

DECLARATION CONCERNING EXPENSES

I, Michael S. Morris, under penalty of perjury, hereby declare that the following statements are true and correct.

1. I am a general partner for Land Rush Communications (LRC), Arkansas City, Kansas.

2. LRC retained Evans Associates, consulting engineer, to advise and prepare the technical portion of our application for a new FM station to operate on Channel 273A at Arkansas City, Kansas. LRC was billed and has paid \$2956.00 for these engineering services.

3. LRC also incurred the following expenses related to completion of its application and preparation for possible comparative hearing.

* FCC New FM Application Fee.....	\$2030.00
* Maps - Cowley County, KS - Tower Site.....	\$ 10.00
* Garry Smith Professional Engineers - Determination of Tower Site Coordinates.....	\$ 30.00
* Postage.....	\$ 35.61
* Publication Of Public Notice in The Arkansas City Traveler newspaper.....	\$ 61.56
* Phone Calls.....	\$ 100.41
* Downtown Copy Center - Washington, DC Copy of Robert V. Clark Application.....	\$ 26.25
* Miscellaneous.....	\$ 63.15

LRC was billed and has paid these expenses totaling \$2293.83.

4. LRC incurred additional expenses of \$1500.00 for retaining Federal Communications Services to act as our representative in settlement negotiations.

5. All of the expenses identified above have been paid and total in excess of \$6725.00. LRC will provide receipts and canceled checks to verify these expenses if requested.



Michael S. Morris

Executed May 22, 1993

ATTACHMENT C

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

FCC 93M-381
31809

In re Applications of) MM DOCKET NO. 93-125
)
ELDON F. HESTAND, JOHN C. McVEY, and)
MICHAEL S. MORRIS d/b/a LAND) File No. BPH-910705MK
RUSH COMMUNICATIONS)
)
ROBERT V. CLARK) File No. BPH-910708MD
)
)
For Construction Permit for a)
New FM Station on Channel 273A)
in Arkansas City, Kansas)

MEMORANDUM OPINION AND ORDER

Issued: June 17, 1993 ; Released: June 21, 1993

1. Land Rush Communications (Land Rush) and Robert V. Clark (Clark) seek a ruling on a "Joint Request for Approval of Settlement Agreement And For Grant of Application." They filed their Request on May 25, 1993. The only other party to the proceeding, the Mass Media Bureau, commented favorably on the Request on June 16, 1993.

2. These two applicants have settled their differences. Land Rush has agreed to dismiss their application. In return, Clark will reimburse Land Rush \$6,725 in legitimate and prudent expenses, expenses Land Rush incurred preparing, filing and prosecuting its application.

Ruling

3. The Trial Judge will grant the Joint Request and approve the agreement. The two applicants have submitted the proper documents. The \$6,725 that Clark will pay Land Rush does not exceed their (Land Rush's) legitimate and prudent expenses. The accompanying papers indicate that neither applicant has filed their application for an improper purpose. Also, approving the agreement will eliminate the need for a comparative hearing and speed up the start up of a new FM service in Arkansas City, Kansas. So the public interest is furthered.

4. One more thing. Clark faces no basic qualifying issues and is qualified to construct and operate as proposed. See DA 93-466 released May 5, 1993, at para.4. So his application can be granted now.

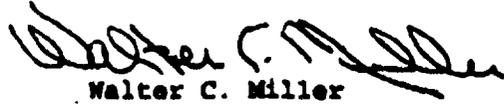
SO the "Joint Request for Approval of Settlement Agreement And For Grant of Application" that Land Rush Communications and Robert V. Clark filed on May 25, 1993, IS GRANTED; and the accompanying Settlement Agreement IS APPROVED;

Land Rush Communication's application (BPH-910705 MK) IS DISMISSED with prejudice;

Robert V. Clark's application (BPH-910708 MD) IS GRANTED; and

This proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Walter C. Miller
Administrative Law Judge