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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. 92-187
)	
FAMILY STATIONS, INC.)	File No. BPED-890815MC
Bakersfield, California)	
)	
SHEPHERD COMMUNICATIONS, INC.)	File No. BPED-891113ME
Shafter, California)	
)	
SKYRIDE UNLIMITED, INCORPORATED)	File No. BPED-901004MN
Shafter, California)	
)	
For Construction Permit for)	
New Noncommercial FM)	
Broadcast Station)	

To: Administrative Law Judge
Edward Luton

MASS MEDIA BUREAU'S CONSOLIDATED COMMENTS
IN SUPPORT OF JOINT PETITION FOR APPROVAL OF SETTLEMENT
AND PETITIONS OF FAMILY STATIONS, INC. AND SHEPHERD
COMMUNICATIONS, INC. FOR LEAVE TO AMEND

1. On January 15, 1993, Family Stations, Inc. ("Family") and Shepherd Communications, Inc. ("Shepherd") (hereinafter, collectively, "Petitioners"), the remaining applicants in the above-captioned proceeding¹, filed a Joint Petition for Approval of Settlement. Concurrently therewith, each applicant filed a Petition for Leave to Amend its application to eliminate the

¹ Skyride Unlimited, Incorporated has indicated its desire to have its application dismissed. See letter from Brian Madden dated September 4, 1992. The Bureau's support of the instant settlement is conditioned upon formal dismissal of that application.

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mutual exclusivity with the other. On January 27 and March 16, 1993, Family filed supplements to its petition for leave to amend. The Mass Media Bureau submits the following comments.

2. The Joint Petition and supporting materials submitted by Petitioners satisfy the requirements of Sections 73.3525(a)(1) and (a)(2) of the Commission's Rules, which implement Section 311(c)(3) of the Communications Act of 1934, as amended. Specifically, Petitioners have established that approval of the agreement is in the public interest and that neither of the applications was filed for an improper purpose. No monetary consideration is involved.

3. The settlement agreement is contingent upon acceptance of the amendments proffered by Petitioners. Pursuant to Family's amendment, Family will change its proposed channel from 215 to 217, change its proposed class to Class A, move its proposed transmitter location to a new site, and modify its operating parameters. Shepherd seeks to amend its application to reduce power and modify its operating parameters.

4. Based upon an analysis of the proffered amendments, as supplemented, by the Bureau's engineering staff, we have concluded that the amendments can be accepted with one condition. Family proposes to mount its antenna on a tower which already houses multiple communications users. Family's second supplement

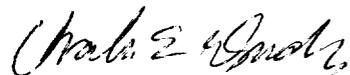
contains a statement addressing the issue of potential occupational hazards from radiofrequency radiation. However, the statement does not indicate whether all users have agreed that they will reduce power or cease operations as necessary to safeguard persons having access to the site. Accordingly, the Bureau requests that any grant to Family be conditioned as follows:

The permittee/licensee in coordination with other users of the site must reduce power or cease operations as necessary to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.

5. Acceptance of the amendments would eliminate the mutual exclusivity between Petitioners, permitting the grant of both applications. For that reason, there is good cause for the

approved, and the applications of Family and Shepherd can be granted.

Respectfully submitted,
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Chief, Mass Media Bureau



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Chief, Hearing Branch



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March 25, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 25th day of March, 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Consolidated Comments in Support of Joint Petition for Approval of Settlement

