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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of )  
)  
CARNEGIE-MELLON STUDENT )  
GOVERNMENT CORPORATION )  
For Construction Permit for a Major )  
Change, Station WRCT(FM), Channel 202A )  
Pittsburgh, Pennsylvania )  
)  
HE'S ALIVE, INCORPORATED )  
For Construction Permit for a New )  
Noncommercial Educational FM )  
Station, Channel 201A )  
Murrysville, Pennsylvania )

MM Docket No. 92-132

File No. BPED-891108MA

File No. BPED-900606MC

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FILE

To: Honorable John M. Frysiak  
Administrative Law Judge

**MOTION FOR SUMMARY DECISION**

CARNEGIE-MELLON STUDENT GOVERNMENT CORPORATION ("CMSGC"), by Counsel, hereby requests that the Presiding Judge grant Summary Decision in its favor with respect to Issue Number 1 specified in the *Hearing Designation Order ("HDO")*, DA 92-726 (released 22 June 1992).\<sup>1</sup> In support hereof, the following is submitted:

1. In response to the *HDO*, CMSGC filed 21 July 1992 a "Petition for Leave to Amend and Amendment" which reflected certain environmental impact information to

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<sup>1</sup> Issue Number 1 reads as follows: "If a final environmental impact statement is issued with respect to WRCT and HAI in which it is concluded that the proposed facility is likely to have an adverse effect on the quality of the environment, to determine whether the proposal is consistent with the Environmental Policy Act, as implemented by 47 C.F.R. §§ 1.1301-1.1319.

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indicate how workers engaged in the maintenance and repair of the proposed transmitting tower would be protected from exposure to RF radiation exceeding the ANSI guidelines that have been accepted by the Commission.

2. By letter dated 24 July 1992, the FCC's Audio Services Division indicated that it had reviewed CMSGC's petition and amendment and determined that there will be no adverse environmental impact if the measures to protect humans from nonionizing radiation are carried out as proposed. Accordingly, the Audio Services Division recommended that the contingent environmental issue specified in the *HDO* against CMSGC be eliminated.

3. By *Order, FCC 92M-825 (released 30 July 1992)*, the Presiding Judge granted CMSGC's petition and amendment for "good cause."

4. In light of the foregoing, Issue Number 1 should be resolved in CMSGC's favor. Section 1.251(a)(1) of the Commission's Rules provides that any party to an adjudicatory proceeding may move for a Summary Decision on all or any of the issues set for hearing as long as the motion is filed at least 20 days prior to the date set for commencement of the hearing. Also, the party filing such motion must demonstrate that there is no genuine issue of material fact for determination at the hearing. CMSGC's has met the criteria for issuance of a Summary Decision: acceptance of CMSGC's amendment has resolved the issue, and the hearing is not scheduled to commence for another 3 months (4 November 1992). Thus, Issue Number 1 as it relates to CMSGC is ripe for Summary Decision.

WHEREFORE, CMSGC respectfully requests Summary Decision on Issue Number  
1 in its favor.

Respectfully submitted,

**CARNEGIE-MELLON STUDENT  
GOVERNMENT CORPORATION**

By:   
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August 3, 1992

**CERTIFICATE OF SERVICE**

I, Sharon Hinderer, hereby certify that I have on the 3rd day of August, 1992, sent by United States Mail, postage prepaid, copies of the foregoing "**Motion For Summary Decision**" to the following:

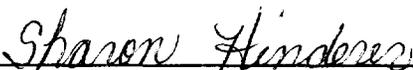
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Sharon Hinderer