

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

SEP 11 1992

ORIGINAL
FILE

James K. Edmundson, Esq.
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005

~~Handwritten scribble~~

92-69

Dear Mr. Edmundson:

This is in response to your Request for Fee Refund submitted on behalf of Mississippi Valley Broadcasters, Inc. (MVB), the successful applicant for a new FM radio broadcast station at La Crosse, Wisconsin.

You state that MVB was designated for hearing along with two mutually exclusive applicants. You also state that the applicants submitted a Joint Request for Approval of Agreement that contemplated dismissal of the two competing applications and grant of MVB's application. This Agreement was filed May 5, 1992, by the Notice of Appearance deadline. You further state that on June 3, 1992, the presiding ALJ issued a MO&O granting the Agreement and dismissing MVB's application. See Order, FCC 92M-642, released June 3, 1992. You now request that MVB's \$6,760 hearing fee be refunded.

Section 1.1111(b)(4) of the Commission's rules provides for refund of the hearing fee in cases where a settlement agreement, filed by the Notice of Appearance deadline, provides for the dismissal of all but one of the applicants and the surviving application is immediately grantable or if matters specified in the designation order can be deleted. 47 C.F.R. § 1.1111(b)(4). Because MVB participated in a timely filed agreement that resulted in settlement of this proceeding, the hearing fee may be returned.

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. McDermett

Marilyn J. McDermett
Associate Managing Director
for Operations

cc: Joseph P. Gonzalez, Administrative Law Judge

Doug

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AC enter system
→ FMD

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

CHICAGO, ILLINOIS

James K. Edmundson
(202) 408-7162

(202) 408-7100
FACSIMILE: (202) 289-1504

June 16, 1992

Handwritten signature/initials

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

RE: Request for Fee Refund
Mississippi Valley Broadcasters, Inc.
Channel 292C3 (106.3 MHz)
LaCrosse, Wisconsin
BPH-910118MA

Dear Mr. Fishel:

Pursuant to Section 1.1111(b)(4) of the Rules (47 C.F.R. 1.1111(b)(4)), Mississippi Valley Broadcasters, Inc. (hereafter Mississippi Valley), through counsel, hereby respectfully requests the Managing Director to refund the fee paid by it in connection with its above-referenced application to construct and operate a new FM broadcast station on Channel 292C3 at LaCrosse, Wisconsin.

Mississippi Valley's application was designated for hearing along with two other applications by Hearing Designation Order (HDO), DA92-411, released April 15, 1992. Mississippi Valley timely filed its Notice of Appearance on May 5, 1992. On May 5, 1992, Mississippi Valley and the other two competing applicants also filed a Joint Request for Approval of Agreement looking toward a merger of interests and the grant of Mississippi Valley's application. By Memorandum Opinion and Order, FCC 92M-642, released June 3, 1992, Administrative Law Judge Joseph P. Gonzalez approved the Joint Request for Approval of Agreement and granted Mississippi Valley's application (see enclosure).

In these circumstances, Mississippi Valley is entitled to a refund of its hearing fee paid July 15, 1991 (see enclosure). That is, pursuant to Section 1.1111(b)(4), the Settlement Agreement was filed with the Presiding Judge by the Notice of Appearance deadline

GARDNER, CARTON & DOUGLAS

Mr. Andrew S. Fishel
June 16, 1992
Page 2

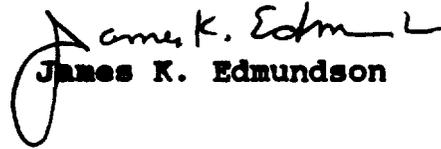
RE: Mississippi Valley
LaCrosse, Wisconsin
Fee Refund

(May 5, 1992). It provided for the dismissal of all but one of the applicants, and the single remaining applicant (Mississippi Valley) was immediately grantable.

It is requested that the fee refund in the amount of \$6,750 be made payable to Mississippi Valley Broadcasters, Inc. and be transmitted to the undersigned. 6760?

Please direct inquiries concerning this request to the undersigned.

Sincerely,


James K. Edmundson

Enclosures

JKE:vld
65909-004/32383

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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

FCC 92M-642

02997

In re Applications of) MM DOCKET NO. 92-69
)
MISSISSIPPI VALLEY BROADCASTERS, INC.) File No. BPH-910118MA
)
TCOM, INC.) File No. BPH-910122MA
)
BROADCAST PROPERTIES)
OF LA CROSSE, INC.) File No. BPH-910122MJ
)
For Construction Permit)
for a New FM Station on)
Channel 292C3 in)
La Crosse, Wisconsin)

MEMORANDUM OPINION AND ORDER

Issued: June 2, 1992 ; Released: June 3, 1992

1. Under consideration is the "Motion for Leave to Amend" filed by Mississippi Valley Broadcasters, Inc. (Mississippi Valley) on May 5, 1992; the "Joint Request for Approval of Agreement" filed by Mississippi Valley, TCOM, Inc. (TCOM), and Broadcast Properties of La Crosse, Inc. (Broadcast Properties) on May 5, 1992; and the "Mass Media Bureau's Comments in Support of Joint Request for Approval of Agreement" filed on May 20, 1992.

Motion for Leave to Amend

2. For good cause shown, the motion will be granted, and the amendment which reflects a change in Mississippi Valley's statement of legal qualifications in Section II of its application, the withdrawal of certain integration and diversification commitments, and the environmental information called for in paragraph 9 of the Hearing Designation Order (DA 92-411), released in this proceeding on April 15, 1992, will be received.

Joint Settlement Agreement

3. Petitioners seek approval of a joint settlement agreement which provides, in pertinent part, for a merger of TCOM, Broadcast Properties, and Mississippi Valley whereby each party will have an equal one-third interest in Mississippi Valley, the surviving applicant, and each party will be entitled to appoint one member each to Mississippi Valley's Board of Directors; and that the applications of TCOM and Broadcast Properties will be dismissed, with prejudice.

4. The Hearing Designation Order referenced above designated a contingent environmental issue against the application of Mississippi Valley. By letter dated May 8, 1992, from the Assistant Chief, Audio Services Division of the Mass Media Bureau, it is requested that the contingent environmental issue designated against Mississippi Valley be eliminated based on the information set forth in the amendment received below. SO ORDERED.

5. A review of the materials submitted by the parties as part of their joint request demonstrates that they are in substantial compliance with the requirements of Section 73.3525 of the Commission's rules. In addition, the parties declare that their respective applications were not filed for the purpose of reaching this settlement agreement, and that approval of their joint settlement agreement would be in the public interest. The Presiding Judge further finds that the merger is bona fide; that the agreement does not involve any transfer of cash or other liquid assets among the merging parties; and that approval of the settlement agreement would, in fact, be in the public interest since it will expedite the provision of a new FM service to La Crosse, Wisconsin.

Accordingly, IT IS ORDERED that the "Motion for Leave to Amend" filed by Mississippi Valley Broadcasters, Inc., on May 5, 1992, IS GRANTED, and the amendment IS ACCEPTED;

And IT IS FURTHER ORDERED that the "Joint Request for Approval of Agreement" filed by the applicants on May 5, 1992, IS GRANTED, and the settlement agreement IS APPROVED; that the application of TCOM, Inc. (File No. BPH-910122MA) and that of Broadcast Properties of La Crosse, Inc. (File No. BPH-910122MJ) ARE DISMISSED, with prejudice; that the application of Mississippi Valley Broadcasters, Inc. (File No. BPH-910118MA) for a construction permit for a new FM station on Channel 292C3 in La Crosse, Wisconsin, IS GRANTED, subject to the condition set forth below; and that this proceeding IS TERMINATED:

CONDITION: Broadcast Properties of La Crosse, Inc. will divest itself of Station WLXR(FM), La Crosse, Wisconsin, prior to the commencement of program test authority by Mississippi Valley Broadcasters, Inc., on Channel 292C3 in La Crosse, Wisconsin.

FEDERAL COMMUNICATIONS COMMISSION



Joseph P. Gonzalez
Administrative Law Judge

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

CHICAGO, ILLINOIS

James K. Edmundson
(202) 408-7162

(202) 408-7100
FACSIMILE: (202) 289-1504

July 15, 1991

R & S COURIER
19945

Federal Communications Commission
Mass Media Services
Post Office Box 358170
Pittsburgh, Pennsylvania 15251-5170

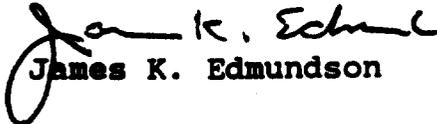
RE: Mississippi Valley Broadcasters, Inc.
Channel 292C3 (106.3 MHz)
LaCrosse, Wisconsin
BPH-910118MA

Dear Sir or Madame:

On behalf of our client, Mississippi Valley Broadcasters, Inc., applicant for a construction permit for a new FM station on Channel 292C3 at LaCrosse, Wisconsin (BPH-910118MA), submitted herewith is a FCC Form 155 and check in the amount of \$6,760 for the hearing fee required to be filed no later than July 15, 1991, pursuant to the Commission's Order in Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases, 6 FCC Rcd 157, 158, recon. gtd. in part, FCC 91-154, released May 15, 1991.

Should any question arise concerning this matter please contact undersigned counsel.

Sincerely,


James K. Edmundson

Enclosure

JKE:vld
65909-004/12787

HOWARD G. BILL
628 - 19TH ST., NW.
ROCHESTER, MN 55901

7314

JULY 10 1991

75-08/910

PAY TO THE ORDER OF FEDERAL COMMUNICATIONS COMMISSION \$ 6,760.00

SIX THOUSAND SEVEN HUNDRED AND SIXTY AND 00/100 DOLLARS



First Bank Rochester
Member First Bank System
First Bank Southeast, National Association
Second St. & First Ave. SW
Rochester, MN 55902

FILING FEE, LA CROSSE, WI

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