



4. In their Joint Motion, CRSPI, the Hartleys, and the Bureau seek approval of an Agreement of Settlement into which they have entered. Pursuant to the Agreement, CRSPI and the Hartleys, for a period of 10 years, will not participate in any FCC auction proceeding, apply for any additional FCC licenses, hold a 5 percent or greater attributable ownership interest in any FCC licensee, or operate or control any such licensee. In addition, should certain appeals of the Commission's Memorandum Opinion and Order, FCC 95-367, released September 1, 1995 ("MO&O"),<sup>2</sup> not be taken or be unsuccessful, CRSPI has agreed not to challenge any Commission order charging it with a default penalty, and has agreed to be liable for any default penalties currently provided for in FCC rules, with respect to the 20 IVDS licenses for which CRSPI was the successful bidder. Further, should an appeal of the MO&O be successful and an appellate authority direct the Commission to consider the applications of CRSPI and the Hartleys, they have agreed that, when and if such applications are the subject of an FCC public notice or notices accepting such applications for filing, the Commission shall evaluate their fitness to be awarded such licenses at that time, prior to action on those applications. This evaluation may include the issues designated for hearing in this proceeding, as well as other issues relevant to CRSPI and the Hartleys' fitness to hold a Commission license. Finally, the Agreement specifies that CRSPI and the Hartleys do not admit to any wrongdoing in connection with the matters which are the subject of the instant proceeding, and that the Agreement does not affect the rights or obligations of the parties with respect to a Notice of Apparent Liability for Forfeiture, FCC 95-58, released by the Commission on February 16, 1995 ("NAL").

5. The Joint Motion will be granted and the Agreement of Settlement approved. Suffice it to say, it appears that the Agreement is in the public interest and would serve to preserve the integrity of the Commission's IVDS auction rules. Specifically, the alleged wrongdoers, CRSPI and the Hartleys, will be precluded from participating in any auction, or from applying for any Commission license, for a period of 10 years. Nor will they be permitted to hold a 5 percent or greater attributable ownership interest in, or operate or control, a Commission licensee for the same period of time. More importantly, if in the future they do seek to become licensees, the Commission may, at that time, evaluate their fitness, and that evaluation may include the allegations which are the subject matter of this proceeding. In addition, should appeals of the MO&O be unsuccessful, CRSPI has agreed to be liable for any default penalties due and owing the Commission, and the settlement has no effect on the NAL. Finally, it is noted that the Commission generally encourages the parties to adjudicatory proceedings to settle their differences on a mutually agreeable basis, since eliminating the need for further litigation and the expenditure of the time and resources of the Commission is in the public interest. See, e.g., Longview Cable TV Company, Inc., et al. v. Southwestern Electric Power Company, 5 FCC Rcd 686 (1990); see also Public Notice, "FCC Waives Limitations on Payments to Dismissing Applicants," FCC 95-391, released September 15, 1995.

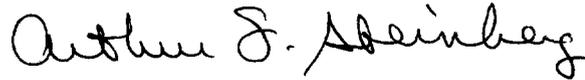
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<sup>2</sup> In this MO&O, the Commission denied an application for review of an order denying CRSPI's request for an extension of the IVDS down payment deadline.

Accordingly, IT IS ORDERED that the Joint Motion for Approval of Agreement, filed by CRSPI, the Hartleys, and the Bureau on October 19, 1995, IS ACCEPTED nunc pro tunc.

IT IS FURTHER ORDERED that the Joint Motion for Approval of Agreement, filed by CRSPI, the Hartleys, and the Bureau on October 19, 1995, IS GRANTED, and the Agreement of Settlement IS APPROVED.<sup>3</sup>

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg  
Administrative Law Judge

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<sup>3</sup> This proceeding may not as yet be terminated since there has been no resolution of those aspects of this case which relate to Ralph E. Howe. In this connection, it is the understanding of the Presiding Judge that settlement negotiations between Mr. Howe and the Bureau are currently taking place.