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The Law Office of

**Dan J. Alpert**

1250 Connecticut Ave., N.W.  
7th Floor  
Washington, D.C. 20036-2603

MAR 16 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

(202) 637-9158

(202) 637-6662 (FAX)

March 16, 1993

Ms. Donna Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

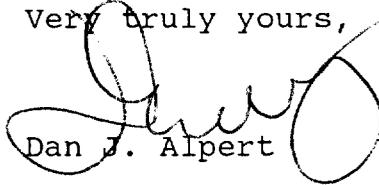
93-26 /

Dear Ms. Searcy:

Transmitted herewith are an original and six copies of a Joint Request for Dismissal of Application and Approval of Settlement Agreement in this proceeding. Transmitted as an attachment to the pleading is a copy of the Agreement entered into by the parties. Please note that although the document is dated "March 9, 1993," the document was finally signed by Spectrum Broadcasting, Inc. on March 12, 1993.

If there are any questions, please contact this office.

Very truly yours,



Dan J. Alpert

Counsel for Spectrum Broadcasting,  
Inc.

Before the  
Federal Communications Commission  
Washington, DC

RECEIVED  
MAR 11 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of	)	MM Docket No. 93-
	)	
SPECTRUM BROADCASTING, INC.	)	File No. BPH-911031MC
	)	
STEVEN L. GRADIK	)	File No. BPH-911031MD
	)	
TERRY C. JENKS	)	File No. BPH-911031MF
	)	
For a New FM Broadcast Station	)	
to Serve Bowdon, GA	)	

To: Richard L. Sippel  
Administrative Law Judge

**JOINT REQUEST FOR DISMISSAL OF APPLICATION AND  
APPROVAL OF SETTLEMENT AGREEMENT**

Spectrum Broadcasting, Inc., ("Spectrum"), by its attorney, and Terry C. Jenks, hereby respectfully request that Spectrum's application for a new FM broadcast station be dismissed with prejudice. With respect thereto, the following is stated:

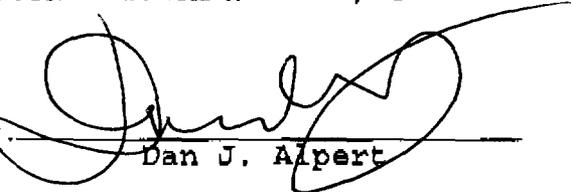
Spectrum has not filed a Notice of Appearance in this proceeding. Therefore, its application is to be dismissed. Spectrum has agreed to refrain from prosecuting its application under the terms and conditions of the attached Settlement Agreement, which requires Commission approval. Declarations from the applicants establishing that approval of the Settlement Agreement would be in the public interest, that their applications were not filed in order to reach or carry out the Settlement Agreement, and that the payment promised to Spectrum will not exceed reasonable and prudent expenses that were incurred by it in conjunction with the preparation, filing, and prosecution of its application, are in the process of preparation, will be filed under separate cover.

No. of Copies rec'd ATC  
DATE

\_\_\_\_\_  
MAR 11 1993  
FEDERAL COMMUNICATIONS COMMISSION

WHEREFORE, in consideration of the foregoing, it is respectfully requested that the attached Settlement Agreement be approved, and that the application of Spectrum Broadcasting, Inc. be dismissed with prejudice.

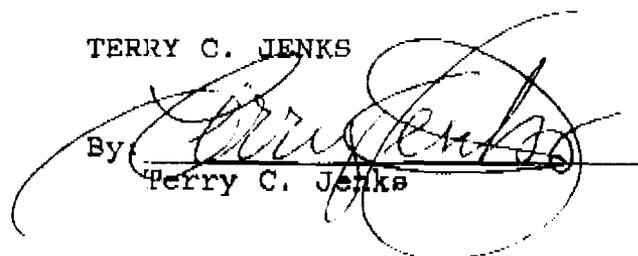
SPECTRUM BROADCASTING, INC.

By:   
Dan J. Alpert

Its Attorney

1250 Connecticut Ave., N.W.  
7th Floor  
Washington, DC 20036  
(202) 637-9158

TERRY C. JENKS

By:   
Terry C. Jenks

12017 Running Creek Rd.  
Louisville, KY 40243

(502) 245-6989

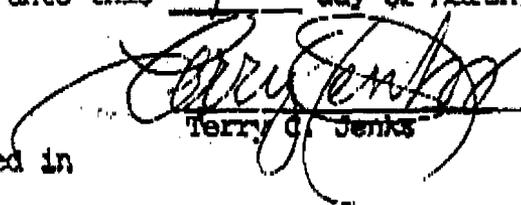
March 16, 1993

ATTACHMENT 1

AGREEMENT

For and in consideration of the mutual promises contained herein the sufficiency of which is hereby acknowledged, Tana Stealaker, President of Spectrum Broadcasting Co., does hereby agree on behalf of Spectrum Broadcasting Co. to immediately withdraw, upon the request of Terry C. Jenks, but no later than March 16, 1993, its application for a Construction Permit for a new FM station on channel 288A in Bowdon, Georgia, file # BPH 911031MC, in return for the payment by Terry C. Jenks of all reasonable and legitimate expenses incurred by Spectrum Broadcasting Co. in the filing of said application. In no event shall the payment exceed \$12,000.00 and it shall be paid into escrow by Terry C. Jenks contemporaneous with the withdrawal of the application by Spectrum Broadcasting Co. and released to Spectrum Broadcasting Co. upon approval of the application withdrawal by the Federal Communications Commission.

This Agreement entered into this 9<sup>TH</sup> day of March, 1993.

  
Terry C. Jenks (SEAL)

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Notary Public

My commission expires:

Spectrum Broadcasting Co.

BY: Lana Stealaker

Title: President

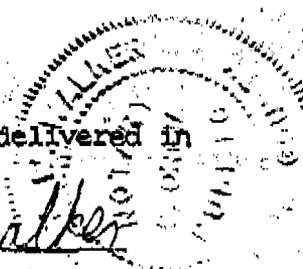
Att: \_\_\_\_\_ (SEAL)

Title: \_\_\_\_\_

Signed, sealed and delivered in the presence of:

  
Notary Public

My commission expires: My Commission Expires May 27, 1995



(CORPORATE SEAL)

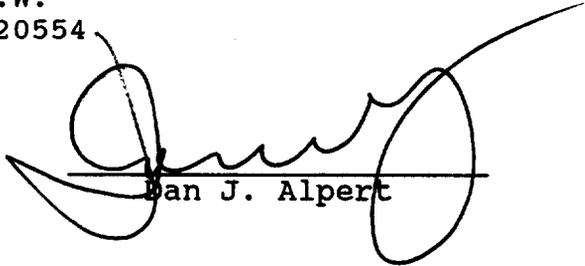
**CERTIFICATE OF SERVICE**

I, Dan J. Alpert, hereby certify that copies of the foregoing document were served by U.S. Mail, postage pre-paid or by hand, to the following:

Audrey F. Rasmussen, Esq.  
O'Connor & Hannan  
1919 Pennsylvania Ave., N.W.  
Suite 800  
Washington, DC 20006

James Shook, Esq.  
Mass Media Bureau  
Federal Communications Commission  
Hearing Branch  
2025 M Street, N.W.  
Washington, DC 20554

Richard L. Sippel  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
Washington, DC 20554

  
Dan J. Alpert