

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

NOV 16 1992

Margaret L. Tobey, Esq.
Akin, Gump, Hauer
& Feld, L.L.P.
1333 New Hampshire Ave., N.W.
Suite 400
Washington, D.C. 20036

Dennis J. Kelly, Esq.
Cordon & Kelly
Post Office Box 6648
Annapolis, Maryland 21401

Donald E. Martin, P.C.
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036

Dear Ms. Tobey and Messers. Kelly and Martin:

This will respond to your request for refund of hearing fee filed on behalf of Broad Spectrum Communications, Inc. ("BSCI"), Phoenix Broadcasting, Inc. ("Phoenix"), and Ninety-Two Seven, Ltd. ("NTSL") in connection with their construction permit applications for a new FM station at Chico, California.

You state that prior to the Notice of Appearance deadline, BSCI, Phoenix and NTSL filed a settlement agreement that reflected their merger and, if granted, would result in the grant of the Phoenix application. You also state that you have submitted all necessary amendments and requested deletion of the contingent amendments

92-1831

Ms. Tobey and Messers. Kelly and Martin

2.

Accordingly, at this time, we are unable to consider your request for refund and it must therefore be denied without prejudice. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn J. McDermott".

Marilyn J. McDermott
Associate Managing Director
for Operations

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

In re Applications of)	MM DOCKET No. 92-133
)	
WESTERN INSPIRATIONAL BROADCASTERS, INC.)	File No. BPEB-910923MF
)	
BROAD SPECTRUM COMMUNICATIONS, INC.)	File No. BPH-910925ME
)	
PHOENIX BROADCASTING, INC.)	File No. BPH-910926ME
)	
NINETY-TWO SEVEN, LTD.)	File No. BPH-910926MF
)	
For Construction Permit for New FM Broadcast Station on Channel 224A at Chico, California)	

RECEIVED

TO: Office of the Managing Director

SEP 8 1992

MOTION FOR REFUND OF HEARING FEES OFFICE OF MANAGING DIRECTOR

Broad Spectrum Communications, Inc. (BSCI), Phoenix Broadcasting, Inc. (Phoenix) and Ninety-Two Seven, Ltd. (NTSL), by their respective attorneys, and pursuant to Section 1.1111(c) of the Commission's Rules, hereby respectfully submit this motion that the Commission make refund in full to each of them their \$6,760.00 hearing fees, fee code NWR. In support whereof, the following is shown:

1. BSCI, Phoenix and NTSL paid their respective \$6,760.00 hearing fees on or before March 2, 1992, the deadline for doing so in this case. As a result, their mutually-exclusive applications were consolidated in the above-captioned proceeding. The fourth applicant, Western Inspirational Broadcasters, Inc. (Western), filed its application on FCC Form 340 as a non-commercial applicant and

was not required to pay a hearing fee for inclusion in the above-entitled case.

2. The above-referenced proceeding was set in a Hearing Designation Order, DA 92-1076, released August 19, 1992. By operation of the twenty-day rule in Section 1.221 of the Commission's Rules, "Notices of Appearance" were due from the parties by September 8, 1992, today's date.

3. The parties have filed with the Commission on September 8, 1992 a "Joint Request for Approval of Settlement", which, if granted by the presiding ALJ, will result in a grant of the Phoenix application, as amended to

conditions of Section 1.1111(p)(4) of the Rules, and it is respectfully requested that this motion for refund of all hearing fees paid by BSCI, Phoenix and NTSL be granted. The refunds should be remitted to the following:

To BSCI:

Broad Spectrum Communications, Inc.
Attention: Mr. Paul Eric Dausman, President
5904 Bay Point Drive
Lake Oswego, OR 97035

To Phoenix:

Phoenix Broadcasting, Inc.
Attention: Mr. Gary Katz, President
Post Office Box 7568
Chico, CA 95927

To NTSL:

Ninety-Two Seven, Ltd.
Attention: Mr. Wilber Johnson, Vice-President
40 Bellam Blvd., Box 10101
San Rafael, CA 94912

WHEREFORE, it is urged that this Motion for Refund of Hearing Fees BE GRANTED IN FULL.

Respectfully submitted,

BROAD SPECTRUM COMMUNICATIONS,
INC.

AKIN, GUMP, HAUER &
FELD, L. L. P.
1333 New Hampshire Ave., NW
Suite 400
Washington, DC 20036
Telephone: 202-887-4377

By Margaret L. Tobey
Margaret L. Tobey
Its Attorney

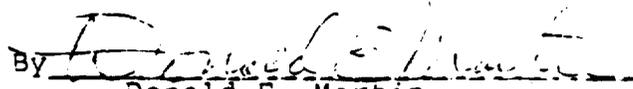
PHOENIX BROADCASTING, INC.

GORDON AND KELLY
Post Office Box 6648
Annapolis, MD 21401
Telephone: 410-280-6290

By 
Dennis J. Kelly
Its Attorney

NINETY-TWO SEVEN, LTD.

DONALD E. MARTIN, P. C.
2000 L Street, NW
Suite 200
Washington, DC 20036
Telephone: 202-887-5070

By 
Donald E. Martin
Its Attorney

September 8, 1992

CERTIFICATE OF SERVICE

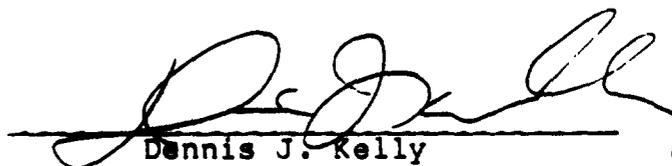
It is hereby certified that the foregoing "Motion for Refund of Hearing Fees" were served by hand on this 3th day of September, 1992 upon the following:

Honorable Andrew Fishel
The Managing Director
Federal Communications Commission
1919 M Street, NW, Room 852
Washington, DC 20554

Honorable Edward J. Kuhlmann
Administrative Law Judge
Federal Communications Commission
Washington, DC 20554

Charles Dziedzic, Esquire
Chief, Hearing Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, NW, Room 7212
Washington, DC 20554

Stephen T. Yelverton, Esquire
McNair Law Firm, P. A.
1155 Fifteenth Street, NW, Suite 400
Washington, DC 20005
Counsel for Western Inspirational Broadcasters, Inc.


Dennis J. Kelly