

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

RECEIVED  
JUN 16 1995  
FEDERAL COMMUNICATIONS COMMISSION

In re Applications of ) MM DOCKET NO. 93-107  
)  
**DAVID A. RINGER** ) File No. BPH-911230MA  
) through  
et al. ) File No. BPH-911231MC  
)  
For Construction Permit )  
Channel 280A )  
Westerville, Ohio )

DOCKET FILE COPY ORIGINAL

To: The Review Board

**MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF  
JOINT REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT,  
DISMISSAL OF PENDING PLEADINGS, DISMISSAL OF APPLICATIONS  
AND GRANT OF APPLICATION**

1. On December 15, 1995, David A. Ringer ("Ringer"), ASF Broadcasting Corp. ("ASF"), Wilburn Industries, Inc., ("Wilburn"), Shellee F. Davis ("Davis"), and Ohio Radio Associates ("ORA") filed a joint request for approval of settlement agreement, dismissal of pending pleadings, dismissal of applications and grant of application. The Mass Media Bureau submits the following comments in support of the joint request.

2. The proposed settlement agreement contemplates the dismissal of all applications in this proceeding except for Davis' application. Davis proposes to pay each of the dismissing applicants the sum of \$125,000. Each party to the joint request has verified that its application was not filed for the purpose of reaching a settlement agreement and that the sums promised in the agreement are the only sums to be paid and received. In addition, the parties request that outstanding pleadings and amendments be acted upon to the extent necessary to

at 9

allow a grant of Davis' application.

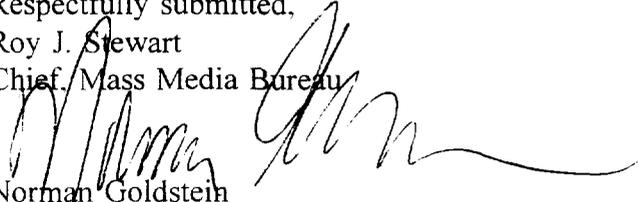
3. Review of the settlement agreement, including the declarations of the applicants' respective principals, shows that Ringer, ASF, Wilburn, Davis and ORA have complied with the requirements of Section 73.3525 of the Commission's Rules, which implements Section 311(c)(3) of the Communications Act of 1934, as amended. The applicants show that their applications were not filed for an improper purpose and that approval of the joint request will serve the public interest by terminating this proceeding and facilitating a new service to Westerville. See Settlement Agreements, 6 FCC Rcd 85 (1990), modified, 6 FCC Rcd 2901, 2902 (1991). In addition, dismissal of the applications other than Davis' will moot the questions raised in the myriad of pleadings filed by the parties, thereby conserving Commission resources. Finally, with respect to Davis, none of the outstanding petitions for leave to amend her application, whether opposed or unopposed, raise any questions about her basic qualifications.

4. Accordingly, the Bureau supports grant of the joint motion for approval of

settlement agreement, dismissal of the applications of Ringer, ASF, Wilburn and ORA, grant of Davis' outstanding petitions for leave to amend, grant of Davis' application, and termination of this proceeding.

Respectfully submitted,

Roy J. Stewart  
Chief, Mass Media Bureau



Norman Goldstein  
Chief, Complaints and Investigations Branch



James W. Shook  
Attorney  
Mass Media Bureau

Federal Communications Commission  
2025 M Street, N.W.  
Suite 7212  
Washington, D.C. 20554

January 16, 1996

**CERTIFICATE OF SERVICE**

Natalie Moses, a secretary in the Complaints and Investigations Branch, Mass Media Bureau, hereby certifies that she has on this 16th day of January, 1996, sent by regular first class U.S. mail, copies of the foregoing "Mass Media Bureau's Comments on Joint Request for Approval of Settlement Agreement, Dismissal of Pending Pleadings, Dismissal of Applications and Grant of Application" to:

Arthur V. Belendiuk, Esq.  
Smithwick & Belendiuk, P.C.  
1990 M Street, N.W., Suite 510  
Washington, D.C. 20036

James A. Koerner, Esq.  
Baraff, Koerner, Olender & Hochberg, P.C.  
Three Bethesda Metro Center  
Bethesda, MD 20814

Eric S. Kravetz, Esq.  
Brown, Nietert & Kaufman, Chartered  
1920 N Street, N.W., Suite 660  
Washington, D.C. 20036

Dan J. Alpert, Esq.  
Law Offices of Dan J. Alpert  
2120 N. 21st Road  
Arlington, VA 22201

Stephen T. Yelverton, Esq.  
Yelverton Law Firm  
1101 30th Street, N.W., Suite 400  
Washington, D.C. 20037



Natalie Moses