

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

MM Docket No. 88-570

In re Applications of

MEDIA-COM, INC. File No. BPH-871231ML
(hereafter Media)

EDWARD ALAN File No. BPH-880107MV
SCHUMACHER
(hereafter Schumacher)

THOMAS LARKIN File No. BPH-880107NL
(hereafter Larkin)

For Construction Permit for
for a New FM Station on
Channel 260A Uhrichsville, Ohio

HEARING DESIGNATION ORDER

Adopted: December 9, 1988; Released: January 19, 1989

By the Chief, Audio Services Division:

1. The Commission has before it the above-captioned mutually exclusive applications for a new FM station.
2. Schumacher is Program Director of station WJER(FM) in Dover, Ohio. Schumacher has indicated his intent to terminate his relationship with station WJER(FM) in the event of grant of the referenced application. Accordingly, in the event of grant of Schumacher's application, Schumacher will be required to sever all connections with station WJER(FM) prior to the commencement of program test authority.
3. Data submitted by the applicants indicate there would be significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.
4. Except as may be indicated by any issues specified below, the applicants are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.
5. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.
2. To determine, in light of the evidence adduced pursuant to the specified issue, which of the applications should be granted, if any.

6. IT IS FURTHER ORDERED, That, in the event of grant of Schumacher's application, he will be ordered to divest himself of all interests in and sever all connections with Station WJER(FM) in Dover, Ohio prior to the commencement of program test authority.

7. IT IS FURTHER ORDERED, That in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M St., N.W., Washington, D.C. 20554.

8. IT IS FURTHER ORDERED, That, to avail themselves of the opportunity to be heard, the applicants and any party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

9. IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION

W. Jan Gay, Assistant Chief
Audio Services Division
Mass Media Bureau