

FCC MAIL SECTION

Federal Communications Commission

FCC 96D-03

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DISC 11-11-96
 Before the
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of)	MM DOCKET NO. 96-118
)	
Communications Enterprises, Inc.)	File No. BR-950809YB
)	
For Renewal of License)	
for Station WRAH(AM))	
Easley, South Carolina)	
)	

**SUMMARY DECISION OF ADMINISTRATIVE LAW
 JUDGE RICHARD L. SIPPEL**

Adopted: July 8, 1996

Released: July 10, 1996

1. This case was set for hearing by Hearing Designation Order ("HDO") (DA 96-815), released May 22, 1996. On May 31, 1996, Communications Enterprises, Inc. ("CEI") filed a Motion For Summary Decision addressed to the Chief, Audio Services Division. On June 12, 1996, the Mass Media Bureau ("Bureau") filed Mass Media Bureau's Comments On Motion For Summary Decision addressed to the Presiding Judge. The issue is ripe for adjudication and the Presiding Judge will treat the Motion as having been submitted in this proceeding.

2. CEI has a pending renewal application for Station WRAH(AM), Easley, South Carolina. The HDO was issued based on a mistaken assumption that WRAH had been off-the-air without Commission authorization and that CEI had not shown any intent to return to broadcasting operations expeditiously. CEI now demonstrates in its pleading that in fact WRAH had resumed full broadcast operation prior to the expiration of its last granted special temporary silent authority.¹

3. In accordance with Section 1.251 of the Commission's rules, CEI has established by declaration of a principal and other corroborating evidence that there is no genuine issue of material fact for resolution by hearing. CEI has demonstrated by reliable and substantial

¹ The Bureau reports in its Comment that this fact was not reported to the Commission due to an oversight. See also Declaration of Carl V. Venters, Jr., Chairman, Communications Enterprises, Inc., and letter dated May 28, 1996, from Lance W. Riley, General Counsel, Children's Broadcasting Corporation to Gregg P. Skall, Esquire, counsel for CEI which establish the station's on-the-air status.

evidence that Station WRAH(FM) had returned to full broadcast operation during the period covered by its special temporary silent authority. Therefore, there could be no violation found of Section 73.1740 and/or Section 73.1750 of the Commission's rules.

4. It is determined that there are no outstanding questions of fact on the issues set by the HDO and summary decision will be granted. It is also found to be in the public interest that the license for Station WRAH(AM) that is held by CEI be renewed.

Accordingly, IT IS ORDERED that the Motion For Summary Decision filed by Communications Enterprises, Inc. IS GRANTED.

IT IS FURTHER ORDERED that the application of licensee Communications Enterprises, Inc. for the renewal of license for Station WRAH(AM), Easley, South Carolina (File No. BR-950809YB) IS GRANTED.²

FEDERAL COMMUNICATIONS COMMISSION

Richard L. Sippel
Administrative Law Judge

² In the event exceptions are not filed within 30 days after the release of this Summary Decision, and the Commission does not review the case on its own motion, this Summary Decision will become effective 50 days after its public release pursuant to Section 1.276(d).