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

Federal Communications Commission
Office of Secretary

In the Matter of)	MM Docket No. 96-108
)	
JOTOCON COMMUNICATIONS, INC.)	File No. BR-910828YA
)	
For Renewal of License)	
for Station WBEM(AM))	
Windber, Pennsylvania)	

To: Administrative Law Judge
Edward Luton

**MASS MEDIA BUREAU'S MOTION TO DISMISS RENEWAL APPLICATION
FOR FAILURE TO PROSECUTE**

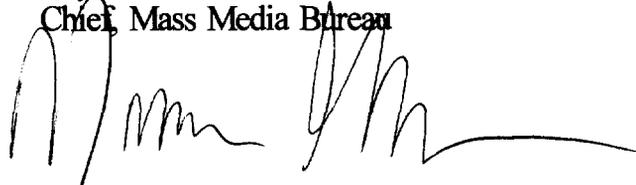
1. The Mass Media Bureau, pursuant to Section 73.3568 of the Commission's Rules, requests that the Presiding Judge issue an order to dismiss the instant renewal application with prejudice for failure to prosecute.

2. The **Hearing Designation Order**, DA 96-722, was released May 9, 1996 ("**HDO**"). The **HDO** directed Jotocon Communications, Inc. ("Jotocon") to demonstrate why its application for the renewal of license for WBEM(AM) should be granted. The **HDO** indicated that WBEM had been off the air without authority since March 14, 1993. In view thereof, the **HDO** specified issues to determine whether Jotocon had violated Sections 73.1740 and/or 73.1750 of the Commission's Rules and whether Jotocon has the capability and intent to expeditiously resume broadcast operations. Jotocon was directed to file a written appearance within 20 days of the receipt of the **HDO** pursuant to Section 1.221(c) of the Commission's Rules. No written appearance has since been filed.

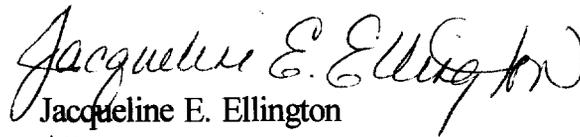
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3. On June 17, 1996, the Bureau received a letter via facsimile from John Thomas Conners, President of Jotocon Communications, Inc., informing us that Jotocon is voluntarily surrendering the license for WBEM (see attached). Accordingly, it is obvious that Jotocon has no intention of appearing in the instant proceeding to respond to the Commission's HDO and provide evidence in support of the grant of its license renewal application. Therefore, it would serve the public interest to conclude this proceeding. Consequently, the Bureau requests that, pursuant to Section 73.3568 of the Commission's Rules, the Presiding Judge dismiss the instant renewal application with prejudice for failure to prosecute.

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



Norman Goldstein
Chief, Complaints and
Political Programming Branch



Jacqueline E. Ellington
Attorney
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W., Suite 8210
Washington, DC 20554
(202) 418-1430
July 17, 1996

CERTIFICATE OF SERVICE

Natalie Moses, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 17th day of July, 1996, sent by regular United States mail, U.S. Government frank, a copy of the foregoing "**Mass Media Bureau's Motion to Dismiss Renewal Application for Failure to Prosecute**" to:

Jotocon Communications, Inc.
576-B Dana Street
San Luis Obispo, California 93401


Natalie Moses

June 17, 1996

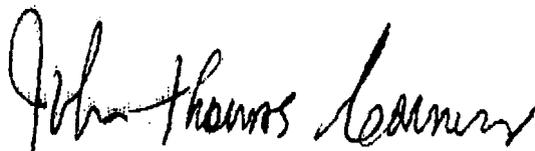
Via Teletype
(800) 653-6859

Jaqueline Ellington
Federal Communications Commission
Mass Media Bureau
2025 M Street, N.W.
Washington, D.C. 20054

Re: WBEM-AM Windber, PA

Dear Ms. Ellington:

Per our telephone conversation this morning, this is to advise you that Jotocon Communications; license of WBEM-(AM) Windber, PA surrenders the operating license of this station.



John Thomas Connors,
President
JOTOCON COMMUNICATIONS, INC.
576-B Dana Street
San Luis Obispo, California 93401
(805) 544-7537