

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

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OFFICE OF  
MANAGING DIRECTOR

DEC 21 1992

Rebecca L. Dorch, Esq.  
Bryan Cave  
700 Thirteenth Street, N.W.  
Washington, D.C. 20005-3960

92-188

Re: Stephen W. Samet  
Channel 271A, Oglesby, IL  
#9203028170334004

Dear Ms. Dorch:

This is in response to your request for refund of the fee submitted in the above-referenced matter.

Your request is granted. We have reviewed the facts surrounding your filing and have concluded that a refund is warranted pursuant to Section 1.1111 of the Commission's rules. 47 C.F.R. § 1.1111. The subsection checked below is specifically applicable to your request.

- No fee is required for the above referenced submission (§1.1111(a)(1)).
- An insufficient fee has been submitted with the application/filing (§1.1111(a)(2)).
- The applicant cannot fulfil the prescribed age requirement (§1.1111(a)(3)).
- The Commission has adopted a new rule that has nullified the application after its acceptance for filing (§1.1111(a)(4)).
- A new law or treaty has rendered useless a grant or other positive disposition of the application (§1.1111(a)(4)).
- The application was not timely filed in accordance with the filing window as established by the Commission (§1.1111(6)).
- In the case of a broadcast applicant, the application was granted without being designated for hearing (§1.1111(b)(1)).
- In the case of a broadcast applicant, the application was dismissed prior to designation for hearing or in the order designating the case for hearing (§1.1111(b)(2)).

- \_\_\_\_\_ In the case of a broadcast applicant, the application was dismissed for failure to file a Notice of Appearance (§1.1111(b)(2)).
- \_\_\_\_\_ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding to file a Notice of Appearance and the application was immediately grantable (§1.1111(b)(3)).
- \_\_\_\_\_ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding who filed a Notice of Appearance and the application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1111(b)(3)).
- X In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for the dismissal of all but one application, and that application was immediately grantable (§1.1111(b)(4)).
- \_\_\_\_\_ In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for dismissal of all but one application and that application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1111(b)(4)).

A check, made payable to maker of the original check and drawn in the amount of \$6,760.00, will be sent to you 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

*ARC Kathy*  
920302817033404

**BRYAN CAVE**

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REBECCA L. DORCH  
DIRECT DIAL NUMBER  
(202) 508-6106

**RECEIVED**

October 22, 1992

**OCT 22 1992**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
Room 852, Stop Code 1100  
1919 M Street, N.W.  
Washington, D.C. 20554

*England*  
*W*

Re: Refund of Hearing Fee  
**Stephen W. Samet**  
File No. BPH-910820MB  
MM Docket No. 92-188  
~~Oglesby, Illinois~~

RECEIVED  
OCT 20 9 37 AM '92

Dear Mr. Fishel:

Pursuant to Section 1.1111(b)(4) of the Commission's Rules and on behalf of Stephen W. Samet ("Samet"), whose application for a construction permit for a new broadcast station to operate on Channel 271A at Oglesby, Illinois was dismissed pursuant to a Settlement Agreement filed by the Notice of Appearance date in the captioned proceeding, a refund of the \$6,760.00 hearing fee is hereby respectfully requested.

In accord with the Commission's Report and Order in General Docket 90-264 (Proposals to Reform the Commission's Comparative Hearing Process), 6 FCC Rcd 157, 157-158 (1990), Samet timely paid the requisite hearing fee. A copy of Samet's hearing fee payment, bearing a "FCC/MELON FEB 28, 1992" receipt stamp is attached hereto. The Hearing Designation Order, DA 92-1078, released August 19, 1992, specified only the standard comparative issues for resolution among the three mutually exclusive applicants for Channel 271A at Oglesby, Illinois.

On September 8, 1992, the date specified for submission of Notices of Appearance, a universal Settlement Agreement was filed with the Presiding Judge providing for dismissal of the applications of Samet and the First Assembly of God Church ("First Assembly"), and grant of the single remaining application of Doris A. Studstill ("Studstill"). In reliance upon the refund provisions of Section 1.1111(b)(4) of the Commission's Rules, the Settlement Agreement did not provide for reimbursement by Studstill of the hearing fee paid by Samet or First Assembly.

**BRYAN CAVE**

Mr. Andrew S. Fishel  
October 22, 1992  
Page 2

The Administrative Law Judge, in a Memorandum Opinion and Order, released September 29, 1992, approved the Settlement Agreement, granted the application of Studstill and dismissed the applications of Samet and First Assembly. The proceeding was terminated without the necessity of hearing. A copy of the Memorandum Opinion and Order is attached hereto.

Accordingly, pursuant to Section 1.1111(b)(4) of the Commission's Rules, a refund of the \$6,760.00 hearing fee paid by Stephen W. Samet is hereby requested.

Should any questions arise concerning this matter, please communicate with the undersigned.

Yours very truly,



**Rebecca L. Dorch**

**Enclosure**

cc: Ms. Claudette Pride, Room 452, 1919 M Street, N.W.,  
Stephen W. Samet

0035951.01

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

FCC 92M-980  
04261

In re Applications of )  
STEPHEN W. SAMET ) MM DOCKET NO. 92-188  
DORIS A. STUDSTILL ) File No. BPH-910820MB  
FIRST ASSEMBLY OF GOD CHURCH ) File No. BPH-910820MC  
For Construction Permit for a New ) File No. BPH-910821ME  
Commercial FM Station on Channel 271A )  
at Oglesby, Illinois )

MEMORANDUM OPINION AND ORDER

Issued: September 25, 1992 Released: September 29, 1992

1. On September 8, 1992, Stephen W. Samet (Samet), Doris A. Studstill (Studstill), and First Assembly of God Church (Assembly) filed a joint petition for approval of settlement agreements. Samet filed a supplement on September 11, 1992. Assembly filed a supplement on September 16, 1992. The Mass Media Bureau filed comments on September 23, 1992 in support of the joint petition.

2. The proposed settlement agreements contemplate the dismissals of Samet's and Assembly's applications in consideration of payments from Studstill, which are not to exceed their expenses. Samet is to receive \$8,000. Assembly is to receive \$12,924.56. The payments are contingent upon dismissal of both the Samet and Assembly applications.

3. Review of the settlement agreements and declarations of the respective principals shows that the applicants have complied with the requirements of Section 73.3525 of the Commission's Rules, which implements Section 311(c)(3) of the Communications Act of 1934, as amended. They show that their applications were not filed for an improper purpose, and Samet and Assembly have provided itemized accountings which establish that the amounts promised by Studstill do not exceed Samet's and Assembly's legitimate and prudent expenses. The applicants also show that approval of the joint request will serve the public interest. See Settlement Agreements, 6 FCC Rcd 85 (1990), modified, 6 FCC Rcd 2901 (1991).

Accordingly, IT IS ORDERED, That the "Joint Petition For Approval Of Settlement Agreements" filed September 8, 1992 by Doris A. Studstill, Stephen W. Samet, and First Assembly of God Church IS GRANTED; the applications of Stephen W. Samet and First Assembly of God Church ARE DISMISSED; the application of Doris A. Studstill IS GRANTED; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

  
Joseph Chachkin  
Administrative Law Judge

**BRYAN, CAVE, McPHEETERS & McROBERTS**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

**FILE COPY**

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REBECCA L DORCH

DIRECT DIAL NUMBER

(202) 508 6108

February 27, 1992

FCC/MELLON FEB 28 1992

**VIA FEDERAL EXPRESS**

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Mass Media Services  
P.O. Box 358170  
Pittsburgh, PA 15251-5170

Re: Stephen W. Samet  
BPH-910820MB  
Oglesby, Illinois

Dear Ms. Searcy:

Transmitted herewith on behalf of Stephen W. Samet, an applicant for a construction permit for a new FM broadcast station on Channel 271A at Oglesby, Illinois, pursuant to the Public Notice, Report No. NA-155, released December 27, 1991, is a check made payable to the Federal Communications Commission in the amount of \$6760.00 in payment of the requisite hearing fee.

Also submitted herewith is an FCC Form 155.

Should any questions arise concerning this matter, please communicate with the undersigned counsel for Stephen W. Samet.

Very truly yours,



John R. Wilner  
Rebecca L. Dorch

Enclosures



STEPHEN W. SAMET 3-80  
834 PARK AVE., W.  
PRINCETON, IL 61356

254

FEB 26 1992

70-4427711

Pay to the order of FEDORA COMMUNICATIONS CORP. \$ 6760-  
SIX THOUSAND SEVEN HUNDRED SIXTY 9/100 ~~00/100~~



*Stephen W. Samet*

⑆07⑆⑆04427⑆ ⑆1800⑆698⑆ 0254

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)  
Samet, Stephen W.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)  
c/o J. Wilner, Bryan Cave

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)  
700 13th Street, N.W., Ste. 600

CITY  
Washington

STATE OR COUNTRY (if foreign address) DC	ZIP CODE 20005-3960	CALL SIGN	OTHER FCC IDENTIFIER 910820MB
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Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1) M W R		\$ 6,760.00	

**SECTION II** - To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(2)		\$	
(3)		\$	
(4)		\$	
(5)		\$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE. →

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING	FOR FCC USE ONLY
\$ 6,760.00	