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 FCC 02M-28
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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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|--------------------------------------|---|---------------------------|
| In the Matter of |) | MM DOCKET NO. 02-38 |
| |) | |
| AIR VIRGINIA, INC. |) | File No. BALH-20000403ABI |
| (Assignor) |) | |
| |) | |
| and |) | |
| |) | |
| CLEAR CHANNEL RADIO |) | |
| LICENSES, INC. |) | |
| (Assignee) |) | |
| |) | |
| For Consent to the Assignment of the |) | |
| License of WUMX(FM), |) | |
| Charlottesville, VA |) | |

ORDER

Issued: April 11, 2002 Released: April 15, 2002

A hearing was provisionally set under Hearing Designation Order FCC 02-53, released March 19, 2002 ("HDO"), provided that Air Virginia, Inc. (assignor) and Clear Channel Radio Licenses, Inc. (assignee) did not jointly elect within 15 days to "defer consideration" of the assignment application.¹ HDO at Para. 53. A Prehearing Conference was set for April 23, 2002. Order FCC 02M-20, released March 22, 2002.

By Joint Election timely filed on April 5, 2002, the Presiding Judge was notified as follows:

Clear Channel Radio Licenses and Air Virginia, Inc., by their attorneys, hereby jointly elect, pursuant to the Hearing Designation Order herein, paragraph 53, to defer further consideration of the application to assign the license of Station WUMX.

¹ The HDO also was stayed automatically for a period of 20 days from the release date in order to permit the assignment parties an opportunity to file additional materials which they deem relevant to ameliorate competitive concerns identified in the HDO. See HDO at Paras. 43 - 52, 58.

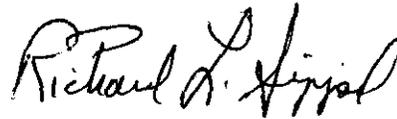
The procedural effect of the Joint Election is to defer the hearing at the option of the assignment parties until adoption of new radio multiple ownership rules under an NPRM in MM Docket No. 01-317.² See HDO at Para. 53. Therefore, there is no need at this time for formal, supervised discovery and hearing preparation.

Accordingly, IT IS ORDERED that the Prehearing Conference set for April 23, 2002, IS CANCELLED.

IT IS FURTHER ORDERED that the Prehearing Conference will be reset after the Commission adopts new radio multiple ownership rules under Notice of Proposed Rulemaking in MM Docket No. 01-317.

IT IS FURTHER ORDERED that unless the Commission orders otherwise, this hearing MUST BE AND IS DEFERRED pending further order.³

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel
Administrative Law Judge

² Interim policy adopted in Notice of Proposed Rulemaking, supra. See Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, 16 FCC Rcd 19861, 19894 - 97 (2001).

³ Courtesy copies of this Order were sent to counsel for each of the parties by fax or e-mail on date of issuance.