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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM DOCKET No. 92-183
WESTERN INSPIRATIONAL BROADCASTERS, INC.)	File No. BPED-910923MF
BROAD SPECTRUM COMMUNICATIONS, INC.)	File No. BPH-910925ME
PHOENIX BROADCASTING, INC.)	File No. BPH-910926ME
NINETY-TWO SEVEN, LTD.)	File No. BPH-910926MF
For Construction Permit for New FM Broadcast Station on Channel 224A at Chico, California)	

TO: Office of the Managing Director

MOTION FOR REFUND OF HEARING FEES

Broad Spectrum Communications, Inc. (BSCI), Phoenix Broadcasting, Inc. (Phoenix) and Ninety-Two Seven, Ltd. (NTSL), by their respective attorneys, and pursuant to Section 1.1111(c) of the Commission's Rules, hereby respectfully submit this motion that the Commission make refund in full to each of them their \$6,760.00 hearing fees, fee code MWR. In support whereof, the following is shown:

1. BSCI, Phoenix and NTSL paid their respective \$6,760.00 hearing fees on or before March 2, 1992, the deadline for doing so in this case. As a result, their mutually-exclusive applications were consolidated in the above-captioned proceeding. The fourth applicant, Western Inspirational Broadcasters, Inc. (Western), filed its application on FCC Form 340 as a non-commercial applicant and

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was not required to pay a hearing fee for inclusion in the above-entitled case.

2. The above-referenced proceeding was set in a Hearing Designation Order, DA 92-1076, released August 19, 1992. By operation of the twenty-day rule in Section 1.221 of the Commission's Rules, "Notices of Appearance" were due from the parties by September 8, 1992, today's date.

3. The parties have filed with the Commission on September 8, 1992 a "Joint Request for Approval of Settlement", which, if granted by the presiding ALJ, will result in a grant of the Phoenix application, as amended to specify Chico FM, Inc. as the name of the applicant to reflect the merger of the Phoenix, BSCI and NTSL applications. All necessary amendments and a request for deletion of the contingent environmental issue in the case, which can in fact be readily deleted, have been filed prior to the close of business on September 8, 1992. Therefore, the Chico FM, Inc. application is immediately grantable.

4. Section 1.1111(c)(4) of the Rules provides that the Commission will refund the hearing fees of settling parties where (i) a settlement agreement is filed with the presiding Judge (ii) providing for the dismissal of all but one of the applicants and (iii) the single remaining applicant is immediately grantable. Therefore as can be seen from the showing in paragraphs 1-3, supra, the parties have met all the

conditions of Section 1.1111(c)(4) of the Rules, and it is respectfully requested that this motion for refund of all hearing fees paid by BSCI, Phoenix and NTSL be granted. The refunds should be remitted to the following:

To BSCI:

Broad Spectrum Communications, Inc.
Attention: Mr. Paul Eric Dausman, President
5904 Bay Point Drive
Lake Oswego, OR 97035

To Phoenix:

Phoenix Broadcasting, Inc.
Attention: Mr. Gary Katz, President
Post Office Box 7568
Chico, CA 95927

To NTSL:

Ninety-Two Seven, Ltd.
Attention: Mr. Wilber Johnson, Vice-President
40 Bellam Blvd., Box 10101
San Rafael, CA 94912

WHEREFORE, it is urged that this Motion for Refund of Hearing Fees BE GRANTED IN FULL.

Respectfully submitted,

BROAD SPECTRUM COMMUNICATIONS,
INC.

AKIN, GUMP, HAUER &
FELD, L. L. P.
1333 New Hampshire Ave., NW
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By Margaret L. Tobey
Margaret L. Tobey
Its Attorney

PHOENIX BROADCASTING, INC.

CORDON AND KELLY
Post Office Box 6648
Annapolis, MD 21401
Telephone: 410-280-6290

By



Dennis J. Kelly
Its Attorney

NINETY-TWO SEVEN, LTD.

DONALD E. MARTIN, P. C.
2000 L Street, NW
Suite 200
Washington, DC 20036
Telephone: 202-887-5070

By



Donald E. Martin
Its Attorney

September 8, 1992

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Motion for Refund of Hearing Fees" were served by hand on this 8th day of September, 1992 upon the following:

Honorable Andrew Fishel
The Managing Director
Federal Communications Commission
1919 M Street, NW, Room 852
Washington, DC 20554

Honorable Edward J. Kuhlmann
Administrative Law Judge
Federal Communications Commission
Washington, DC 20554

Charles Dziedzic, Esquire
Chief, Hearing Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, NW, Room 7212
Washington, DC 20554

Stephen T. Yelverton, Esquire
McNair Law Firm, P. A.
1155 Fifteenth Street, NW, Suite 400
Washington, DC 20005
Counsel for Western Inspirational Broadcasters, Inc.


Dennis J. Kelly