

Federal Communications Commission

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 97-76
POSITIVE ALTERNATIVE RADIO, INC.)	File No. BPED-920327MH
For Construction Permit for a New Noncommercial Educational FM Station on 88.1 MHz (Channel 201A) at Point Pleasant, West Virginia)	
THE UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES)	File No. BPED-921023MB
For Modification of Facilities of Station WMUL-FM at Huntington, West Virginia)	

To: Honorable Arthur I. Steinberg
Administrative Law Judge

**MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF
JOINT MOTION FOR APPROVAL OF SETTLEMENT
AGREEMENT AND SUSPENSION OF PROCEDURAL DATES**

1. On June 17, 1997, Positive Alternative Radio, Inc., ("PAR") and the University of West Virginia Board of Trustees ("University") filed a Joint Motion for Suspension of Procedural Dates ("Joint Motion") in which the parties reported that a settlement agreement had been reached. On July 30, 1997, each party filed an amendment to its application modifying its respective engineering proposal in order to eliminate the mutual exclusivity conflict between these two applications. The Mass Media Bureau ("Bureau") hereby offers the following comments in support of the settlement.

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2. The settlement agreement is contingent upon Commission acceptance of the amendments proffered by PAR and University. It contemplates the grant of the PAR application, as amended, and the grant of the University application, as amended. Pursuant to PAR's amendment, PAR is modifying the directional antenna pattern and reducing the antenna height above average terrain (HAAT) from 90 meters to 88 meters. University seeks to amend its application to utilize a directional antenna. It previously utilized an omnidirectional antenna.

3. Based upon an analysis of the proffered amendments by the Bureau's engineering staff, we have concluded that PAR's and University's amendments comply with Commission rules. Acceptance of the amendments would eliminate the mutual exclusivity between PAR and University, permitting the grant of both applications. For that reason, there is good cause for acceptance of the amendments inasmuch they are integral to the settlement package.

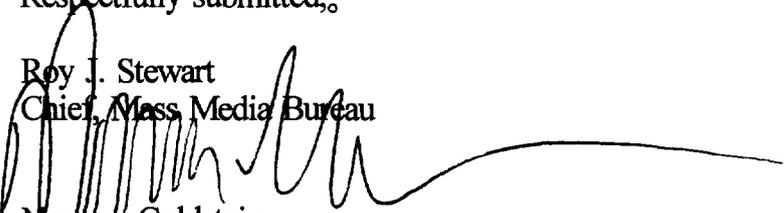
4. The Joint Motion, technical amendments, and supporting materials submitted by PAR and University satisfy the requirements of Section 73.3525(a)(1) and (a)(2) of the Commission's Rules, which implement Section 311(c)(3) of the Communications Act of 1934, as amended. Specifically, PAR and University have established that approval of the agreement is in the public interest and that neither of the applications was filed for an improper purpose.

5. Accordingly, the Mass Media Bureau supports acceptance of the proffered amendments, as well as, approval of the settlement agreement, suspension of procedural dates,

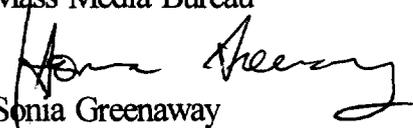
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grant of the Positive Alternative Radio, Inc., and University of West Virginia Board of Trustees applications, and termination of this proceeding.

Respectfully submitted,


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August 12, 1997

CERTIFICATE OF SERVICE

Tayla Lewis, a secretary in the Enforcement Division, Mass Media Bureau, certifies that she has on this 12th day of August, 1997, sent by U.S. mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's" to:

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