

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION  
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT  
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only  
File No. BMP TTL-920915

<p>1. Legal Name of Applicant (See Instruction E)</p> <p><b>Raystay Company</b></p>	<p>3. PURPOSE OF APPLICATION:</p> <p><input checked="" type="checkbox"/> a. Additional time to construct broadcast station</p> <p><input type="checkbox"/> b. Construction permit to replace expired permit</p>				
<p>2. Mailing Address (Number, street, city, state, ZIP code)</p> <p><b>P.O. Box 38 Carlisle, PA 17013</b></p>	<p>4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT</p> <table border="1"> <tr> <td>File Number <b>BMP TTL-911220JI</b></td> <td>Call Letters <b>W55BP</b></td> </tr> <tr> <td>Frequency <b>716-722 Mhz</b></td> <td>Channel No. <b>55</b></td> </tr> </table>	File Number <b>BMP TTL-911220JI</b>	Call Letters <b>W55BP</b>	Frequency <b>716-722 Mhz</b>	Channel No. <b>55</b>
File Number <b>BMP TTL-911220JI</b>	Call Letters <b>W55BP</b>				
Frequency <b>716-722 Mhz</b>	Channel No. <b>55</b>				
<p>Telephone No. (Include Area Code) <b>(717) 245-0040</b></p>	<p>Station Location <b>Lebanon, PA</b></p>				

**RECEIVED**  
**JUL - 9 1992**

5. OTHER: **FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY**  
Submit as Exhibit No. N/A a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.

6. EXTENT OF CONSTRUCTION:

<p>(a) Has equipment been delivered? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, answer the following: <b>See Exhibit 1</b></p>	<p>(b) Has installation commenced? <input type="checkbox"/> YES <input type="checkbox"/> NO <b>See Exhibit 1</b></p>
<p>From Whom Ordered (If no order has been placed, so indicate) <b>See Exhibit 1</b></p>	<p>If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.</p>
<p>Date Ordered</p>	<p>Date Delivery Promised</p>
<p>(c) Estimated date by which construction can be completed. <b>See Exhibit 1</b></p>	

7. (a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. N/A the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

8. Are the representations contained in the application for construction permit still true and correct?  YES  NO  
If NO, give particulars in Exhibit No. \_\_\_\_\_

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)  
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

**CERTIFICATION**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

<p>Legal Name of Applicant <b>Raystay Company</b></p>	<p>Signature <i>George J. Gardner</i></p>
<p>Title <b>President</b></p>	<p>Date <b>July 7, 1992</b></p>

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.



Lee

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON D C 20554

LPTV  
**RECEIVED**  
SEP 24 1992

SEP 23 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

COHEN & BERFIELD

John J. Schauble  
Cohen and Berfield, P.C.  
Board of Trade Building  
1129 20th Street, N.W.  
Washington, D. C. 20036

In re: Low Power Television Applications  
for Extension of Time:  
Raystay Company  
W31AX, Lancaster, PA  
BMPTTL-920709IN  
W23AW, Lancaster, PA  
BMPTTL-920709IM  
W38BE, Lebanon, PA  
BMPTTL-920709IK  
W55BP, Lebanon, PA  
BMPTTL-920709IJ

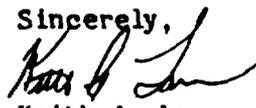
WYA

Dear Schauble:

This refers to the above-referenced applications for extension of time within which to construct filed by you on behalf of Raystay Company ("Raystay").

In support of your request, you state that Raystay has entered into negotiations with representatives of the owners of the antenna sites specified in these applications. You also state the Raystay has undertaken research in an effort to determine programming. Based on these facts, the Commission has decided to afford Raystay a final opportunity to complete construction. These applications will be granted for an additional six months. Raystay is cautioned, however, that the Commission does not expect to grant any additional extensions of time or any assignments of the construction permits.

Sincerely,



Keith A. Larson  
Chief, Low Power Television Branch  
Video Services Division  
Mass Media Bureau



George

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON D C 20554

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Sincerely,  
  
Keith A. Larson  
Chief, Low Power Television Branch  
Video Services Division  
Mass Media Bureau



LAW OFFICES  
COHEN AND BERFIELD, P.C.

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

WASHINGTON, D.C. 20036

(202) 466-8565

TELECOPIER  
(202) 785-0934

LEWIS I. COHEN  
MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*

\*VIRGINIA BAR ONLY

September 24, 1992

Mr. David A. Gardner  
Raystay Co.  
P.O. Box 38  
Carlisle, PA 17013

Dear David:

Enclosed is grant of what appears to be Raystay's  
final extension of its low power construction permits.

Sincerely,

  
Morton L. Berfield

Enclosure

cc: Lee Sandifer (w/encl.)

75483

93-75 MF 253

Emmard

12. 2. 93

12. 2. 93

G. Waldman

12. 2. 93

Date



LAW OFFICES  
COHEN AND BERFIELD, P.C.

BOARD OF TRADE BUILDING  
1129 20TH STREET, N.W.  
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(202) 785-0921

LEWIS I. COHEN  
MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*

\*VIRGINIA BAR ONLY

February 4, 1993

VIA FACSIMILE

Mr. David A. Gardner  
Raystay Co.  
P.O. Box 38  
Carlisle, PA 17013

Dear David:

Raystay's four construction permits for LPTV stations expire on March 23, 1993. A decision needs to be made soon as to what action, if any, to take with respect to those permits.

If construction will be completed and a license application filed by March 23, no action need be taken at this time. Otherwise, the possible options are to: (1) file for another extension of time; (2) attempt to sell the construction permits to a third party for Raystay's expenses; or, (3) turn the permits into the Commission for cancellation.

When the Commission granted the last extension request, it warned that it did not expect to grant any additional requests. If substantial construction has taken place and construction can be completed within a few months, we may be able to convince the Commission to grant one last request. Recently, the Commission denied an extension request for an LPTV station that had nearly completed construction, but it then informally agreed to reinstate the permit if construction was completed within thirty days after the Commission denied the extension request. Since about three months passed between the time the extension request was filed and the time it was denied, the applicant, in essence, obtained several extra months to construct. There is no guarantee that the Commission would make the same offer in this case, but it is a possibility.

If substantial progress has not been made in constructing the station, it is doubtful whether the Commission would grant another extension. Furthermore, we doubt whether the Commission would allow Raystay to sell the permits at this time. Its September 23 letter states that it does not contemplate granting assignment applications. Once Raystay builds the stations and obtains licenses, it could then sell the stations for full market value. If Raystay attempted to sell the unbuilt construction permits, it could only recoup its expenses.

80049

93-75 T9F 254  
Emmons  
12.2-93  
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12.2.93

Mr. David A. Gardner  
Page Two  
February 4, 1993

Finally, if a decision is made to do nothing with the permits, please let us know so we can turn them in to the Commission for cancellation.

Any extension request should be filed by February 23. If the decision is made to file an extension request, we will need a detailed report on the status of construction for each station.

Please call to discuss this matter.

Regards,



John J. Schauble

cc: Lee Sandifer (via facsimile)



LAW OFFICES

COHEN AND BERFIELD, P.C.

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

WASHINGTON, D.C. 20036

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LEWIS I. COHEN  
MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*

\*VIRGINIA BAR ONLY

TELECOPIE  
(202) 785-0

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MAR 23 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

March 23, 1993

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

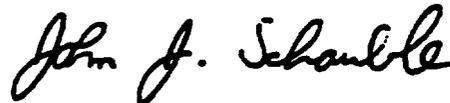
Dear Ms. Searcy:

This letter is written on behalf of Raystay Co. (Raystay), permittee of low-power television stations W23AW, Lancaster, PA; W31AX, Lancaster, PA; W38BE, Lebanon, PA; and W55BP, Lebanon, PA.

The aforementioned construction permits expire this date. Raystay has decided not to seek extensions of these permits or to take any further action with respect to those permits. Accordingly, the Commission may cancel these permits and delete the call signs from its records.

Should there be any questions concerning this matter, kindly communicate directly with this office.

Regards,



John J. Schauble

80052

Federal Communications Commission

Form No. 42-75 - Exempt from 47 CFR 2.253

Retained by Summers

Disposition { Identified 12.2.93  
Received 12.2.93  
Rejected \_\_\_\_\_

Reporter G. Williams

Date 12.2.93



DECLARATION

Lee H. Sandifer, under penalty of perjury, now declares that the following is true and correct to the best of his knowledge and belief:

I am Vice-President of Raystay Company (Raystay), which is the licensee of low-power television (LPTV) station W40AF licensed to Dillsburg, Pennsylvania.

The attached excerpts from Raystay's audited financial statements accurately reflect the financial condition and operating performance of W40AF during the years indicated.

In the balance sheets, the listing for "Property, Plant & Equipment" indicates the cumulative total costs of property and equipment used by TV40. Thus, as of October 31, 1989, Raystay had spent \$198,038 on equipment and property for W40AF. That figure would include the cost of the equipment used in constructing that station. The term "Interdivision Account" represents the total amount of funds advanced from Raystay's other operations that have been used to subsidize the operations of W40AF. Thus, as of October 31, 1989, Raystay had used \$239,445 in funds from other operations to subsidize the operations of W40AF. By October 31, 1992, that figure had increased to \$759,052.

June 3, 1993  
Date

  
Lee H. Sandifer

Federal Communications Commission

Docket No. 93-75 Exhibit No. TME 256

Presented by Emmons

Disposition { Identified 12.2.93  
Received 12.2.93  
Rejected \_\_\_\_\_

Reporter C. W. [Signature]

Date 12.2.93

Comparative Balance Sheets from Raystay's  
Combining Audited Financial Statements  
For The Years Ended October 31

ASSETS	1989	1990	1991	1992
Current Assets				
Cash and Cash Equivalents		\$12,119	(\$2,803)	\$10,754
Accounts Receivable - Trade (Net of Allowance for Doubtful Accounts)	\$1,126	\$2,277	\$9,450	\$18,084
Accounts Receivable - Other		\$1,088	\$4,907	(\$3,278)
Prepaid Expenses	\$946	\$465	\$1,295	\$3,810
Total Current Assets	<u>\$2,072</u>	<u>\$15,949</u>	<u>\$12,849</u>	<u>\$29,370</u>
Property, Plant, & Equipment	\$198,038	\$224,740	\$230,255	\$250,961
Less: Accumulated Depreciation	\$40,715	\$76,458	\$113,761	\$152,823
Total Property, Plant, & Equipment	<u>\$157,323</u>	<u>\$148,282</u>	<u>\$116,494</u>	<u>\$98,138</u>
Other Assets				
Accounts Receivable - Other				(\$8,855)
Other				\$570
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$8,285)</u>
Total Assets	<u><u>\$159,395</u></u>	<u><u>\$164,231</u></u>	<u><u>\$129,343</u></u>	<u><u>\$119,223</u></u>
LIABILITIES	1989	1990	1991	1992
Current Liabilities				
Current Portion of Long-Term Notes and Leases Payable	\$2,228	\$2,486	\$2,554	
Accounts Payable		\$22,384	\$7,263	\$480
Accrued Liabilities	\$1,190	\$2,881	\$7,036	\$3,866
Total Current Liabilities	<u>\$3,418</u>	<u>\$27,751</u>	<u>\$16,853</u>	<u>\$4,346</u>
Long-Term Liabilities				
Notes Payable (Net of Current Portion)	\$5,505	\$3,007	\$245	
Total Long-Term Liabilities	<u>\$5,505</u>	<u>\$3,007</u>	<u>\$245</u>	<u>\$0</u>
Interdivision Account	\$239,445	\$309,975	\$507,487	\$759,052
Stockholder's Equity (Deficit)				
Retained Earnings (Deficit)	(\$88,973)	(\$176,502)	(\$395,242)	(\$644,175)
Total Stockholder's Equity (Deficit)	<u>(\$88,973)</u>	<u>(\$176,502)</u>	<u>(\$395,242)</u>	<u>(\$644,175)</u>
Total Liabilities & Stockholder's Equity	<u><u>\$159,395</u></u>	<u><u>\$164,231</u></u>	<u><u>\$129,343</u></u>	<u><u>\$119,223</u></u>

Notes: 1) Separate financial information for WAORF has been reported in only these fiscal :

Recap of Statements of Loss from Raystay's  
Combining Audited Financial Statements  
For The Years Ended October 31

	1989	1990	1991	1992	TOTAL FY 89-92
Total Revenue	\$1,331	\$8,980	\$46,585	\$67,965	\$124,861
<u>Expense</u>					
Total Studio Expenses	\$32,111	\$72,675	\$102,685	\$105,128	\$312,599
Total Office Expenses	\$0	\$50,822	\$61,796	\$56,822	\$169,440
Total Administrative Expense	\$16,596	\$12,816	\$9,600	\$8,102	\$47,114
Total Marketing Expense	\$0	\$12,673	\$14,356	\$47,802	\$74,831
 Total Expenses	 \$48,707	 \$148,986	 \$188,437	 \$217,854	 \$603,984
 Net Loss From Operations	 \$47,376	 \$140,006	 \$141,852	 \$149,889	 \$479,123
<u>Other Expense:</u>					
Depreciation	\$40,715	\$35,743	\$37,303	\$39,062	\$152,823
Interest Expense - Allocated	\$0	\$0	\$39,135	\$59,876	\$99,011
Interest Expense - Vehicle	\$882	\$753	\$450	\$107	\$2,192
 Total Other Expense	 \$41,597	 \$36,496	 \$76,888	 \$99,045	 \$254,026
 Net Loss for the Year	 \$88,973	 \$176,502	 \$218,740	 \$248,934	 \$733,149

Notes: 1) Different classifications of expenses may have been used in the FY89 FY 90 audited financial statements. However, the revenue and total expenses were compiled on a comparable basis for all fiscal years.

2) Separate financial information for W409F has been reported in only these fiscal years.



## MEMORANDUM OPINION AND ORDER

Before the  
Federal Communications Commission  
Washington, D.C. 20554

Adopted: January 11, 1990; Released: February 2, 1990

By the Commission:

In re Applications of

RKO GENERAL,  
INC. (WAXY-FM)  
Fort Lauderdale, Florida

MM DOCKET NO. 84-1112  
File No. BRH-781002WR

For Renewal of License

ADWAVE COMPANY  
Fort Lauderdale,  
Florida

MM DOCKET NO. 84-1113  
File No. BPH-830510AL

SOUTH JERSEY  
RADIO, INC.  
Fort Lauderdale, Florida

MM DOCKET NO. 84-1114  
File No. BPH-830511AK

COZZIN  
COMMUNICATIONS  
COMPANY  
Fort Lauderdale, Florida

MM DOCKET NO. 84-1116  
File No. BPH-830512AW

Rosemarie A.  
Reardon d/b/a  
LAUDERSEA  
BROADCASTING  
COMPANY  
Fort Lauderdale, Florida

MM DOCKET NO. 84-1118  
File No. BPH-830512CP

For Construction Permit  
for a new FM Station

SOUTH JERSEY RADIO, INC.  
Assignor

and

File No. BALH-890814ED

GRADH-105, INC., as owned by  
ACKERLEY RADIO OF FLORIDA,  
INC.  
Assignee

For Consent to Assignment  
of License for WAXY-FM

and Related Application

File No. BLH-890814KI

1. Before the Commission are: (1) Joint Petition for Approval of Settlement Agreement and Related Relief filed August 11, 1989 by RKO General, Inc., Adwave Company, South Jersey Radio, Inc., COZZIN Communications Corporation, Rosemarie A. Reardon d/b/a Lauderdale Broadcasting Company, and Ackerley Radio of Florida, Inc.; (2) statements filed September 13, 1989 by Adwave and September 21, 1989 by Lauderdale; (3) Comments filed October 11, 1989 and November 16, 1989 by the Mass Media Bureau; and (4) a reply filed October 23, 1989 by Adwave.

### I. SETTLEMENT AGREEMENT

2. In their Joint Petition the parties propose to settle this comparative renewal proceeding. The main features of the proposed settlement are: (1) RKO's renewal application for station WAXY-FM would be dismissed; (2) the mutually exclusive applications of Adwave, COZZIN, and Lauderdale would be dismissed; (3) South Jersey's mutually exclusive application for WAXY-FM would be granted; (4) South Jersey would assign the license for WAXY-FM to GRADH-105, Inc. (GRADH-105, Inc., is currently a subsidiary of RKO; it will be acquired by Ackerley as part of this transaction); (5) Ackerley would acquire the physical and other assets of WAXY-FM by acquiring GRADH-105, Inc. Under the agreement Ackerley would pay RKO \$12,600,000 and would pay \$8,400,000 to the other applicants and their principals.<sup>1</sup>

3. The parties contend that their settlement would serve the public interest by avoiding further burdensome litigation in this case and by helping to resolve the protracted and complex set of interrelated proceedings originally involving 14 RKO-owned stations, including WAXY-FM. RKO's basic and comparative qualifications have been at issue in this series of proceedings for more than 24 years.<sup>2</sup> The parties also contend that approval of the agreement will put WAXY-FM into the hands of an unarguably qualified licensee that would not suffer the same uncertainties as to its future as RKO does. The parties have submitted affidavits stating that they filed their applications in good faith and not for the purpose of reaching or carrying out a settlement agreement.

4. In connection with the proposed settlement, the parties seek a Commission determination regarding the character qualifications of (1) George F. Gardner, the principal of Adwave, and (2) Rosemarie A. Reardon, the principal of Lauderdale. The parties ask for a ruling that misconduct allegedly committed by Gardner and Reardon in this proceeding will not bar them from acquiring other stations. The obligations of Adwave and Lauderdale under the settlement agreement are conditioned on a favorable finding on this question. *Settlement Agreement* ¶¶ 5.3, 5.4.

5. Dismissal of the relevant applications would, of course, moot the question of whether the alleged misconduct by Gardner and Reardon adversely affected the qualifications of Adwave and Lauderdale to be the licensee of WAXY-FM. However, the allegations against Gardner and Reardon could be revisited in connection with any

Federal Communications Commission

Docket No. 93-75 (FCC 93-147) MF-251

Presented by Summons

Disposition { Identified 12-2-93  
Revised 12-2-93  
Revised

Reporter Andrew

Date 12-2-93