

MAY 14 1993

Before the
Federal Communications Commission
Washington, DC

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 93-107
)	
DAVID A. RINGER)	File No. BPH-911230MA
)	
ASF BROADCASTING CORP.)	File No. BPH-911230MB
)	
WILBURN INDUSTRIES, INC.)	File No. BPH-911230MC
)	
KYONG JA MATCHAK)	File No. BPH-911230MF
)	
SHELLEE F. DAVIS)	File No. BPH-911231MA
)	
WESTERVILLE BROADCASTING COMPANY)	File No. BPH-911231MB
LIMITED PARTNERSHIP)	
)	
OHIO RADIO ASSOCIATES)	File No. BPH-911231MC

For Construction Permit for an
FM Station on Channel 280A in
Westerville, OH

To: Administrative Law Judge
Walter C. Miller

COMMENTS IN SUPPORT OF MOTIONS TO STRIKE

Shellee Davis, by her attorney, hereby submits her comments in support of the motions to strike filed by David A. Ringer against ASF Broadcasting Corp. and Westerville Broadcasting Company Limited Partnership.

In Gary Sellers, 6 FCC Rcd 2472 (ALJ Frysiak 1992), as here, as applicant submitted evidence during the course of the comparative hearing which indicated that its principal was involved in civic activities. The Presiding Judge noted that when the applicant submitted its integration statement with its application, the applicant did not allude therein to any intention to claim credit for civic activities. Citing Revision of Application for Construction

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Permit for Comparative Broadcast Station (FCC Form 301), 4 FCC Rcd 3853 n.77 and the instructions to the FCC Form 301, it was determined that "[t]o accept [the applicant's claim for an enhancement credit for civic activities would amount to an impermissible upgrading of his application." Sellers, 6 FCC Rcd at 2477 ¶ 56. The information was stricken from the record. Id.

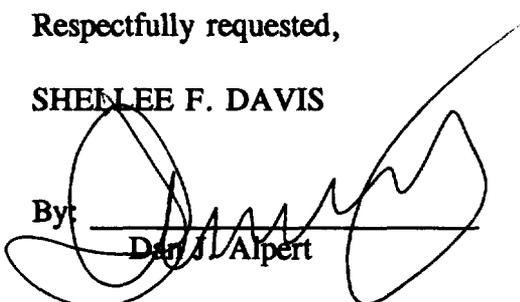
The same deficiencies exist in ASF's and Westerville Broadcasting's applications. Therefore, based upon Commission precedent, Ringer is correct that the information that is being submitted at this late date concerning the civic activities engaged in by ASF's and Westerville Broadcasting's principals must be stricken.

WHEREFORE, it is respectfully requested that the Motions to Strike filed by David A Ringer be granted.

Respectfully requested,

SHELEE F. DAVIS

By:


Dan J. Alpert

Her Attorney

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May 14, 1993

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that foregoing document was served on May 14, 1993 upon the following parties by First Class Mail, postage prepaid:

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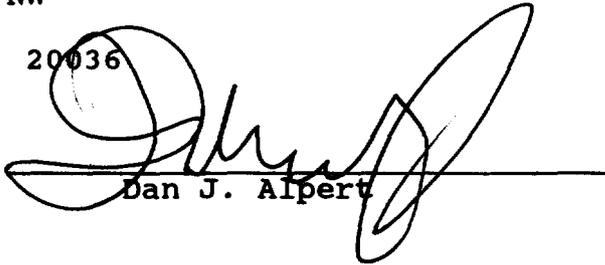
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