
Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: August 11, 1992

92-96

**FEE DECISIONS OF THE MANAGING
DIRECTOR AVAILABLE TO THE PUBLIC**

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. On a monthly basis, a public notice is released and the entire text of these fee decisions is published in the FCC Record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

Adams, C.K. d/b/a Abilene Community Radio - Request for refund of a hearing fee for a FM station at Amarillo, Texas - **Granted** (July 29, 1992).

Adams, C.K. d/b/a Westwind Two - Request for refund of a hearing fee for a FM station at Amarillo, Texas - **Granted** (July 29, 1992).

Alexsii Corporation - Petition for Reconsideration for a new FM station at Temecula, California - **Denied** (July 27, 1992).

Boyle, Donna Haseloff - Request for refund of a hearing fee for a new FM broadcast station at Telluride, Colorado - **Granted** (July 13, 1992).

Broadcasting Systems, Inc. - Request for refund of a filing fee for a LPTV station in Phoenix, Arizona - **Denied** (July 20, 1992).

Button, David T. and Ann D.G. - Request for refund of a hearing fee for a new FM broadcast station in Canton, New York - **Granted** (July 27, 1992).

Cincinnati Bell Telephone - Request for refund of a filing fee for waiver of Part 69 - **Denied** (July 07, 1992).

Cornick, James Killinger - Request for refund of a hearing fee for a new FM station at Marion, Virginia - **Granted** (July 29, 1992).

DMR Media, Inc. - Request for refund of a hearing fee for a new FM broadcast station at Morris, Illinois - **Granted** (July 07, 1992).

Delmarva Broadcast Service General Partnership - Request for refund of a fee - **Granted** (July 20, 1992).

Desert Rock Limited Partnership - Request for refund of a hearing fee for a new FM station at Healdsburg, California - **Granted** (July 13, 1992).

EH Communications, Inc. - Request for reinstatement - **Denied** (July 20, 1992).

Great American Communications, Inc. - Request for refund of a hearing for a new FM station at Manahawkin, New Jersey - **Granted** (July 27, 1992).

Imbraglio, Bobbye - Request for refund of a hearing for a new FM station at Pearl, Mississippi - **Granted** (July 07, 1992).

Jersey Devil Broadcasting Company - Request for refund of a hearing for a new FM station at Manahawkin, New Jersey - **Granted** (July 28, 1992).

Koor Communications, Inc. - Request for refund of a hearing fee for a radio station at New London, New Hampshire - **Denied** (July 29, 1992).

Macon County Broadcasting, Inc. - Petition for Reconsideration for a new FM station in Lafayette, Tennessee - **Denied** (June 30, 1992).

Mardirossian, Aris - Request for refund of a hearing fee for a new FM station at Ocean City, Maryland - **Granted** (July 27, 1992).

Platte Broadcasting Co., Inc. - Petition for reconsideration for a new FM station at Plattsmouth, Nebraska - **Denied** (July 21, 1992).

Rocky Mount Broadcasting - Request for refund of a hearing fee for a new FM station at Greenville, Georgia - **Granted** (July 29, 1992).

Scott County Communications, Inc. - Request for refund of a hearing fee for a new FM station at Stamping Ground, Kentucky - **Granted** (July 20, 1992).

Sorenson Broadcasting Corporation - Request for refund of a filing fee for a AM station at Red Wing, Minnesota - **Granted** (July 20, 1992).

Tri-State Broadcasting - Request for refund of a hearing fee for a new FM station at Asbury, Iowa - **Granted** (July 27, 1992).

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE PREPARER, CLAUDETTE E. PRIDE, CHIEF, FEE SECTION ON (202)632-0241.

FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 29 1992

William H. Crispin, Esquire
Verner, Liipfert, Bernhard,
McPherson & Hand
901-15th Street, N.W.
Suite 700
Washington, D.C. 20005-2301

36-285

ORIGINAL
FILE

Dear Mr. Crispin:

This is in response to your request for a hearing fee refund submitted on behalf of James Killinger Cornick, a former applicant for a new FM station on Channel 278A in Marion, Virginia.

You state that prior to the Notice of Appearance deadline, Mr. Cornick and Cope II Broadcasting Partners, the sole mutually exclusive applicants for the construction permit, filed a Joint Request for Approval of Settlement Agreement, which provides for the dismissal of Cope II's application and the grant of Mr. Cornick's application. You have also submitted a copy of the Memorandum Opinion and Order approving the settlement agreement. You now request that Mr. Cornick's hearing fee be refunded.

The Commission will refund an applicant's hearing fee if a settlement agreement is filed with the presiding Administrative Law Judge by the Notice of Appearance deadline. 47 C.F.R. §1.1111 (b)(4). Our review of the matter discloses that Mr. Cornick timely filed the settlement agreement for purposes of receiving a refund.

Accordingly, a check for \$6,760.00, payable to the maker of the original check, will be forwarded to you at the earliest practicable time. If you have any questions about this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

Marilyn J. McDermott

Marilyn J. McDermott
Associate Managing Director
for Operations

Waltley

11917-9702711-2 *TH 6/17/92*

NE. enter system
→ FMD

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* NOT ADMITTED IN DC
* ADMITTED IN VIRGINIA
* ADMITTED IN TEXAS

June 16, 1992

Andrew S. Fishel
Office of the Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, D.C. 20554

Re: Request for Fee Refund;
James Killinger Cornick (File No. BPH-910311MA)

Dear Mr. Fishel:

On behalf of James Killinger Cornick (File No. BPH-910311MA), an applicant for a new FM station on Channel 278A in Marion, Virginia (MM Docket No. 92-96), and pursuant to Section 1.1111(c)(4) of the Commission's Rules, we are requesting the Commission to refund Mr. Cornick's hearing designation fee of \$6,760.

Section 1.1111(c)(4) of the Commission's Rules states that broadcast applicants that pay the hearing fee and file a settlement agreement with the Presiding Judge by the Notice of Appearance deadline are entitled to a refund of the hearing fee, provided that the single remaining application is immediately grantable.

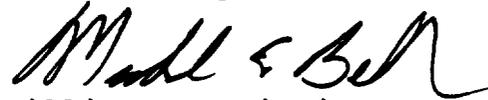
Mr. Cornick paid the hearing fee in MM Docket No. 92-96 on July 15, 1991. On May 26, 1992, Mr. Cornick and Cope II Broadcasting Partners, the sole mutually exclusive applicants for

Andrew S. Fishel
June 16, 1992
Page 2

the construction permit, filed a Joint Request for Approval of Settlement Agreement, which provides for the dismissal of Cope II's application and the grant of Mr. Cornick's application. The Joint Request was filed by the Notice of Appearance deadline, May 26, 1992. By Memorandum Opinion and Order, FCC 92M-663, released June 11, 1992, a copy of which is attached hereto, the Presiding Judge approved the settlement agreement, granted Mr. Cornick's application and terminated the proceeding.

Therefore, this request is made in accordance with Section 1.1111(c)(4) of the Commission's Rules and Mr. Cornick is entitled to a refund of the hearing fee. Please send a check in the amount of \$6,760, made payable to James Killinger Cornick, to the undersigned.

Respectfully submitted,



William H. Crispin
Michael E. Beller

/jywb
Enclosure

cc: James Cornick

we *KMS*

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

FCC 92M-663
 03115

In re Applications of)	MM DOCKET NO. 92-96
JAMES KILLINGER CORNICK)	File No. BPH-910311MA
COPE II BROADCASTING PARTNERS)	File No. BPH-910312MF
For Construction Permit for a)	
New FM Station on Channel 278A)	
in Marion, Virginia)	

MEMORANDUM OPINION AND ORDER

Issued: June 10, 1992 ; Released: June 11, 1992

1. Under consideration are a "Joint Request for Approval of Agreement and Motion for Suspension of Procedural Dates"¹ filed by James Killinger Cornick (Cornick) and Cope II Broadcasting Partners (Cope II) on May 26, 1992, and "Mass Media Bureau's Comments in Support of Joint Request for Approval of Agreement" filed by the Bureau on June 5, 1992.

2. Cornick and Cope II have entered into an agreement to resolve this proceeding and have submitted such agreement for approval. Pursuant thereto, Cope II has agreed to dismiss its application in consideration of the payment by Cornick of \$4,000. The dismissal of the Cope II application will moot the comparative issue. Because there are no basic issues outstanding with respect to Cornick, its application may be immediately granted.

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 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 \$4,000 to be paid to Cope II is not in excess of legitimate and prudent expenses. Thus, approval of the agreement will serve the public interest.

¹ By Order, FCC 92M-632, released June 1, 1992, the Presiding Judge continued all procedural dates.

Accordingly, IT IS ORDERED that the "Joint Request for Approval of Agreement and Motion for Suspension of Procedural Dates" filed by James Killinger Cornick and Cope II Broadcasting Partners on May 26, 1992, IS GRANTED; the agreement IS APPROVED; payment in the amount of \$4,000 IS AUTHORIZED; the application of Cope II Broadcasting Partners (File No. BPH-910312MF) IS DISMISSED, with prejudice; the application of James Killinger Cornick (File No. BPH-910311MA) for a construction permit for a new FM station on Channel 278A in Marion, Virginia, IS GRANTED; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Joseph Stirmer", written over a horizontal line.

Joseph Stirmer
Chief Administrative Law Judge