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

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In re Applications of	)	MM DOCKET NO. 93-96 ✓
	)	
ADAM D. GEARHEART	)	File No. BPH-920102MC
	)	
ROBERT G. PICKLESIMER	)	File No. BPH-920109MB
	)	
For Construction Permit for a	)	
New FM Station on Channel 285A	)	
in Harold, Kentucky	)	

MEMORANDUM OPINION AND ORDER

Issued: May 18, 1993 ; Released: May 20, 1993

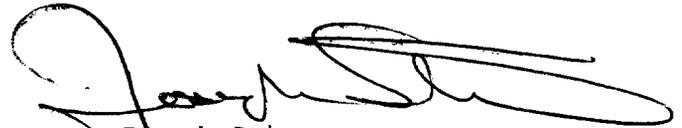
1. Under consideration are a "Joint Motion for Approval of Agreement" filed by Adam D. Gearheart (Gearheart) and Robert G. Picklesimer (Picklesimer) on April 27, 1993; a supplement thereto filed by Gearheart on April 29, 1993; a supplement to the joint motion filed by Picklesimer on May 3, 1993; and "Mass Media Bureau's Comments in Support of Joint Motion for Approval of Agreement" filed by the Bureau on May 11, 1993.

2. Gearheart and Picklesimer have entered into a settlement agreement and have submitted the agreement for approval. Pursuant thereto, Picklesimer has agreed to dismiss his application in exchange for the payment of \$14,000 (or the amount approved by the Commission, whichever is less) from Gearheart. Picklesimer has shown by appropriate documentation that he has incurred legitimate and prudent expenses in excess of \$14,000.

3. The joint motion and supporting materials submitted by the applicants satisfy the requirements of Section 73.3525 of the Commission's Rules, which implement Section 311(c)(3) of the Communications Act of 1934, as amended. In this connection, the applicants have established that neither application was filed for an improper purpose, and that approval of the agreement would serve the public interest. Moreover, payment to the dismissing applicant, as previously noted, is not in excess of legitimate and prudent expenses incurred in the prosecution of the application.

Accordingly, IT IS ORDERED that the "Joint Motion for Approval of Agreement" filed by Adam D. Gearheart and Robert G. Picklesimer on April 27, 1993, and supplemented on April 29, 1993, and May 3, 1993, IS GRANTED; the agreement IS APPROVED; payment in the amount of \$14,000 to Robert G. Picklesimer IS AUTHORIZED; the application of Robert G. Picklesimer (File No. BPH-920109MB) IS DISMISSED, with prejudice; the application of Adam D. Gearheart (File No. BPH-920102MC) for a construction permit to build a new FM station on Channel 285A in Harold, Kentucky, IS GRANTED; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Joseph Stirmer  
Chief Administrative Law Judge