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

In re Applications of)	MM DOCKET NO. 92-316
)	
RIVERTOWN COMMUNICATIONS COMPANY, INC.)	File No. BPH-911008ME
)	
SAMPLE BROADCASTING COMPANY, L.P.)	File No. BPH-911010MA
)	
For a Construction Permit for a New FM Station on Channel 282C3 at Eldon, Iowa)	

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To: The Review Board

MASS MEDIA BUREAU'S COMMENTS ON
JOINT REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT
and
CONTINGENT PETITION FOR LEAVE TO AMEND

1. On November 4, 1994, Rivertown Communications Company, Inc. ("Rivertown") and Sample Broadcasting Company, L.P. ("Sample") filed a Joint Request for Approval of Settlement Agreement ("Joint Request").¹ Also before the Review Board is a Contingent Petition for Leave to Amend, filed November 2, 1994, by Sample. The Mass Media Bureau submits the following consolidated comments.

2. The Joint Request is accompanied by a settlement agreement which contemplates the dismissal of Rivertown's application and the grant of Sample's application. In

¹ On December 21, 1994, Rivertown filed a supplement to the Joint Request.

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consideration for the dismissal of the Rivertown application, Sample has agreed to pay Rivertown the sum of \$19,000. Rivertown has submitted documentation in support of its legitimate and prudent expenses. Both applicants state that the settlement agreement will serve the public interest by hastening the inauguration of a new FM service in Eldon, Iowa. A principal of each applicant also declares under penalty of perjury that his respective application was not filed for the purpose of reaching or carrying out a settlement.

3. In its Contingent Petition for Leave to Amend, Sample seeks permission to withdraw its integration and divestiture commitments. In support, Sample relies on the Commission's Public Notice, FCC Freezes Comparative Proceedings, FCC 94-41 (released February 25, 1994), and the fact that Samples General Partner, Carmela Sample-Day, no longer works at any radio station.

4. The Bureau submits that the Joint Request satisfies the requirements of § 73.3525 of the Commission's Rules, which implements § 311(c)(3) of the Communications Act of 1934, as amended. Specifically, copies of the settlement agreements have been timely filed, and the applicants have established that approval of the agreement would serve the public interest and that neither application was filed for an improper purpose. Furthermore, Rivertown has submitted documentation which demonstrates that the amount it will receive in consideration for settling this case does not exceed its legitimate and prudent expenses. Finally, there is good cause to accept Sample's amendment inasmuch as it is an integral part of this universal settlement.

5. Based on the foregoing, the Joint Request should be granted, the settlement agreement should be approved, the application of Rivertown Communications Company, Inc. should be dismissed with prejudice, and the application of Sample Broadcasting Company, L.P., as amended, should be granted.

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



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December 22, 1994

CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 22st day of December 1994, sent by regular United States mail, copies of the foregoing, "Mass Media Bureau's Comments on Joint Request for Approval of Settlement Agreement and Contingent Petition for Leave to Amend" to:

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