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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)	MM Docket No. 93-42
)	
MOONBEAM, INC.)	File No. BPH-911115MG
)	
GARY E. WILLSON)	File No. BPH-911115MO
)	
For Construction Permit for)	
New FM Station on Channel 265A)	
Calistoga, California)	

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To: Administrative Law Judge
Edward Luton

**MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF
JOINT REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT**

1. On November 28, 1995, Gary E. Willson ("Willson") and Moonbeam, Inc. ("Moonbeam") filed a joint request for approval of settlement agreement. The Mass Media Bureau hereby files its comments in support of the joint request.

2. The settlement calls for a grant of the Moonbeam application and dismissal of the Willson application in exchange for reimbursement to be provided by Moonbeam.¹ The settlement is contingent upon the financial and misrepresentation issues currently pending against Moonbeam being resolved in its favor. If the pending issues are not resolved in Moonbeam's favor, the

¹ By Public Notice, FCC 95-391, released September 15, 1995, the Commission waived its limitation on reimbursement among applicants seeking to settle mutually exclusive broadcasting proposals for 90 days. Thus, the amount of reimbursement Willson is to receive is irrelevant to the question of whether the agreement should be approved.

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agreement calls for the Willson application to be returned to the *status quo ante*.

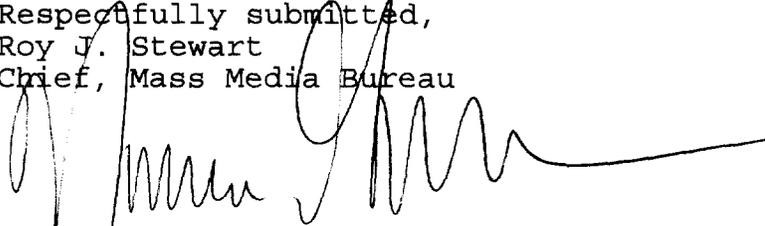
3. The Mass Media Bureau supports approval of the settlement agreement and a grant of Moonbeam's application, provided that the pending issues against Moonbeam are resolved in Moonbeam's favor. In this regard, the hearing on these issues has been held and the parties have filed proposed findings of fact and conclusions of law, and replies thereto. Thus, the pending issues are ripe for adjudication. Moreover, in light of the settlement agreement, there would be no need to resolve the comparative issue in this proceeding.

4. The joint request and supporting materials submitted by the parties conform with the requirements of Section 73.3525 of the Commission's Rules, which implement Section 311(c)(3) of the Communications Act of 1934, as amended. Specifically, the parties have established that approval of the agreement is in the public interest and that their applications were not filed for an improper purpose.

5. Accordingly, the Bureau conditionally supports grant of

the joint request for approval of the settlement agreement,
dismissal of the Willson application, grant of the Moonbeam
application and termination of this proceeding.

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



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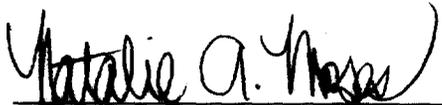
December 13, 1995

CERTIFICATE OF SERVICE

Natalie Moses, a secretary in the Hearing Branch, Mass Media Bureau certifies that she has on this 13th day of December 1995, sent by regular United States mail, U.S. Government frank, copies of the foregoing "**Mass Media Bureau's Comments on Joint Request for Approval of Settlement Agreement**" to:

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