

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

MAR 30 1993

IN REPLY REFER TO:

David D. Oxenford, Esq.
Fisher, Wayland, Cooper and Leader
1255 Twenty-third Street, N.W.
Suite 800
Washington, D.C. 20037-1170

92-302

Re: Application of John M.
Giannettino
Burlington, Iowa
File No. BPH 910719 MA

Dear Mr. Oxenford:

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
(1890-1954)

CHARLES V. WAYLAND
(1910-1980)

OF COUNSEL
JOHN O. HEARNE

MCI MAIL: FWCLDC

LAW OFFICES

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(202) 775-3546

January 13, 1993

*NOT ADMITTED IN D.C.

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

Re: Request for Hearing Fee Refund
Application of John M. Giannettino
for a New FM Station in Burlington, Iowa
FCC File No. BPH-910719MA

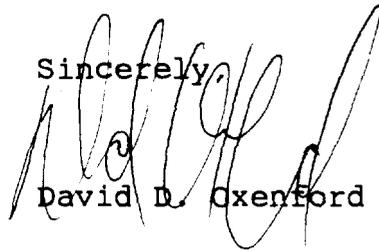
Dear Mr. Fishel:

John M. Giannettino, by his attorney, hereby requests a refund of the \$6760.00 hearing fee paid in connection with the above-referenced application. Filed concurrently with this request for fee refund has been a Joint Petition for Approval of Settlement Agreement in MM Docket No. 92-302. This Joint Petition seeks dismissal of the Giannettino application in return for reimbursement of his legitimate and prudent expenses incurred in connection with filing and prosecution of this application. The Settlement Agreement was filed prior to the deadline for filing Notices of Appearance in this proceeding. Therefore, pursuant to Section 1.1111(b)(2) of the Commission's rules, a refund of this hearing fee is proper.

A copy of the check for the hearing fee is attached to aid processing of this refund request.

Andrew S. Fishel
January 13, 1993
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Should there be any questions concerning this matter, please
contact the undersigned.

Sincerely,

David D. Oxenford

DDO/vm
Enclosure

8171-000

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OFFICE OF THE SECRETARY

KGPS 1150

RADIO BURLINGTON
SANDCASTLE ENTERTAINMENT
P.O. BOX 948 PH. 319-754-6988
BURLINGTON IA 52601

5182

JANUARY 1 19 91 72-2151/739

PAY TO THE ORDER OF **Federal Communications Commission**

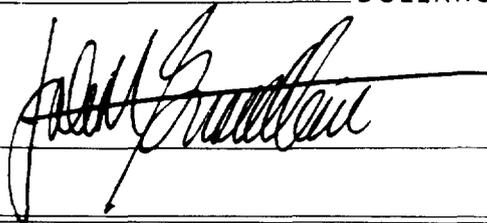
\$ 6760.00

Six thousand seven hundred sixty & zero cents***** DOLLARS

First National Bank

BI A BANKS OF IOWA BANK
Burlington, Iowa 52601

FOR **JOHN GIANNETTINO 276C3 Burlington, IA.**



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ORIGINAL ZIP

