



Federal Communications Commission
Washington, D.C. 20554

April 23, 2009

In Reply Refer to:
1800B3-BSH/LAS

Advanced Modulation Broadcasting, LLC
6807 Foxglove Drive
Cheyenne, WY 82009

Langer Broadcasting Group, LLC
94 Saint Rose Street
Boston, MA 02130-3956

Re: **AM Broadcast Auction 84
MX Group 84-39 [S-4]**

Golden, Colorado
Facility ID No. 161314
File No. BNP-20040130AWM

Golden, Colorado
Facility ID No. 161420
File No. BNP-20040130BAN

**Applications for New AM Station
Construction Permits**

Dear Applicants:

We have before us the above-captioned mutually exclusive AM construction permit applications. Advanced Modulation Broadcasting, LLC ("Advanced") and Langer Broadcasting Group, LLC ("Langer") each propose a new AM station at Golden, Colorado. These applications were included in MX Group 84-39 in AM Auction No. 84.¹ We also have before us a Joint Request for Approval of Settlement Agreement ("Joint Request" or "Settlement Agreement") filed by the parties on October 31, 2005.² As discussed below, we approve the Settlement Agreement and dismiss the Langer application.

Background. On June 15, 2005, the Media Bureau released a *Public Notice* containing a list of 802 MX AM Auction No. 84 window-filed Form 301 tech box applications.³ The *AM MX Public Notice* defined

¹ AM Auction 84 MX Group 84-39 consisted of 116 applications. *See infra* note 2.

² The two applications were then designated MX Group 84-39[S-4].

³ *See AM Auction No. 84 Mutually Exclusive Applicants Subject to Auction, Settlement Period Announced for Certain Mutually Exclusive Application Groups; September 16, 2005 Deadline Established for Section 307(b) Submissions*, Public Notice, 20 FCC Rcd 10563 (MB 2005) ("AM MX Public Notice").

three categories of MX applications, detailed the filings required for each category, and specified a September 16, 2005, deadline for submitting the required filings to the Commission. This filing deadline was extended to October 31, 2005, because of Hurricane Katrina.⁴ MX Group 84-39 was listed as a Category I MX group, eligible for settlement. Category I applicants were required to file a settlement agreement, an engineering solution resolving all mutual exclusivities, or a Section 307(b) showing by the filing deadline.

On October 31, 2005, Advanced and Langer filed the Settlement Agreement. Under the terms of the Settlement Agreement, Advanced is to reimburse Langer for its legitimate and prudent expenses in exchange for the withdrawal of its application, leaving the Advanced application pending and mutually exclusive with the remaining applications in MX Group 84-39. The Settlement Agreement contains the affidavits required by Section 73.3525(a) of the Commission's Rules ("Rules").⁵

Discussion. *The Settlement Agreement.* After careful consideration of the Settlement Agreement, and the attached affidavits, we find that approval of the Settlement Agreement would serve the public interest and expedite the provision of new AM service. The applicants have complied with Section 311(c)(3) of the Communications Act of 1934, as amended (the "Act") and Section 73.3525(a) of the Rules.⁶ We further find that none of the parties filed their respective applications for the purpose of reaching or carrying out the Settlement Agreement⁷ and that no consideration, other than as provided by the Settlement Agreement, has been directly or indirectly paid or promised.

Conclusion. Accordingly, IT IS ORDERED, that the Joint Request for Approval of Settlement Agreement IS GRANTED and the associated Settlement Agreement IS APPROVED. The tech box application filed by Langer Broadcasting Group, LLC for Golden, Colorado (File No. BNP-20040130BAN) IS DISMISSED.

Sincerely,



Peter H. Doyle *for*
Chief, Audio Division
Media Bureau

cc: Allan G. Moskowitz, Esq.
A. Wray Fitch, Esq.

⁴ See Auction No. 84 Settlement Period and Section 307(b) Submission Deadline Extended to October 31, 2005, Public Notice, 20 FCC Rcd 14492 (MB 2005).

⁵ 47 C.F.R. § 73.3525(a).

⁶ See 47 U.S.C. § 311(C)(3); 47 C.F.R. § 73.3525(a).

⁷ See 47 C.F.R. § 73.3525(a)(2).