

**Application for Assignment of WPLC(AM), Silver Spring, MD**  
**Mega Communications of Silver Spring Licensee, L.L.C.**  
**FCC Form 314, Assignor Section II, Item 5**  
**Exhibit 6**

**ISSUES IN PREVIOUS PROCEEDINGS**

As previously reported in the application by which Mega Communications of Silver Spring Licensee, L.L.C. ("Mega Licensee") acquired the present station, George L. Lindemann formerly was the President and a shareholder of FM America Corporation ("FM America"), and Adam Lindemann was a beneficiary and trustee of family trusts that held an equity interest in FM America. FM America held limited partnership interests in a number of FM applications and was itself an applicant for three new FM facilities.

Issues regarding the financial qualifications and certification of one of the applicants in which FM America was a limited partner were left unresolved when that applicant requested voluntary dismissal, but were effectively resolved in other proceedings. The Commission subsequently recognized the resolution of these issues, by granting control over construction permits to two of the applicants in which FM America held a limited partnership interest. More recently, the Commission has granted numerous license assignments to affiliates of Mega Licensee's ultimate parent entity, Mega Communications Holdings, L.L.C., for the stations listed in Exhibit 5 -- including WPLC -- based upon applications in which this same showing was made.

Specifically, Administrative Law Judge Joseph Chachkin added financial qualifications and certification issues against FM Grove City Limited Partnership ("FM Grove City"), in MM Docket No. 87-178, based solely on the number of applications in which FM America then held limited partnership interests. The issues were left unresolved in that proceeding when FM Grove City requested voluntary dismissal.

Subsequently, however, the questions concerning the financial qualifications and certifications of the applicants in which FM America held limited partnership interests were considered by Judges in numerous other proceedings and resolved favorably to those applicants. By Memorandum Opinion and Order, FCC 88M-1029, released April 8, 1988, the same Administrative Law Judge who added the Grove City issues -- Joseph Chachkin -- granted summary decision in favor of FM Irondequoit Limited Partnership on the financial qualifications and certification issues designated by the HDO in that proceeding as a result of the Grove City proceeding.

Four different Administrative Law Judges in five other comparative proceedings (including Judge Chachkin on two occasions) denied motions seeking addition of virtually identical financial issues against other applicants in which FM America held a limited partnership interest, after reviewing the basis of the applicants' financial qualifications. See Memorandum Opinion and Order, FCC 87M-3289, released December 16, 1987 (MM Docket No. 87-426; Montecito, California); Memorandum Opinion and Order, FCC 88M-268, released

February 3, 1988 (MM Docket No. 87-462; Las Vegas, Nevada); Memorandum Opinion and Order, FCC 88M-544, released February 29, 1988 (MM Docket No. 87-352; Richmond, Virginia); Memorandum Opinion and Order, FCC 88M-583, released March 2, 1988 (MM Docket No. 87-542; Roswell, New Mexico).<sup>1</sup>

In one of the foregoing proceedings Administrative Law Judge John M. Frysiak found FM Roswell Limited Partnership, an applicant in which FM America held a limited partnership interest, fully qualified to hold a controlling 58 percent interest as general partner in RFJV, the permittee of a new FM station at Roswell, New Mexico. Memorandum Opinion and Order, FCC 88M-2899, released September 6, 1988 in MM Docket No. 87-542. Subsequently, in October of 1989 the Commission granted a transfer of control of that permittee to FM America. File No. BTCH-890830HF. In another comparative proceeding, Administrative Law Judge Edward J. Kuhlmann granted a construction permit for a new FM station at Lafayette, Louisiana to Lafayette FM Joint Venture, in which FM Lafayette Limited Partnership ("FM Lafayette") held a 51 percent equity interest as general partner. Judge Kuhlmann ruled that the character issue had been resolved without any adverse finding and concluded that it had no impact on the qualifications of FM Lafayette or Lafayette FM Joint Venture. Memorandum Opinion and Order, FCC 88M-1567, released May 24, 1988 in MM Docket No. 87-449.

In short, although the Commission did not resolve the financial issues in the Grove City proceeding itself, those issues were in fact considered fully and resolved in numerous proceedings after it. Moreover, the Commission repeatedly has granted assignment and transfer applications which included the same showing about the Grove City proceeding made herein, including the assignment of WPLC to a Mega affiliate.

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<sup>1</sup>These issues were not resolved in two other proceedings because the applicants in which FM America held a limited partnership interest had requested voluntary dismissal. See Order, FCC 88M-317, released February 8, 1988 in MM Docket No. 85-573 (dismissing FM Charleston Limited Partnership); and Order, FCC 88M-3173, released September 26, 1988 in MM Docket No. 88-393 (dismissing FM Arlington Limited Partnership). In addition, because of a settlement in another proceeding, the Presiding Judge never considered the merits of a petition to add similar issues against FM Orlando Limited Partnership. Memorandum Opinion and Order, FCC 88M-762, released March 18, 1988.