

Before the
Federal Communications Commission
Washington, DC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 93-107
)	
DAVID A. RINGER)	File No. BPH-911230MA
)	
ASF BROADCASTING CORP.)	File No. BPH-911230MB
)	
WILBURN INDUSTRIES, INC.)	File No. BPH-911230MC
)	
SHELLEE F. DAVIS)	File No. BPH-911231MA
)	
OHIO RADIO ASSOCIATES)	File No. BPH-911231MC

For Construction Permit for an
FM Station on Channel 280A in
Westerville, OH

To: The Review Board

MOTION FOR LEAVE TO AMEND

Shellee F. Davis, by her attorney, hereby seeks leave to amend her application for a new FM broadcast station to serve Westerville, Ohio. In support thereof, the following is stated:

The amendment, a copy of which is attached hereto, provides updated information concerning the ownership of the transmitter site designated in Ms. Davis' application. The transmitter site previously was owned by Mid-Ohio Communications, Inc. By Letter dated March 2, 1994, Ms. Davis was informed that the property and equipment has been sold to Spirit Communications, Inc. As reflected in the enclosed amendment, "reasonable assurance" of the availability of the site has been received from John Shumate, President of the owner of the site.

Thus, no change of transmitter site will be required.

Acceptance of the Amendment will not require the modification or addition of

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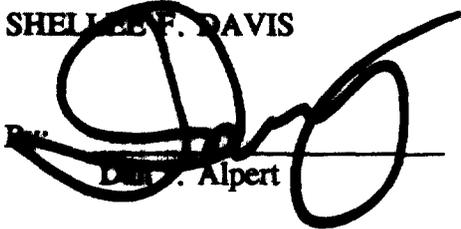
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issues in this proceeding, require additional hearings, unfairly prejudice the other parties, or cause Davis to gain a comparative advantage. Moreover, the Amendment is not "voluntary," insofar as it is required to be reported under Section 1.65 of the Commission's Rules. Accordingly, "good cause" exists for acceptance of the Amendment. Erwin O'Connor Broadcasting Co., 22 F.C.C.2d 142, 143 (Rev. Bd. 1970).

WHEREFORE, it is respectfully requested that the attached amendment be accepted.

Respectfully requested,

SHELLEY F. DAVIS

By: 

Director Alpert

1250 Connecticut Ave.
7th Floor
Washington, DC 20036
(202) 637-9158

March 29, 1994

ATTACHMENT 1

AMENDMENT

Please amend the application of Shelley F. Davis to include the attached revised Site Certification.

SHELLEY F. DAVIS

A handwritten signature in black ink, appearing to read 'Shelley F. Davis', written over a horizontal line.

Signed and dated this 28 day of March, 1994.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

Yes No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 896-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3680?

Yes No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

Yes No

If No, attach as an Exhibit, a full explanation.

Exhibit No.
N/A

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted

John Shumate

Telephone No. (include area code)

(614) 764-7410

Person contacted: (check one box below)

Owner

Owner's Agent

Other (specify)

4. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

Yes No

The APPLICANT hereby waives any claim to the use of any particular frequency 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 exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

ATTACHMENT 2

Fry & Waller Co., L.P.A.

Attorneys and Counsellors at Law

36 EAST LIVINGSTON AVENUE, COLUMBUS, OHIO 43215 5762

TELEPHONE 614/278-2300

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CARL B. FRY

BARRY A. WALLER

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ROBERT H. GRIFFIN, JR.

BRYAN L. JEFFRIES

OF COUNSEL

DAVID M. BUDA

March 2, 1994

Ms. Shellee F. Davis
Britt Business Systems, Inc.
415 E. Broad St., Suite 100
Columbus, OH 43215

RE: Mid-Ohio Communications, Inc. / WBBY-FM / Lease of Assets

Dear Ms. Davis:

This correspondence is to advise you that all of the real estate and personal property owned by Mid-Ohio Communications, Inc. or affiliated companies which was utilized in regard to the broadcast operation of WBBY-FM has been sold to Spirit Communications, Inc. As you are aware, it has been over two years since the previous owner advised you that if you were awarded the construction permit for the frequency that the previous owner would be willing to negotiate with you regarding the possible lease of the real estate and/or personal property previously involved with the operation of the station. The previous owner has never been advised by you or anyone that a new constructive permit has been issued in regard to the frequency, and the real estate and personal property has now been sold. I am unaware of the new owner's intent in regard to the real estate or the personal property and if you wish to discuss the matter with the new owner, please contact Mr. John Shumate, Spirit Communications, Inc., 114 Dorchester Square, Westerville, Ohio 43081.

Since the real estate and personal property are no longer available for lease by Mid-Ohio Communications, Inc., or affiliated companies, you need to make appropriate arrangements as you deem necessary or as may be legally required in regard to your Application filed with the FCC. If you have any questions regarding this correspondence, please feel free to contact me.

Sincerely,


CARL B. FRY

/lt

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that foregoing document was served on March 28, 1994 upon the following parties by First Class Mail, postage prepaid, or by Hand:

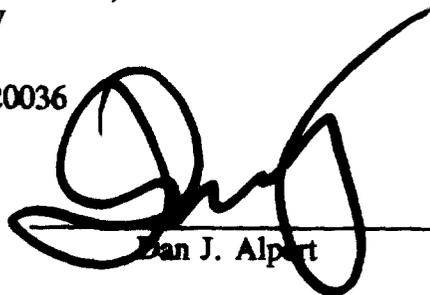
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