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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

DEC 2 - 1996

Federal Communications Commission
Office of Secretary

In the Matter of)	MM Docket No. 96-192
)	
BLUESTONE BROADCASTERS, INC.)	File No. BR-950531ZF
)	
For Renewal of License,)	
WMTD(AM), Hinton, WV)	
To: Administrative Law Judge		
Richard L. Sippel		

**MASS MEDIA BUREAU'S COMMENTS ON
MOTION FOR SUMMARY DECISION**

1. On November 15, 1996, Bluestone Broadcasters, Inc. ("Bluestone") filed a Motion for Summary Decision. Because Bluestone's motion is premature, the Mass Media Bureau hereby opposes the motion.

2. Among the issues designated for hearing is whether or not Bluestone has the capability and intent to expeditiously resume the broadcast operations of WMTD(AM). The Motion for Summary Decision filed by Bluestone is predicated upon the Bureau's acting favorably on an Application for Minor Change filed by Bluestone on November 12, 1996 and Bluestone returning the station to the air. In light of the decision rendered by the Commission in Southwestern Broadcasting Corporation, FCC 96-443, released November 15, 1996, the Bureau is currently processing Bluestone's Application for Minor Change.

3. Section 1.251 of the Commissions's Rules provides for summary decision where there is no genuine issue of material fact for determination at hearing. New Broadcasting

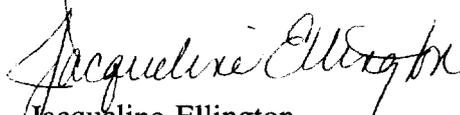
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Corp., 44 FCC 2d 386 (1973). A request for summary decision requires a showing that "the truth is clear," that "the basic facts are undisputed," and that "the parties are not in disagreement regarding material factual inferences that may be properly drawn from such facts." Big Country Radio, Inc., 50 FCC 2d 967 (1975). Until Bluestone's Application for Minor Change has been processed and Bluestone resumes broadcasting, the Motion for Summary Decision is premature. Consequently, the Bureau requests that the Presiding Judge take no action on Bluestone's Motion for Summary Decision until Bluestone resumes broadcasting or fails to do so. At such time Bluestone's capability and intent to resume broadcasting will be known, thus making a Motion for Summary Decision ripe for decision.

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



Norman Goldstein
Chief, Complaints and Political
Programming Branch



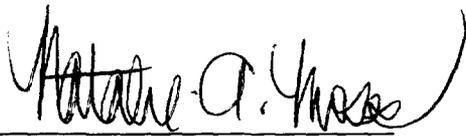
Jacqueline Ellington
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December 2, 1996

CERTIFICATE OF SERVICE

Natalie Moses, a secretary in the Hearing Branch, Mass Media Bureau certifies that she has on this 2nd day of December 1996, sent by regular United States mail, copies of the foregoing **"Mass Media Bureau's Comments on Motion for Summary Decision"** to:

John B. Kenkel, Esq.
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A handwritten signature in black ink, appearing to read "Natalie A. Moses", written over a horizontal line.

Natalie Moses