

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

OCT 29 1992

Stephen T. Yelverton, Esq.  
McNair Law Firm, P.A.  
1155 15th Street, N.W.  
Suite 400  
Washington, D.C. 20005

92-184

Dear Mr. Yelverton:

This will respond to your request for refund of a hearing fee filed on behalf of Alexander Snipe, Jr., d/b/a Glory Communications, in connection with its construction permit application for a new FM station at South Congaree, South Carolina.

You have requested a refund because prior to the Notice of Appearance deadline, the other competing applicant voluntarily dismissed its application pursuant to a settlement agreement, and Mr. Snipe's application was immediately grantable.

Section 1.1111 (c) (4) of the Commission's rules provides for a refund of a hearing fee whenever an application is withdrawn pursuant to a settlement agreement prior to the Notice of Appearance deadline. Since the settlement agreement was timely filed and Mr. Snipe's application was granted, refund of the hearing fee is appropriate.

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$6,760.00, will be sent to Mr. Snipe at his Irmo, South Carolina address at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,



Marilyn J. McDermott  
Associate Managing Director  
for Operations

910 9158 100 38700

**MCNAIR LAW FIRM, P. A.**

ATTORNEYS AND COUNSELORS AT LAW

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COLUMBIA, S.C. 29211  
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7 NORTH LAURENS STREET  
GREENVILLE, S.C. 29601  
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10 POPE AVENUE EXECUTIVE PARK  
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HILTON HEAD ISLAND, S.C. 29928  
803-785-5169

September 15, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communication Commission  
Washington, D.C. 20554

Re: Hearing Fee Refund  
MM Docket No. 92-184

Dear Ms. Searcy:

Enclosed for filing on behalf of Alexander Snipe, Jr., d/b/a  
Glory Communications are an original and four (4) copies of a  
"Motion for Refund of Hearing Fee."

Please contact the undersigned in our Washington, D.C. office.

Respectfully submitted,

MCNAIR LAW FIRM, P.A.

By:   
Stephen P. Yelverton

020888.00001

RECEIVED  
SEP 17 1992  
OFFICE OF MANAGING DIRECTOR

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

In re Application of: )  
 )  
ALEXANDER SNIPE, JR. d/b/a ) MM Docket No. 92-184  
GLORY COMMUNICATIONS ) File No. BPH-910228MC  
 )  
 )  
 )  
For Construction Permit )  
for a New FM Station, )  
Channel 237A, )  
South Congaree, South Carolina )

To: Office of the Managing Director

**MOTION FOR REFUND OF HEARING FEE**

Alexander Snipe, Jr., d/b/a Glory Communications, by his attorneys, pursuant to Section 1.1111(c) of the Commission's Rules, hereby respectfully submits this motion that the Commission refund in full the \$6,760.00 hearing fee, fee code MWR, which he paid. In support whereof, the following is shown.

1. Snipe paid his respective \$6,760.00 hearing fees on or before the deadline for doing so in this case. The mutually-exclusive applications were consolidated in the above-captioned proceeding.

2. The above-referenced proceeding was set in a Hearing Designation Order, DA 92-1077, 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.

3. The parties filed with the Commission on September 8, 1992 a "Joint Request for Approval of Settlement", which, if granted by the Presiding Judge, will result in grant of the Snipe application. All necessary amendments and a request for deletion of the contingent environmental issue in the case, which can in fact be readily deleted, were filed prior to the close of business on September 8, 1992. Therefore, the Snipe application is immediately grantable.

4. Section 1.1111(c)(4) of the Rules provides that the Commission will refund the hearing fee 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, Snipe has met all the conditions of Section 1.1111(c)(4) of the Rules, and it is respectfully requested that this motion for refund of the hearing fee paid by Snipe be granted. The refund should be remitted to the following:

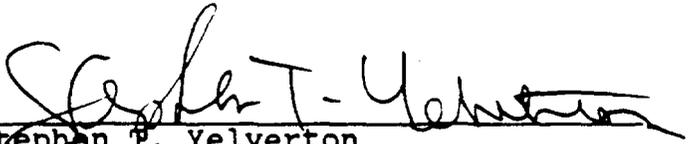
Alexander Snipe, Jr.  
820 Royal Tower Drive  
Irmo, South Carolina 29063

**WHEREFORE, it is urged that this Motion for Refund of Hearing Fee BE GRANTED.**

Respectfully submitted,

MCNAIR LAW FIRM, P.A.

By:



Stephen P. Yelverton  
Attorneys for Alexander Snipe, Jr.,  
d/b/a Glory Communications, Inc.  
1155 Fifteenth Street, N.W.  
Suite 400  
Washington, D.C. 20005  
(202) 659-3900

September 15, 1992

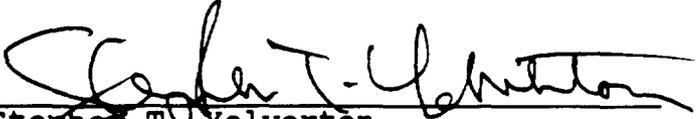
D:\YELVERTON\MOT-REFUND.SNI

Certificate of Service

I, Stephen T. Yelverton, do hereby certify that on this 15th day of September, 1992, I have caused to be hand-delivered, a copy of the foregoing "Motion for Refund of Hearing Fee" to the following:

Andrew S. Fishel  
Managing Director  
Office of Managing Director  
Room 852  
Federal Communications Commission  
Washington, D.C. 20554

Honorable Walter C. Miller  
Administrative Law Judge  
Federal Communications Commission  
Room 213  
2000 L street, N.W.  
Washington, D.C. 20554

  
Stephen T. Yelverton