

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

In re Applications of)	MM Docket No. 88-584
)	
EDWIN A. BERNSTEIN)	File No. BPH-870330NC
)	
RADIO CENTER MORICHES)	File No. BPH-870331MV
)	
FRIENDSHIP COMMUNICATIONS, LTD)	File No. BPH-870415KS
)	
HAMPTONS COMMUNICATIONS LIMITED PARTNERSHIP)	File No. BPH-870415KY
)	
For Construction Permit For a New FM Station on Channel 241A in Center Moriches, New York)	

ORDER

Adopted: October 4, 1996

; Released: October 7, 1996

By the Assistant General Counsel, Administrative Law Division:

1 This order grants the Joint Request for Approval of Settlement Agreements filed August 7, 1996 by Radio Center Moriches (RCM), Edwin A. Bernstein (Bernstein), and Friendship Communications, Ltd. (Friendship), as supplemented with filings on August 20 and September 25, 1996 by Friendship and on August 28, 1996 by RCM. Comments in support of the Joint Request were filed by the Mass Media Bureau on September 11, 1996.

2. By its Decision, 8 FCC Rcd 8016 (Rev. Bd. 1993), the Review Board granted Friendship's application and denied the competing applications of RCM, Bernstein and Hamptons Communications Limited Partnership. Thereafter, Bernstein filed a Petition for Reconsideration and RCM and Friendship filed Applications for Review of the Board's Decision. Having not sought further review, the denial of Hamptons' application is final and it is entitled to no further consideration in this proceeding. By its Order, 11 FCC Rcd 5249 (Rev. Bd. 1996), the Review Board certified this proceeding to the Commission for its consideration.

3. The remaining parties have now entered into settlement agreements which they have attached to their Joint Request. Pursuant to those agreements, RCM would pay Bernstein \$128,000.00 and Friendship \$160,000.00, RCM's application would be granted as amended to specify a new transmitter site, as reflected in its Motion for Leave to Amend Application filed on August 6, 1996 and supplemented September 4, 1996, and Bernstein's and Friendship's applications would be dismissed.

4. The Joint Request complies in all respects with the provisions of 47 U.S.C. § 311(c) and 47 C.F.R. § 73.3525(a) governing settlement agreements. The applicants have provided sworn statements that there is no other consideration for the dismissal of these applications, that these applications were not filed for the purpose of reaching or carrying out a settlement agreement, and that approval of the agreement will serve the public interest by facilitating the institution of new FM service for Center Moriches, New York, and by terminating this litigation. Moreover, Bernstein and Friendship have provided documentation demonstrating legitimate and prudent expenses in the preparation, filing and prosecution of their applications exceeding the amount of their proposed reimbursement. Finally, the Bureau filed Comments on September 13, 1996, stating that RCM's new transmitter site complies with the Commission's rules, good cause has been shown, and therefore the public interest will be served by grant of RCM's Petition for Leave to Amend and acceptance of the attached amendment.

5. **ACCORDINGLY, IT IS ORDERED**, That, pursuant to the authority delegated under 47 C.F.R. § 0.251(c), the Motion for Leave to Amend filed February 15, 1996 by Edwin A. Bernstein, reflecting a change in residence address, **IS GRANTED** and the attached amendment **IS ACCEPTED**; that the Motion for Leave to Amend Application filed August 6, 1996 and Supplemented September 4, 1996 by Radio Center Moriches **IS GRANTED** and the attached amendment and supplement **ARE ACCEPTED**; that the Joint Request for Approval of Settlement Agreements filed August 7, 1996 by Radio Center Moriches, Edwin A. Bernstein, and Friendship Communications, Ltd., as supplemented with filings on August 20 and September 25, 1996 by Friendship Communications, Ltd., and on August 28, 1996 by Radio Center Moriches **IS GRANTED** and the attached settlement agreements **ARE APPROVED**; that the Petition for Reconsideration filed December 13, 1993 by Edwin A. Bernstein and the Application for Review and Contingent Application for Review filed December 13, 1993 by Radio Center Moriches and Friendship Communications, Ltd. **ARE DISMISSED**; that the applications of Edwin A. Bernstein (File BPH-870330NC) and Friendship Communications, Ltd. (File No. BPH-870415KS) **ARE DISMISSED**; that the application of Radio Center Moriches (File No. BPH-870331MV) **IS GRANTED**; and that this proceeding **IS TERMINATED**.

FEDERAL COMMUNICATIONS COMMISSION

John I. Riffer
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