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

FCC 93M-677
40159

In the Matter of) MM DOCKET NO. 93-242
)
DAVID & SHERRY PIKE)
)
Licensees of Station KRAN (AM))
Morton, Texas)
)
Order to Show Cause Why the)
License for Station KRAN (AM))
Morton, Texas Should Not Be Revoked)

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MEMORANDUM OPINION AND ORDER

Issued: October 25, 1993; Released: October 27, 1993

1. By Order to Show Cause and Hearing Designation Order, released by the Commission on August 31, 1993, David and Sherry Pike, the licensees of Station KRAN (AM), were directed to show cause why the license for the radio station KRAN (AM), Morton, Texas, should not be revoked at a hearing upon the following issues:

- (a) To determine whether David and Sherry Pike have the capability and intent to expeditiously resume broadcast operations of KRAN (AM) consistent with the Commission's Rules.
- (b) To determine whether David and Sherry Pike have violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.
- (c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether David and Sherry Pike are qualified to be and remain the licensee of Station KRAN (AM).

2. On October 21, 1993, this office received the Mass Media Bureau's Motion to Terminate Hearing and Certify Case to the Commission. The Bureau notes therein that on September 20, 1993, it filed its Bill of Particulars and Request for Admissions, and that copies were sent to the Pikes; and that it received return receipts dated September 24, 1993, signed by Justin Pike, for both the Bill of Particulars and the Request for Admissions. The Bureau indicates that the Pikes have neither admitted to the Admissions, nor denied them. It concludes that it is apparent, therefore, that the Pikes have no intention of appearing in the instant proceeding to contest the Commission's Show Cause Order; and that it would be in the public interest to conclude this proceeding. It requests that the Undersigned terminate the proceeding and certify the case to the Commission for further action pursuant to authority contained in Section 1.92(c) of the Commission's Rules.

3. In addition to having failed to respond to the Bureau's Bill of Particulars and Request for Admissions, the Pikes have not filed a notice of appearance as required by paragraph 7 of the Commission's Show Cause Order, or

submitted a written statement expressly waiving their right to a hearing within the required period of time or as of this date. They are deemed, therefore, to have waived their right to a hearing, and this proceeding will be terminated and the matter referred to the Commission for further action.

Accordingly, IT IS ORDERED, that the prehearing conference and the hearing scheduled for November 2, 1993 and December 2, 1993, respectively, are cancelled.

AND IT IS FURTHER ORDERED, that the licensees right to a hearing is found to have been waived; that, pursuant to authority contained in Section 1.92(c) of the Commission's rules, this proceeding is terminated, and this case IS CERTIFIED to the Commission for whatever action it deems appropriate.

FEDERAL COMMUNICATIONS COMMISSION



Joseph P. Gonzalez
Administrative Law Judge

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