

FCC MAIL SECTION
 Before the
 Federal Communications Commission
 Washington, D.C. 20554
 JAN 20 3 00 PM '93

MM Docket No. 92-33

In re Applications of

CENTRAL FLORIDA EDUCATIONAL FOUNDATION, INC.
 Channel 202C3
 Union Park, Florida
 File No. BPED-881207MA

HISPANIC BROADCAST SYSTEM, INC.
 Channel 202C3
 Lake Mary, Florida
 File No. BPED-891128ME

For Construction Permit for New,
 Noncommercial Educational FM Station

channel, class, effective radiated power, and antenna location. In comments supporting Hispanic's petition, the Bureau states that it has reviewed the amendment and determined that it conforms with the Commission's technical rules, would eliminate the mutual exclusivity between the applications, and would allow both Central and Hispanic to provide new noncommercial educational broadcast services to the Orlando, Florida area. In the absence of any basic qualifying issues, we find that acceptance of the amendment serves the public interest by terminating this comparative proceeding and expediting the provision of two new noncommercial services. See *Las Americas Communications, Inc.*, 6 FCC Rcd 1634, 1637 ¶ 25 (1990)(equities favor acceptance of post-designation amendment that permits immediate grant of pending application).

3. ACCORDINGLY, IT IS ORDERED, That the petition for leave to amend, sever and grant, filed by Hispanic Broadcast System, Inc. on December 21, 1992, IS GRANTED, and the accompanying amendment IS ACCEPTED; that the exceptions and replies ARE DISMISSED; and that the applications of Central Florida Educational Foundation, Inc. (File No. BPED-881207MA) for noncommercial educational FM Channel 202C, at Union Park, Florida, and Hispanic Broadcast System, Inc. (File No. BPED-891128ME) for noncommercial educational FM Channel 206A, at Kissimmee, Florida ARE GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Appearances

Joseph E. Dunne, III, on behalf of Central Florida Educational Foundation, Inc.; James L. Oyster, on behalf of Hispanic Broadcast System, Inc.; and James W. Shook, on behalf of the Chief, Mass Media Bureau, Federal Communications Commission.

Norman B. Blumenthal
 Member, Review Board

DECISION

Adopted: January 13, 1993; Released: January 26, 1993

By the Review Board: MARINO (Chairman), BLUMENTHAL, and GREENE.
 Board Member BLUMENTHAL:

1. The Review Board has before it (1) an *Initial Decision*, 7 FCC Rcd 6010 (1992), by Administrative Law Judge Edward J. Kuhlmann (ALJ) granting the Construction Permit application of Central Florida Educational Foundation, Inc. (Central) for a new noncommercial educational FM station at Union Park, Florida and denying the mutually exclusive application of Hispanic Broadcast System, Inc. (Hispanic); (2) exceptions and reply briefs filed by the parties; (3) a petition for leave to amend, sever and grant, filed by Hispanic;¹ and (4) comments by the Bureau and Central.

2. Hispanic's petition and accompanying amendment seek to eliminate the mutual exclusivity between Hispanic and Central and thus permit a grant of both applications. The amendment proposes to modify Hispanic's engineering proposal, specifying a different community of license.

¹ The petition bears a November 30, 1992 Commission mail-room stamp, but was stamped in by the Office of the Secretary, Federal Communications, on December 21, 1992. Central filed

its comments in support on December 4, 1992, and the Bureau's comments were filed on December 8, 1992.