1991

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

Orchon Broadcasting Company

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to instruction (2) on reverse of form)

906 McCurdy Blvd.

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

Manchester

STATE OR COUNTRY (if foreign address)

Georgia

ZIP CODE

31816

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

90122 MAIL BRANCH

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
(1) M   W   R		\$ 6,760.00	

SECTION II

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
(2)		\$	
(3)		\$	
(4)		\$	
(5)		\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			
TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING			FOR FCC USE ONLY
\$			

## INSTRUCTIONS FOR COMPLETING FEE PROCESSING FORM, FCC FORM 155, May 1990

- (1) "Applicant Name" - Enter the name (last, first, middle initial) of the applicant as it appears on the original application or filing being submitted with this Fee Processing Form. If company, enter name which is used commercially.
- (2) "Mailing Address (Line 1)" - Enter the street address or post office box number to which the applicant wishes correspondence sent.
- (3) "Mailing Address (Line 2)" - This line may be used for further identification of the address if additional space is required.
- (4) "City" - Enter the name of the city associated with the given street address.
- (5) "State or Country" - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.
- (6) "ZIP Code" - Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Postal Service.
- (7) "Call Sign or Other FCC Identifier" - Enter an applicable call sign or unique FCC identifier, if any, as shown on your attached application or filing. If applying for a service affecting more than one call sign, enter one call sign only.
- (8) Column (A), "Fee Type Code" - Enter correct Fee Type Code(s) from the appropriate Fee Filing Guide. Only one Fee Processing Form may be submitted per application or filing. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to you without further processing.
- (9) Column (B), "Fee Multiple" - Certain applications and filings may request action with respect to more than one station, license, frequency or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more is being applied for. Examples of when this would be used are renewing more than one call sign, frequency, station, or the transfer of control of more than one station. Refer to the appropriate Fee Filing Guide for additional information.
- (10) Column (C), "Fee Due For Fee Type Code in Column (A)" - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (x) the fee multiple, if required).
- (11) "Total Amount Remitted With This Application or Filing" - Enter the total of lines (1) through (5) of Column (C). The amount should equal the amount of your check or money order. We will not accept multiple checks.

### HOW TO SUBMIT APPLICATIONS AND FILINGS

- o Each application or filing should be assembled with the Fee Processing Form stapled to the top of the application with the check placed on top of the Fee Processing Form. **DO NOT STAPLE THE CHECK TO THE APPLICATION OR FEE PROCESSING FORM.** Required copies of application should be clearly identified as "duplicate copy" and placed behind the original package. A copy of an application or filing submitted for receipt purposes only should be placed at the bottom of the submission. Extraneous material and extra copies should be avoided at all times. Failure to abide by these instructions will delay the processing of your submission.
- o Completed applications or filings should be mailed to the proper address shown in the Fee Filing Guide for the particular service for which you are applying or making a filing. Applications and filings which are properly addressed to the appropriate P.O. box number may also be hand delivered to the following address. Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day.

Federal Communications Commission  
c/o Mellon Bank  
Three Mellon Bank Center  
525 William Penn Way  
27th Floor, Rm. 153-2713  
Pittsburgh, Pennsylvania  
(Attention: Wholesale Lockbox Shift Supervisor)

- o A single check, bank draft or money order made payable to the Federal Communications Commission and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application or filing requiring a fee. No postdated, altered or third-party checks will be accepted. Do not send cash.
- o Parties hand delivering applications or filings may receive dated receipt copies by presenting copies of the applications or filings to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed stamped envelope. Only one piece of paper per application or filing will be stamped for receipt purposes.

### REMEMBER

- o A separate completed Fee Processing Form is required with each application or filing except in certain circumstances. Please refer to the appropriate Fee Filing Guide for additional information.
- o A wrong Fee Type Code or incorrect remittance may result in your application or filing being returned without processing, or result in the dismissal of your application or filing. Please ensure that **FEE TYPE CODES** are correct and that your check or money order equals the amount shown in the **TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING** block before submitting your application or filing.
- o If you have any questions completing this form, please call the Fees Hotline, 202/632-FEES.

### FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 1, Subpart G of the Commission's rules authorize the FCC to request the information on this form. The information requested is required in order to obtain a license or authorization from the Commission. The purpose of the information is to provide a means to link a fee payment to a specific invoice, application or filing. The information will be used by the Commission to maintain data concerning fees paid to the Commission for internal financial control, audit, and reporting purposes. Information requested on this form will be available to the public. Your response is required to obtain a license or other authorization from the Commission.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0440), Washington, DC 20503.

ROBERT S. YOUNG, JR.  
LINDSAY YOUNG  
RICHARD L. HOLLOW  
ROBERT S. MARQUIS  
ROBERT S. STONE  
J. CHRISTOPHER KIRK  
MARK K. WILLIAMS  
FREDRICH H. THOMFORDE, JR.  
LAWRENCE F. GIORDANO  
JANIE C. PORTER  
E. JEROME MELSON  
GREGORY E. ERICKSON

LAW OFFICES  
**McCAMPBELL & YOUNG**  
A PROFESSIONAL CORPORATION  
2021 PLAZA TOWER  
POST OFFICE BOX 550  
KNOXVILLE, TENNESSEE 37901-0550  
(615) 637-1440  
TELECOPIER (615) 546-9731

H. H. MCCAMPBELL, JR. (1905-1974)  
F. GRAHAM BARTLETT (1920-1982)  
ALSO ADMITTED IN  
VIRGINIA:  
ROBERT S. MARQUIS

July 9, 1991

DATED RECEIPT COPY

**DUPLICATE  
FILE**

FEDERAL EXPRESS

Federal Communications Commission  
c/o Mellon Bank  
3 Mellon Bank Center  
525 William Penn Way  
27th Floor, Room 153-2713  
Post Office Box 358170  
Pittsburgh, PA 15259-0001

ATTN: WHOLESALE LOCKBOX SHIFT SUPERVISOR

Re: Orchon Broadcasting Company  
Hearing Fee for Greenville, Georgia (File No. BPH-901221MI)

Gentlemen:

We submit herewith, on behalf of our client, Orchon Broadcasting Company, the applicant's hearing fee for the above-referenced application for authority to construct and operate a new FM broadcast station to serve the community of Greenville, Georgia on FM Channel 239A. Also enclosed is the applicant's Fee Processing Form, FCC Form 155, which accompanies the applicant's hearing fee payment.

Finally, we enclose an additional "date stamped copy" of the applicant's Fee Processing Form and our transmittal letter, which we would appreciate your returning to the undersigned in the enclosed postage paid, self-addressed envelope, after the copy has been date stamped by your office.

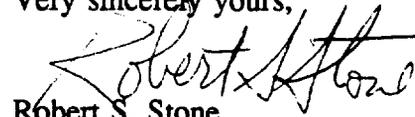
RECEIVED  
JUL 9 1991  
FCC MAIL BRANCH

July 9, 1991

Page 2

Should you or any members of your staff have questions concerning the enclosed, please contact the undersigned for clarification. Thank you for your cooperation in this matter. With kind regards, I remain

Very sincerely yours,

A handwritten signature in black ink, appearing to read "Robert S. Stone". The signature is written in a cursive style with a large, sweeping initial "R".

Robert S. Stone

Counsel to Orchon Broadcasting Company

RSS/rk

Enclosures

cc: Orchon Broadcasting Company

DLB043/79mellon.fcc/789001

ORCHON BROADCASTING COMPANY INC.  
906 MC CURDY BLVD.  
MANCHESTER, GA 31816

1006

64-7016-01  
2611

6/30/1991

PAY  
TO THE  
ORDER OF

Federal Communication Commission

\$ 6,760.<sup>00</sup>/<sub>100</sub>

Six thousand seven hundred sixty Dollars + <sup>00</sup>/<sub>100</sub>

DOLLARS

TWO SIGNATURES REQUIRED OVER THE AMOUNT \$1,000.00



006  
1234 First Avenue  
Columbus, Georgia 31901

*Ed Fernandez*  
*Ch F. McAuley*

FOR

Hearing fee Ch 239 A G'ville

⑈001006⑈ ⑆261170164⑆ 1965048127⑈



RECEIVED

JUL 9 1991

FCC MAIL BRANCH



C. HARLAND 1988

RECEIVED

SEP 9 1981

FCC MAIL BRANCH

# **EXHIBIT B**

**Grant of Orchon Application Pursuant to  
Universal Settlement Agreement**

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

FCC 92M-633  
02973

In re Applications of )  
 )  
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 )

RECEIVED

JUL 9 1992

MEMORANDUM OPINION AND ORDER

Issued: June 1, 1992

Released: June 2, 1992

FCC MAIL BRANCH

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

---

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

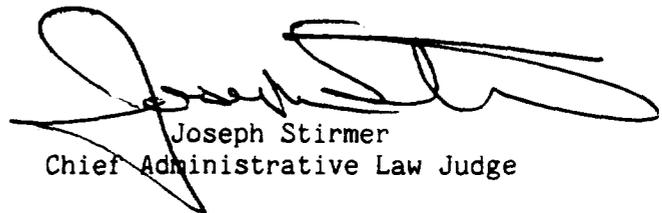
settlement agreement has been filed, both applicants have demonstrated that approval of the settlement agreement would serve the public interest, and that neither application was filed for the purpose of reaching or carrying out a settlement agreement. Moreover, it has been established that the \$16,860.90 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