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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. 92-186
	)	
KCBX, INC.	)	File No. BPED-890619MH
	)	
LOGOS BROADCASTING CORPORATION	)	File No. BPED-910219MJ
	)	
For a Construction Permit for a	)	
New Noncommercial Educational FM	)	
Station on Channel 207B at	)	
San Luis Obispo, California	)	

To: Administrative Law Judge  
Joseph P. Gonzalez

**MASS MEDIA BUREAU'S COMMENTS ON  
JOINT REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT**

1. On December 11, 1992, KCBX, Inc. ("KCBX") and Logos Broadcasting Corporation ("Logos") filed a Joint Request for Approval of Settlement Agreement ("Joint Request"). On December 15 and 17, 1992, the applicants provided additional and corrected information in support of their joint accord. The Mass Media Bureau submits the following comments.

2. The Joint Request is accompanied by a settlement agreement which contemplates the dismissal of the KCBX application and grant of the Logos application. In consideration for the dismissal of the KCBX application, Logos will pay KCBX \$19,554.00, which amount represents KCBX's legitimate and prudent expenses incurred in connection with the preparation and

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prosecution of its application.

3. Principals of KCBX and Logos state that the settlement agreement would serve the public interest by hastening the earlier inauguration of a new noncommercial educational FM radio service in San Luis Obispo, California. Both principals also declare that their respective applications were not filed for the purpose of reaching or carrying out a settlement. KCBX also provides documentation in support of its legitimate and prudent expenses. There are no pending impediments to grant of the Logos application.

4. The Bureau submits that the Joint Request satisfies the requirements of § 73.3525 of the Commission's Rules, which implements § 311(c)(3) of the Communications Act of 1934, as amended. Specifically, a copy of the settlement agreement has been timely filed, and the applicants have established that approval of the agreement would serve the public interest and that neither application was filed for an improper purpose. Additionally, KCBX has demonstrated that the monetary consideration that it will receive does not exceed its legitimate and prudent expenses. See Settlement Agreements, 6 FCC Rcd 85 (1990), modified, 6 FCC Rcd 2901 (1991).<sup>1</sup>

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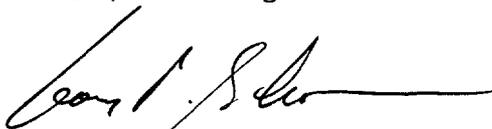
<sup>1</sup> The Bureau notes an apparent discrepancy in the representation of expenses submitted by KCBX's counsel, Cohn & Marks. Specifically, Cohn & Marks represented to the Commission, by letter dated December 10, 1992, that it had "recorded 16.75 hours at \$175.00/hour for a total of \$2,931.25, covering work for

5. Based on the foregoing, the Joint Request should be granted, the settlement agreement should be approved, the KCBX application should be dismissed with prejudice, and the Logos application should be granted.

Respectfully submitted,  
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Chief, Mass Media Bureau



Charles E. Dziejdzic  
Chief, Hearing Branch



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December 23, 1992

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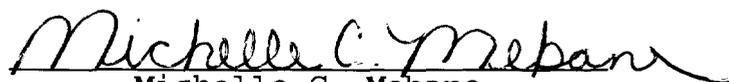
the past 17 months." Thus, it would appear that Cohn & Marks commenced representing KCBX in this proceeding on or about August 1991. However, by letter, dated December 15, 1992, in response to the Bureau's request for an explanation of services rendered on behalf of KCBX, Cohn & Marks represented that its services included "preparation and filing" of the KCBX application, even though the KCBX application was filed in June 1989.

CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 23rd day of December 1992, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Comments on Joint Request for Approval of Settlement Agreement" to:

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