

DOCKET FILE COPY ORIGINAL

RECEIVED

SEP 17 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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

In re Applications of	)	MM DOCKET NO. 94-88
	)	
COMMUNITY EDUCATIONAL ASSOCIATION	)	File No. BPED-930316MF
	)	
Holly Hill, Florida	)	
	)	
	)	
CORNERSTONE COMMUNITY RADIO, INC.	)	File No. BPED-930618MG
	)	
Flagler Beach, Florida	)	
	)	
	)	
For Construction Permit for	)	
A New Noncommercial Educational	)	
FM Broadcast Station	)	

To: Administrative Law Judge  
Joseph Chachkin

**MASS MEDIA BUREAU'S COMMENTS**  
**ON PETITION FOR LEAVE TO AMEND**

1. On August 30, 1994, Community Educational Association ("CEA") filed a petition for leave to amend its application to submit a new engineering proposal. The Mass Media Bureau supports acceptance of the amendment and we submit the following comments.

2. The proffered amendment proposes a new transmitter site and a change in channels from 212A to 201A. The Bureau's engineering staff has analyzed the proffered amendment and has

No. of Copies rec'd  
List ABCDE

*076*

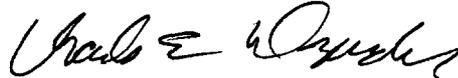
concluded that it conforms with the Commission's technical standards. The amendment is filed within thirty days of the release of the Hearing Designation Order in the above-captioned proceeding, 9 FCC Rcd 3626 (1994). Moreover, the amendment would eliminate the mutual exclusivity between the above-captioned applicants, thereby facilitating the grant of both applications. Thus, there is good cause for its filing.

3. Cornerstone Community Radio, Inc. ("CCR") is fully qualified to be a Commission licensee. See Hearing Designation Order. Because acceptance of the amendment would eliminate the mutual exclusivity between the above-captioned applicants, CCR's application can be granted upon acceptance of the amendment. There remain pending an air hazard issue and an issue regarding CEA's qualifications as an educational organization under Section 73.503(a). CEA states that it intends to seek summary decision of these issues. Accordingly, its application should be held in abeyance.

4. For the reasons set forth in the foregoing comments, the

Bureau supports acceptance of CEA's amendment and grant of CCR's application. <sup>1</sup>

Respectfully submitted,  
Roy J. Stewart  
Chief, Mass Media Bureau



Charles E. Dziedzic  
Chief, Hearing Branch



Y. Paulette Laden  
Attorney  
Mass Media Bureau

Federal Communications Commission  
2025 M Street N.W., Suite 7212  
Washington, D.C. 20554  
(202) 632-6402

September 7, 1994

---

<sup>1</sup> The Bureau has conducted a channel study to ensure that no applications have been filed which are mutually exclusive with channel 201A. It is respectfully suggested that the Presiding Judge notify the Bureau on the date of the ruling on the amendment. At that time the Bureau will conduct another channel study search to determine whether mutually exclusive applications have been filed in the interim. If such a filing has taken place, the Bureau will notify the parties and the judge.

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 7th day of September, 1994, sent by regular United States mail copies of the foregoing "**Mass Media Bureau's Comments on Petition for Leave to Amend**" to:

Scott C. Cinnamon, Esq.  
Brown, Nietert & Kaufman  
1920 N Street, N.W., Suite 660  
Washington, D.C. 20036

J. Geoffrey Bentley, Esq.  
Birch, Horton, Bittner & Cherot  
1155 Connecticut Avenue, 12th Floor  
Washington, D.C. 20036

  
Michelle C. Mebane  
Michelle C. Mebane