

ORIGINAL

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

FCC 93M-152  
31248

In re Applications of	)	MM DOCKET NO. 93-44
RURAL INITIATIVES FOR SHELTER AND	)	File No. BPED-870817MC
EDUCATION	)	
AMERICAN INDIAN BROADCAST GROUP, INC.	)	File No. BPH-870820MB
For Construction Permit for a	)	
New FM Station on Channel 279A	)	
in Hartford, Michigan	)	

O R D E R

Issued: April 8, 1993 ; Released: April 9, 1993

1. On March 24, 1993, Rural Initiatives for Shelter and Education ("Rural") filed a Petition for Leave to Amend, and a Motion for Summary Decision.<sup>1</sup> On that same date, Rural and American Indian Broadcast Group, Inc. ("Group"), filed a Joint Request for Approval of Settlement Agreement, Dismissal of Application and Grant of Application, and a Joint Motion for Stay of Procedural Dates.

2. Rural and Group have entered into a settlement agreement which, if approved, will result in the dismissal of the Group application and the grant of the application of Rural. In addition, Rural seeks leave to amend its application to address the environmental and air hazard issues specified against it in the Hearing Designation Order in this proceeding, DA 93-322, released April 7, 1993 ("HDO-II").<sup>2</sup> Based upon the amendment, Rural also requests summary decision of those issues. Since favorable action on these pleadings would completely obviate the need for a hearing, the applicants request a suspension of the procedural dates. Good cause has been shown and the procedural dates will be cancelled.<sup>3</sup>

3. In addition, on the Presiding Judge's own motion, the due dates for responses to the Petition for Leave to Amend, the Motion for Summary Decision, and the Joint Request for Approval of Settlement Agreement, Dismissal of Application and Grant of Application will be consolidated. Thus, responses to all of those pleadings shall be filed ten (10) days after the release of this Order.

<sup>1</sup> Rural's Motion for Summary Decision was incorrectly captioned "Petition for Leave to Amend." Counsel for Rural was informed of this error by telephone.

<sup>2</sup> HDO-II "set aside" the original Hearing Designation Order in this case, DA 93-222, released March 8, 1993 ("HDO-I").

<sup>3</sup> The Presiding Judge was informally advised that HDO-I would be set aside. Consequently, action on the Joint Motion for Stay of Procedural Dates was deferred pending the release of HDO-II.

Accordingly, IT IS ORDERED that the procedural dates in this proceeding, including the May 11, 1993, prehearing conference and the July 20, 1993, hearing, ARE CANCELLED.

IT IS FURTHER ORDERED that responses, if any, to the Petition for Leave to Amend, the Motion for Summary Decision, and the Joint Request for Approval of Settlement Agreement, Dismissal of Application and Grant of Application SHALL BE CONSOLIDATED AND FILED ten (10) days after the release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "Arthur I. Steinberg". The signature is written in a cursive style with a large, prominent initial "A".

Arthur I. Steinberg  
Administrative Law Judge