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August 20, 1999

HAND DELIVERED

RECEIVED

AUG 20 1999

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: MM Docket Nos. 83-985 and 83-987 / Middletown, Maryland

Dear Ms. Salas:

Yesterday I filed a "Joint Petition for Approval of Agreement, Dismissal of Application, and Grant of Amended Application" on behalf of Jerome Thomas Lamprecht and Barbara D. Marmet, competing applicants for a new FM construction permit in Middletown, Maryland. It has been called to my attention that I omitted from the caption of that Joint Petition any reference to the docket numbers of the underlying proceeding. Those numbers are:

Jerome Thomas Lamprecht - MM Docket No. 83-985

Barbara D. Marmet - MM Docket No. 83-987

I have corrected the caption and am including a copy of the corrected pleading herewith.

It was also called to my attention that I failed to include a representative of the Mass Media Bureau in the certificate of service accompanying the pleading. By this letter I am serving the Bureau with a copy of the Joint Petition.

Please call me if you have any questions about these matters.

Sincerely,



Harry F. Cole

Counsel for Jerome Thomas Lamprecht

- cc: James Shook, Esquire (by hand - Room 3-A463)
- John Riffer, Assistant General Counsel
- Administrative Law (by hand - Room 8-A660)
- Grey Pash, Esquire (by hand - Room 8-C864)
- Harold K. McCombs, Jr., Esquire
- Robert A. Marmet, Esquire

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

AUG 20 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	
	)	
JEROME THOMAS LAMPRECHT	)	MM Docket No. 83-985
	)	File No. BPH-820409AB
	)	
BARBARA D. MARMET	)	MM Docket No. 83-987
	)	File No. BPH-8820908AW
For construction permit for a new	)	
FM broadcast station on	)	
Channel 276A in Middletown, Maryland	)	

TO: The Commission

JOINT PETITION FOR APPROVAL OF AGREEMENT, DISMISSAL OF APPLICATION, AND GRANT OF AMENDED APPLICATION

1. Jerome Thomas Lamprecht ("Lamprecht") and Barbara D. Marmet ("Marmet") hereby jointly petition the Commission pursuant to Section 73.3525 of the Rules for: removal of the above-captioned applications (which comprise MX Group FM58) from Broadcast Auction No. 25; approval of a settlement as set forth herein; dismissal of Lamprecht's application in return for reimbursement of certain reasonable and prudent expenses as set forth herein; and such affirmation of the grant of Marmet's application as may be necessary. <sup>1/</sup>

<sup>1/</sup> The parties note that Marmet's application was granted previously, as was an application for license (File No. BLH-900514KB) to cover Marmet's construction permit and an application (File No. BALH-951120GE) for consent to the assignment of the authorization to Frederick Broadcasting LLC ("FBL"). In view of the pendency of the comparative proceeding between the two parties, and the listing of this proceeding for Closed Broadcast Auction 25 (see Report No. AUC-99-25-A, released May 17, 1999), however, the continued validity of those earlier actions has not thus far been conclusively established. The intent of the parties hereto is to terminate all litigation between the parties relative to the Middletown channel so that

(continued...)

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of )  
)  
JEROME THOMAS LAMPRECHT )  
)  
BARBARA D. MARMET )  
)  
For construction permit for a new )  
FM broadcast station on )  
Channel 276A in Middletown, Maryland )  
  
TO: The Commission

File No. BPH-820409AB  
File No. BPH-8820908AW

**RECEIVED**  
AUG 19 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

JOINT PETITION FOR APPROVAL OF AGREEMENT, DISMISSAL OF  
APPLICATION, AND GRANT OF AMENDED APPLICATION

1. Jerome Thomas Lamprecht ("Lamprecht") and Barbara D. Marmet ("Marmet") hereby jointly petition the Commission pursuant to Section 73.3525 of the Rules for: removal of the above-captioned applications (which comprise MX Group FM58) from Broadcast Auction No. 25; approval of a settlement as set forth herein; dismissal of Lamprecht's application in return for reimbursement of certain reasonable and prudent expenses as set forth herein; and such affirmation of the grant of Marmet's application as may be necessary. <sup>1/</sup>

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<sup>1/</sup> The parties note that Marmet's application was granted previously, as was an application for license (File No. BLH-900514KB) to cover Marmet's construction permit and an application (File No. BALH-951120GE) for consent to the assignment of the authorization to Frederick Broadcasting LLC ("FBL"). In view of the pendency of the comparative proceeding between the two parties, and the listing of this proceeding for Closed Broadcast Auction 25 (see Report No. AUC-99-25-A, released May 17, 1999), however, the continued validity of those earlier actions has not thus far been conclusively established. The intent of the parties hereto is to terminate all litigation between the parties relative to the Middletown channel so that  
(continued...)

2. Lamprecht and Marmet are applicants for a new FM broadcast station to operate on Channel 276A in Middletown, Maryland. They constitute all the applicants included in MX Group FM58, a closed auction group for the Middletown channel. The parties have reached agreement, reflected in the "Universal Settlement Agreement", (a copy of which is included as Attachment A hereto), pursuant to which Lamprecht has agreed to request the dismissal of his application in return for reimbursement, by Marmet, of certain reasonable and prudent expenses incurred in the preparation and prosecution of his application <sup>2/</sup>, and both parties have agreed to seek dismissal of all pleadings currently pending before the Commission and the U.S. Court of Appeals for the District of Columbia Circuit relative to the Middletown proceeding. The Agreement (including the dismissal of the parties' respective appeals before the Court of Appeals <sup>3/</sup>) is contingent on Commission approval of the

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<sup>1/</sup> (...continued)

all actions taken thus far relative to the Marmet application -- i.e., grant of construction permit, grant of license, assignment of authorization to FBL -- will be deemed to have been ratified. In view of that intent, the parties hereby specifically request that, in acting on this Joint Petition (and the related materials submitted herewith), the Commission either grant the Marmet construction permit, license and assignment applications or affirm that those applications have already been granted and that such previous grants remain valid.

<sup>2/</sup> Marmet has agreed to reimburse Lamprecht expenses up to \$176,000. Included as Attachment B hereto is a Declaration of Lamprecht setting forth his reasonable and prudent expenses exceeding that figure.

<sup>3/</sup> The parties presently contemplate that, immediately following submission of this Joint Petition to the Commission,  
(continued...)

proposed settlement, dismissal of Lamprecht's application, and grant (or affirmation of the previous grant, see Footnote 1, above) of Marmet's applications for construction permit, license and assignment of authorization to FBL. <sup>4/</sup>

3. Included as Paragraph 14 to the Universal Settlement Agreement are declarations of each of the applicants confirming that they did not file their respective applications for the purpose of entering into or carrying out a settlement agreement and that neither of the parties has paid or promised (or been paid or promised by) any other party any consideration for entering into the merger, or for the dismissal of its application, except as set forth in the accompanying agreement.

4. Approval of the Agreement and related matters would serve the public interest by maintaining, without undue disruption or uncertainty, the existing FM broadcast service to Middletown, Maryland and terminating a proceeding which has been

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<sup>3/</sup>(...continued)

they will advise the Court of their settlement, and request that action relative to the parties' pending appeals be held in abeyance pending final Commission action on this Joint Petition. Upon final approval of the Joint Petition, the parties will formally dismiss their appeals.

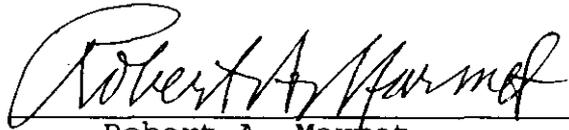
<sup>4/</sup> Out of concern expressed by Marmet that these applications would not have been removed from the auction prior to 5:30 p.m. on August 20, 1999 (i.e., the deadline for filing Form 175 applications), and in recognition of published language from the Commission indicating that failure to file a Form 175 by that deadline could result in the dismissal of the underlying long-form applications, Marmet and Lamprecht have agreed to file Form 175 applications for each of their respective applications, and to dismiss those applications upon grant of their joint request to remove the applications from Auction No. 25. See Universal Settlement Agreement, Paragraph 4.

pending before the Commission for almost 20 years.

WHEREFORE, for the reasons stated, it is respectfully requested that the agreement be approved, that the application of Jerome Thomas Lamprecht be dismissed with prejudice upon a grant of construction permit (see Footnote 1, above) for Channel 276A in Middletown, Maryland to Barbara D. Marmet.

Respectfully submitted,

  
/s/ Harry F. Cole  
Harry F. Cole

  
Robert A. Marmet

Bechtel & Cole, Chartered  
1901 L Street, N.W.-Suite 250  
Washington, D.C. 20036  
(202) 833-4190

Counsel for Jerome Thomas  
Lamprecht

2932 Thurston Road  
Frederick, Maryland 21704  
(301) 831-8137

Counsel for Barbara D. Marmet  
and Frederick Broadcasting LLC

DATE:

ATTACHMENT A

**UNIVERSAL SETTLEMENT AGREEMENT**

This Agreement entered into as of this 19<sup>th</sup> day of August, 1999, by and among (a) Jerome Thomas Lamprecht ("Payee") and (b) Barbara D. Marmet and Frederick Broadcasting LLC (together "Payor"), [(a) and (b) hereafter sometimes collectively referred to as "the Parties"].

WHEREAS, Payee filed an application ("Lamprecht Application") with the Federal Communications Commission ("Commission") requesting authority to construct a new FM broadcast station on Channel 276A at Middletown, Maryland (File No. BPH-820409AB); and

WHEREAS, Payor filed an application ("Marmet Application") with the Commission requesting authority to construct a new FM broadcast station on Channel 276A at Middletown, Maryland (File No. BPH-820908AW); and

WHEREAS, the Lamprecht Application and Marmet Application were mutually exclusive and designated for hearing in MM Docket Numbers 83-985 and 83-987; and

WHEREAS, the Commission issued licenses B111-900514KB, BRH-950530UA, BALH-951120GE (the "License, Renewal and Assignment Applications") that together authorize Frederick Broadcasting LLC to operate radio station WAFY(FM), 103.1 MHz, Middletown, Maryland; and

WHEREAS, the validity of the grants of the License, Renewal and Assignment Applications has been challenged by Payee; and

WHEREAS, the Commission has scheduled Closed Broadcast Auction Number 25 to commence on September 28, 1999, and included in that auction the Lamprecht Application and the Marmet Application as MX Group FM58;

WHEREAS, the Parties have pending in the United States Court of Appeals for the District of Columbia Circuit (the "Court") Cases: (a) *Jerome Thomas Lamprecht v. FCC* (Case No. 98-1528), (b) *Frederick Broadcasting LLC and Barbara D. Marmet v. FCC* (Case No. 99-1187), and *Frederick Broadcasting LLC and Barbara D. Marmet v. FCC* (Case No. 99-1221); and

WHEREAS, the Parties wish to avoid further costly and lengthy proceedings before the Commission and the courts, as well as the burden that such proceedings impose on the Commission's and the courts' staff and resources; and

WHEREAS, the Parties believe that the settlement proposal herein would be in the public interest in that it would resolve and terminate this proceeding at an earlier date than would otherwise be possible; and

WHEREAS, the Parties did not file their applications for the purpose of reaching or carrying out this Settlement Agreement; and

WHEREAS, the obligations of the Parties hereunder are subject to the prior approval of the Commission;

NOW THEREFORE, in consideration of the mutual promises herein contained, the Parties hereto agree as follows:

1. The Parties will file a Joint Request for Approval of Settlement Agreement ("Joint Request") with the Commission, pursuant to Section 911(c) of the Communications Act of 1934, as amended, and Section 73.3525 of the Commission's Rules, no later than Noon on Friday, August 20, 1999, requesting: (a) removal of the Lamprocht Application and the Marmet Application (MX Group FM58) from the September 28, 1999 Closed Broadcast Auction; (b) approval of this Settlement Agreement; (c) dismissal with prejudice of the Lamprocht Application; (d) final grant of the Marmet Application, (e) affirmation of the grants and issuance to Frederick Broadcasting LLC of the licenses BLH-900514KB, BR11-950530UA, BAL11-951120GE for operation of WAFY(FM), 103.1 MHz, Middletown, Maryland, and (f) termination of MM Docket Nos. 83-985 and 83-987. The Parties shall file a copy of this Settlement Agreement, together with all supporting documentation required by Section 73.3525 of the Commission's Rules.

2. Payee agrees to request dismissal with prejudice of the Lamprocht Application, contingent upon final grant of the Marmet Application and termination of MM Docket Nos. 83-985 and 83-987, and payment to Payee as set forth in Paragraph 6 hereof.

3. The Parties agree to take no action, or cause anyone to take any action of any nature whatsoever, adverse to this Settlement Agreement, the Joint Request, the dismissal with prejudice of the Lamprocht Application, the final grant of the Marmet Application, the affirmation of issued licenses, the termination of MM Docket Nos. 83-985 and 83-987, or the licensing and operation of FM radio broadcast station WAFY(FM), Channel 276A, Middletown, Maryland. Payor shall not seek to raise any objection to or question concerning Payee's demonstration of his reasonable and prudent expenses.

4. In order to preserve and protect the interests of the Parties and achieve the

objectives of the Parties as reflected in this Settlement Agreement, the Parties will tender with the FCC before 5:30 PM on Friday, August 20, 1999, FCC Form 175 applications, pursuant to the instructions contained in the July 9, 1999 Public Notice *CLOSED BROADCAST AUCTIONS, Notice and Filing Requirements for Auctions of AM, FM, TV, LP TV, and FM and TV Translator Construction Permits Scheduled for September 20, 1999*, DA 99-1346 [Report No. AUC-99-25-A (Auction No. 25)].

The Parties will request that the Commission, the Mass Media Bureau and/or the Wireless Telecommunications Bureau remove the Lamprecht Application and the Marmet Application (MX Group FM58) from the September 20, 1999 Closed Broadcast Auction, given the filing of this Settlement Agreement and the Joint Request. Upon grant of the request to remove the applications from the September 20, 1999 Closed Broadcast Auction the Parties will dismiss the FCC Form 175 applications and take no further action with regard thereto.

5. After filing the Joint Request, the Parties will notify the Court of the filing of the Joint Request and of this Agreement. The Parties will file with the Court requests for dismissal of Case Nos. 98-1528, 99-1187 and 99-1221, when the order or orders referred to in Paragraphs 4 and 5 have become final, or at such earlier time as the Commission may require in order to give effect to this Settlement Agreement, in which case the dismissals shall be contingent upon final Commission approval of this Settlement Agreement.

6. Payor agrees to pay to Payee, as consideration for the foregoing and for the performance of Payee's obligations hereunder, a sum equal to the amount of the legitimate and prudent expenses reasonably incurred by Payee in preparing, filing, prosecuting and settling the Lamprecht Application, as approved by the Commission, in an amount not to exceed One Hundred Seventy Six Thousand Dollars (\$170,000). Said amount shall be paid within five (5) business days after an FCC order or orders approving this Settlement Agreement; dismissing with

prejudice the Lamprecht Application; affirming the grant of, re-granting or granting the Marmet Application, and terminating MM Docket Nos. 83-985 and 83-987 has or have become final. At least ten (10) days prior to such expected finality, Payor will place in Escrow the sum approved by the Commission pursuant to Paragraph 6 hereof. The escrow account will be opened with Merrill, Lynch, Pierce, Fenner and Smith, Inc. (Frederick, Maryland office) in the names of independent Escrow Agents, mutually agreeable to the Parties, and provide for the release of funds by the Escrow Agents upon the satisfaction of the terms of this Agreement. Any interest earned on that escrow account remains the property of the Payor.

7. An order or action shall be deemed final when it is no longer subject to administrative or judicial reconsideration, review or appeal and when it is not subject to any administrative or judicial stay, and when any and all conditions included in such order or action have been fully satisfied.

8. This Settlement Agreement is subject to prior approval by the Commission, which approval must become final and unconditional.

9. The Parties hereto agree to cooperate with each other and with the Commission by expeditiously providing to each other or to the Commission, or both, all additional information that may be reasonably required, and by expeditiously filing the additional documents that may be necessary or appropriate to comply with Section 73.3525 of the Commission's Rules or to effectuate the objectives of this Settlement Agreement.

10. If this Settlement Agreement is not approved by final order of the Commission or if the Lamprecht Application is not dismissed with prejudice by final order of the Commission within one (1) year from the date hereof, then the Parties shall be returned to the *status quo ante* before execution of this Settlement Agreement as if the Parties had never executed this

**Settlement Agreement.**

11. This Settlement Agreement constitutes the entire agreement among the Parties hereto and contains all of the terms and conditions agreed upon with respect to the subject matter hereof, supersedes all prior written or oral agreements, and cannot be amended or modified except by an instrument in writing signed both Parties. No other consideration has been paid or promised. This Settlement Agreement shall be binding upon and inure to the benefit of the Parties hereto, their successors and assigns. Each Party shall bear its own expenses for the preparation of this Settlement Agreement, the Joint Request and all supporting documents.

12. The Parties agree that this Settlement Agreement may be executed in counterparts, all of which together, so executed, shall constitute one and the same instrument. Furthermore, the Parties agree that, because of the press of time, this Settlement Agreement may be executed by facsimile with each facsimile signature considered to be an original, provided that original signature copies of this Settlement Agreement are later provided to the Parties.

13. Except with respect to matters within the sole jurisdiction of the Commission and the federal courts, this Settlement Agreement shall be construed and interpreted under the laws of the State of Maryland.

14. Section 73.3525(a) Certifications: The Parties to this Settlement Agreement certify under penalty of perjury to each other and to the Commission that:

(a) the Lamprecht Application and the Marrett Application were not filed for the purpose of reaching or carrying out this Settlement Agreement;

(b) neither Payne, its principals nor any third party has received or will receive from

Payor, its principals or any third party any money or other consideration in excess of the legitimate and prudent expenses of the Payee reasonably incurred by Payee in preparing, filing, prosecuting and settling the Lamprecht Application;

(c) the exact nature and amount of any consideration to be paid to Payee is set forth in this Settlement Agreement;

(d) Payee will provide the Commission with a true and correct itemized demonstration of the expenses for which it seeks reimbursement;

(e) there is no other agreement among the parties other than this Settlement Agreement; and

(f) this Settlement Agreement is in the public interest because it will resolve and terminate the Channel 276A, Middletown, Maryland, proceeding at an earlier date than would otherwise be possible; because it will permit the grant of the Marnet Application to become final, and because it will allow the continued operation by Payor of radio station WAFY(FM), which commenced operation on May 7, 1990.

15. All notices and other communications hereunder shall be in writing and shall be deemed to have been duly given and delivered if mailed by U.S. Mail, postage prepaid, registered, return receipt requested, or deposited with Federal Express or Express Mail for overnight delivery to:

(a) as to Payee:

**Mr. Jerome Thomas Lamprecht  
3219 Landmark Street; Suite 3D  
Greenville, North Carolina 27034**

with a copy to:

**Harry F. Cole  
Bechtel & Cole Chartered  
1901 L Street, N.W. Suite 250  
Washington, D.C. 20036**

(b) as to Payor:

**Barbara D. Marmet, President  
Frederick Broadcasting LLC  
Radio Station WAFY(FM)  
5742 Industry Lane  
Frederick, Maryland 21704-5191**

with a copy to:

**Harold K. McCombs  
Dickstein Shapiro Morin & Oshinsky LLP  
2101 L Street, N.W.  
Washington, D.C. 20037-1526**

and to:

**Robert A. Marmet  
2932 Thurston Road  
Frederick, Maryland 21704**

16. Each Party hereto expressly warrants that it has the full power and authority to enter into this Settlement Agreement and to execute the same, and that there is no constraint upon such Party's legal ability to perform its responsibilities hereunder. It is the express intention

and agreement of the Parties to this agreement that any and all representations and warranties, which by their nature are to be performed after the closing date, shall survive the closing.

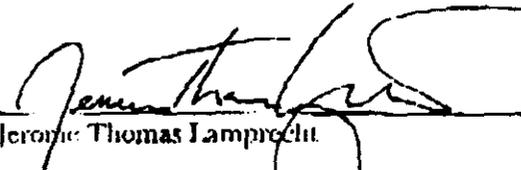
17. Each party acknowledges that the subject of this Settlement Agreement and the licensed operation by Payor of WAFY(FM), Middletown, Maryland, are unique and that there is no adequate remedy at law in the event of a breach by the Payee. Therefore, the Payor is granted the right to obtain specific performance and receive reasonable expenses in the event of a breach by the Payee, in addition to any and all other legal or equitable remedies that are available under this Settlement Agreement.

18. If, on account of an alleged breach or default by any Party of its obligations under this Settlement Agreement, the other Party or Parties shall employ an attorney to enforce or defend any of its rights or remedies under this Settlement Agreement, then the prevailing party shall be entitled to recover its reasonable costs incurred in such connection, including but not limited to reasonable attorney's fees.

IN WITNESS WHEREOF, the Parties have affixed their signatures to this Settlement Agreement on the date(s) indicated below.

**JEROME THOMAS LAMPRECHT**

Date: 8/19/99

  
Jerome Thomas Lamprecht

**BARBARA D. MARMET**

Date: August 19, 1999

  
Barbara D. Marmet

**FREDERICK BROADCASTING LLC**

Date: August 19, 1999

  
Barbara D. Marmet, President

ATTACHMENT B

## DECLARATION

Jerome Thomas Lamprecht, under penalty of perjury, hereby declares the following to be true and correct:

1. I am an individual applicant (File No. BPH-820409AB) for a construction permit for a new FM broadcast station in Middletown, Maryland. I am preparing this Declaration for Submission to the Federal Communications Commission in connection with a request for Commission approval of a settlement agreement entered into by me and Barbara D. Marmet ("Marmet"), who filed a mutually exclusive application for the Middletown, Maryland channel. Pursuant to that settlement agreement, my application is to be dismissed and, subject to certain conditions set out in the settlement agreement, Marmet is to reimburse me for my reasonable and prudent expenses incurred in connection with the preparation, filing and prosecution of my Application, up to a maximum of \$176,000.00. A copy of the settlement agreement is being submitted to the Commission as part of the parties' request for Commission approval.

2. In exchange for entering into the settlement agreement to dismiss my application, I have not been paid or promised any consideration of any kind except for that described in the settlement agreement, which consideration does not exceed the legitimate and prudent expenses incurred by me in connection with my Middletown application. No other oral agreement or ancillary agreement exists relating to the dismissal or withdrawal of my application.

3. My application was not filed for the purpose of reaching or implementing any settlement agreement.

4. The proposed settlement between me and Marmet would be in the public interest because it would facilitate both the resolution of the long-pending, multi-party Middletown,

Maryland comparative proceeding and would permit the maintenance, without undue disruption or uncertainty, of FM service in Middletown, Maryland.

5. The nature of the consideration to be given to me will be payment in the amount of \$176,000.00 (One Hundred Seventy-Six Thousand Dollars or such lesser amount as the Commission may approve, representing reimbursement of my legitimate and prudent expenses incurred in the preparation and prosecution of my Middletown, Maryland FM application. These expenses include not only the preparation and submission of my application, but also its prosecution through: an extensive comparative hearing, administrative appeals following that hearing; a successful appeal to the United States Court of Appeals for the District of Columbia Circuit; proceedings before the Commission on remand from the Court; a further appeal to the Court of Appeals which resulted in a second remand prior to any substantive ruling by the Court; further proceedings before the Commission on the second remand; further proceedings before the Court of Appeals intended to expedite resolution of this matter by the Commission.

My legitimate and prudent expenses are itemized as follows:

Professional Fees

Haley, Bader & Potts	44,518.18
Shaw, Pittman	56,800.00
Hunton & Williams	33,052.50
Jeffrey D. Ring and Co.	14,375.00
Bechtel & Cole	12,773.50
Smith & Powstenko	3,505.89
du Treil & Rackley	125.00

Travel

Trips (1981-1999) to Washington, D.C.  
(for application preparation and  
Consultation with counsel, and

attendance and participation at hearing and other proceedings) and Middletown, Maryland (in connection with preparation and prosecution of application) 7,362.50

Miscellaneous

Publication of local notice 64.88

Transcripts  
Friedli, Wolf & Pastore 402.65  
ACE Federal Reporters 106.08

Photocopies and related office Supplies 570.00

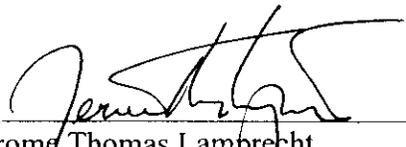
Postage/Federal Express 1,212.96

Telephone charges 1,643.00

FM Market Study 375.00

TOTAL \$176,887.14

6. Documentation concerning Professional fees will be submitted upon request of the Commission. The total of telephone charges and postage/Federal Express charges are reasonable and conservative estimates based on available records. The travel charges include no fewer than 12 trips to Washington and/or Middletown over the course of the 19 years starting with my initial preparation work relative to the application (in 1981) to the present.

  
\_\_\_\_\_  
Jerome Thomas Lamprecht  
Date: 8/15/99

CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that on this 19th day of August, 1999, I have caused copies of the foregoing "Joint Petition for Approval of Agreement, Dismissal of Application, and Grant of Amended Application" to be hand delivered (as indicated below) or placed in the United States mail, first class postage prepaid, addressed to the following individuals:

John Riffer, Assistant General  
Counsel - Administrative Law  
Office of General Counsel  
Federal Communications Commission  
445 12th Street, S.W. - Room 8-A660  
Washington, D.C. 20554  
(By Hand)

Grey Pash, Esquire  
Office of General Counsel  
Federal Communications Commission  
445 12th Street, S.W. - Room 8-C864  
Washington, D.C. 20554  
(By Hand)

James Crutchfield  
Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
445 12th Street, S.W. - Room 2-B423  
Washington, D.C. 20554  
(By Hand)

Lisa Scanlan, Esquire  
Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
445 12th Street, S.W. - Room 2-A225  
Washington, D.C. 20554  
(By Hand)

Harold K. McCombs, Jr.  
Dickstein, Shapiro, Morin & Oshinsky, LLP  
2101 L Street, N.W.  
Washington, D.C. 20037-1526  
Counsel for Barbara D. Marmet and  
Frederick Broadcasting LLC

Robert A. Marmet, Esquire  
2932 Thurston Road  
Frederick, Maryland 21704

  
/s/ Harry F. Cole  
Harry F. Cole