

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

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In the Matter of)
)
Implementation of Section 309(j) of the)
Communications Act - Competitive Bidding)
for Commercial Broadcast and Instructional)
Television Fixed Service Licenses)
)
Reexamination of the Policy Statement)
on Comparative Broadcast Hearings)
)
Proposals to Reform the Commission's)
Comparative Hearing Process to Expedite)
the Resolution of Cases)
)

MM Docket No. 97-234

GC Docket No. 92-52

GEN Docket No. 90-264

TO: The Full Commission

PETITION FOR PARTIAL RECONSIDERATION

Pursuant to Section 405 of the Communications Act, 47 U.S.C. Section 405, Ronald K. Bishop ("Bishop"), by his attorney, hereby respectfully requests the full Commission to partially reconsider its First Report and Order, in this proceeding, as follows:¹

1. Bishop is an executive, currently involved in the management of radio broadcast properties. He is, therefore, an active broadcaster.

2. On August 29, 1995, Bishop filed an application for a new FM broadcast station at Williamstown, West Virginia. Unfortunately, competing applications were filed and, under the

¹The Report was published on September 11, 1998, at 63 FR 48615 (September 11, 1998).

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rules in effect at the time when those competing applications were filed, Bishop would have been entitled to a hearing to determine whether his application should be granted or whether the application of one of his competitors should be granted.

3. After Bishop's application was filed, the Congress of the United States passed the Balanced Budget Act of 1997, which purports to change the criteria for selecting broadcast licensees from a hearing system to a government auction system. Mr. Bishop, however, has expended large sums of money in the preparation and prosecution of his application on the assumption that he would be entitled to a hearing. He has not spent as much as would have been expended if the application had actually gone to hearing but, nonetheless, significant amounts of time and money have been expended to procure a transmitter site, for legal and engineering expenses, and government filing fees.

4. Bishop respectfully submits that the government cannot properly auction the Williamstown channel without first returning to him and the other affected applicants all of the monies which they have expended in reliance upon rules which contemplated that there would be a hearing. To auction this channel without first compensating Bishop for the time and money which he has expended in the prosecution of his application would constitute an unconstitutional taking of Bishop's property without due process of law. U.S. v. Winstar Corporation, 518 U.S. 839 (1996).

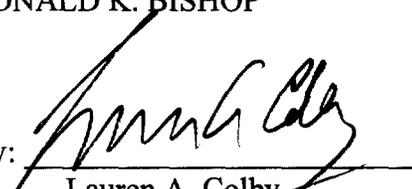
Respectfully submitted,

RONALD K. BISHOP

October 7, 1998

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