

FCC MAIL SECTION

FCC 92M-972

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
SEP 23 2 50 PM '92 WASHINGTON, D.C. 20554

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In re Application	)	MM Docket No. 92-114 ✓
ROBERT B. TAYLOR	)	File No. BRH-880926UJ
For Renewal of License for Station	)	
WTRU(FM), Jupiter, Florida	)	
JUPITER BROADCASTING CORPORATION	)	File No. BPH-890103MD
For Construction Permit for New FM	)	
Station in Jupiter, Florida	)	

MEMORANDUM OPINION AND ORDER

Issued: September 21, 1992 Released: September 23, 1992

1. Robert B. Taylor, the renewal applicant, seeks a ruling on a Motion to Dismiss. He filed his Motion on September 15, 1992 and asks that his renewal application (BRH-880926UJ) be dismissed with prejudice. He notes that the parties are facing a protracted and costly three-phase hearing, and he says "I have reluctantly come to the conclusion that I can no longer continue to prosecute my application."

2. Taylor has attached the appropriate Declaration of No Consideration. Taylor's opponent, Jupiter Broadcasting Corp. (JBC) also submitted an acceptable Declaration of No Consideration on September 15, 1992.

Ruling

3. Taylor's Motion to Dismiss will be granted. We will thus avoid the protracted and costly three-phase hearing described above (see para. 1 supra.).

4. With Taylor's dismissal, three auxiliary matters remain. First, the twelve basic qualifying issues that have been added against Robert Taylor will not get tried. See FCC 92M-765, released July 10, 1992, and FCC 92M-964 released September 18, 1992. This means that the Notices of Forfeiture contained in those two Memorandum Opinion and Orders which involve continuing type offenses will not be adjudicated. So, under the recent rules revision, a copy of this Memorandum Opinion and Order will be sent to the full Commission. See 47 CFR 1.80(g)(3).

5. Secondly, since the twelve added issues (many with character overtones) will not get tried, and since Robert Taylor is the owner and licensee of WXKE, Fort Wayne, Indiana, a character cloud now hangs over that license. See FCC 92M-964 supra at Footnote 10. This is a matter that the Commission's renewal branch may wish to look into.

6. Third, and finally, JBC, the sole remaining applicant, faces no basic qualifying issues. See 57 F.R. 22239 published May 27, 1992, So its application can be granted now.

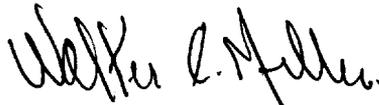
SO the "Motion to Dismiss" that Robert B. Taylor filed on September 15, 1992, IS GRANTED;

Robert Taylor's application, File No. BRH-880926UJ, IS DISMISSED with prejudice;

Jupiter Broadcasting Corporation's application, File No. BPH-890103MD, IS GRANTED; and

This proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Walter C. Miller  
Administrative Law Judge