

JUL 9 10 38 AM '96 Federal Communications Commission

DA 96-1066

DIP

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Davel Broadcasting Group, Inc.)	
)	
Order to Show Cause Why the)	MM Docket No. 96-89
License for Station KLZE(FM),)	
Owensville, Missouri,)	
Should Not Be Revoked)	

ORDER

Adopted: July 1, 1996

Released: July 3, 1996

By the Chief, Mass Media Bureau:

1. This proceeding began on April 11, 1996, when the Mass Media Bureau, acting pursuant to delegated authority, released its *Order to Show Cause and Hearing Designation Order*, DA 96-567 ("*HDO*"). The *HDO* ordered Davel Broadcasting Group, Inc. ("Davel") to show cause why the license for Station KLZE(FM) in Owensville, Missouri, should not be revoked. The *HDO* specified issues to determine whether Davel has the capability and intent to expeditiously resume broadcast operation of KLZE; to determine whether Davel violated Sections 73.1740 (Minimum Operating Schedule) and/or 73.1750 (Discontinuance of Operation) of the Commission's Rules; and to determine whether, in light of the evidence adduced, Davel possesses the requisite qualifications to remain a Commission licensee.

2. By *Order*, FCC 96M- 31, released May 28, 1996, Administrative Law Judge Richard L. Sippel terminated the hearing proceeding because Davel failed to file the requisite notice of appearance. Pursuant to Section 92 of the Commission's Rules, the Judge also certified the case to the Commission.

3. The Commission's records indicate that KLZE(FM) has been off the air since September 20, 1994, and off the air without authority since February 1, 1995. In light of the foregoing, we conclude that Davel has no intent to resume broadcast operations and has violated Sections 73.1740 and 73.1750 of the Commission's Rules. We therefore further conclude that Davel is not qualified to remain the licensee of KLZE(FM). Although the *HDO* included a provision that sought to impose a forfeiture for willful and/or repeated violations of the Commission's rules, because of the action taken herein, no forfeiture is being imposed.

4. Accordingly, IT IS ORDERED, that the license of Davel Broadcasting Group, Inc. for Station KLZE(FM), Owensville, Missouri, IS REVOKED. ¹

5. IT IS FURTHER ORDERED, that the call sign for Station KLZE(FM) IS DELETED.

6. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

7. IT IS FURTHER ORDERED, that a copy of this *Order* shall be sent by Certified Mail - Return Receipt Requested to Davel Broadcasting Group, Inc.

FEDERAL COMMUNICATIONS COMMISSION


Roy J. Stewart
Chief, Mass Media Bureau

¹ The Mass Media Bureau has been given delegated authority to issue revocation orders in silent station cases. See *Radio Northwest Broadcasting Company*, 4 FCC Rcd 596, n. 3 (1989).