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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 27, 1991

7/1/91

**VIA HAND DELIVERY**

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

**Re: Petition for Leave to Amend and Amendment to the  
Application of Northeast Florida Broadcasting Corp.  
for a new FM Station on Channel 289A at Baldwin,  
Florida, File No. BPH-891214NA**

Dear Ms. Searcy:

Enclosed are an original and six copies of a Petition for Leave to Amend and Amendment which are being filed on behalf of Northeast Florida Broadcasting Corp., an applicant for a new FM broadcast station on Channel 289A at Baldwin, Florida, File No. BPH-891214NA.

The Amendment is being filed pursuant to Section 1.65 of the Commission's Rules. Although the amendment is unsigned, a signed copy of the amendment will be filed with the Commission upon its receipt by counsel.

Sincerely,



Desmond P. Brown

Enclosure

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 91-10
	)	
Charley Cecil & Dianna Mae White	)	
d/b/a WHITE BROADCASTING PARTNERSHIP	)	File No. BPH-891214MM
<u>et al.</u>	)	
	)	
<b>NORTHEAST FLORIDA BROADCASTING CORP.</b>	)	<b>File No. BPH-891214NA</b>
	)	
For Construction Permit to Build	)	
a New FM Station on Channel 289A	)	
in Baldwin, Florida	)	

To: The Honorable Edward Luton  
Administrative Law Judge

PETITION FOR LEAVE TO AMEND

Northeast Florida Broadcasting Corp. ("Northeast Florida"), by its counsel, hereby petitions for leave to amend the above-captioned application. In support thereof, Northeast Florida states the following:

1. This amendment, which seeks to report the media interest of Northeast Florida's non-voting shareholder, Dorothy Wade, is being made pursuant to Section 1.65 of the Commission's Rules. 47 C.F.R. § 1.65.

2. A copy of the amendment was first prepared and sent to Northeast Florida's voting shareholder, Lillian Holt, in early 1990, shortly after Ms. Wade first acquired her interest in HBA Broadcasting, Inc. See draft attached as Exhibit 1. However, due to inadvertence the amendment was never filed with the Commission.<sup>1</sup>

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<sup>1</sup> Due to this error, Ms. Holt's interest in HBA was first reported to the Commission in Northeast Florida's Integration and Diversification Statement filed May 10, 1991.

3. This oversight was not discovered until the deposition of Ms. Dorothy Wade on June 26, 1991. As Ms. Wade was being questioned about her interest in HBA, Northeast Florida's counsel stated that her interest had been reported in an earlier amendment. However, a subsequent examination of Northeast Florida's files uncovered that the amendment had, in fact, not been filed.

4. Counsel has therefore taken immediate steps to send a copy of this amendment to Ms. Holt to be signed. Once the amendment has been executed, a copy bearing Ms. Holt's signature will be filed with the Commission upon its receipt by counsel.

5. Good cause exists for the acceptance of this amendment. See Erwin O'Conner Broadcasting Co., 22 FCC 2d 140, 18 RR 2d 820, 824 (Rev. Bd. 1970). Furthermore, the amendment is timely filed and acceptance of the amendment will not delay or disrupt the proceeding, nor will any party be prejudiced by its acceptance, and Northeast Florida will gain no comparative advantage by virtue of the amendment.

WHEREFORE, having shown good cause, Northeast Florida Broadcasting Corp. respectfully requests that the Commission grant this petition for leave to amend its application.

Respectfully Submitted,

**NORTHEAST FLORIDA  
BROADCASTING CORP.**

By:



James L. Winston  
Desmond P. Brown  
RUBIN, WINSTON, DIERCKS & HARRIS  
1730 M Street, N.W.  
Suite 412  
Washington, D.C. 20036  
(202) 861-0870

Its Attorneys

Dated: June 27, 1991

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**Northeast Florida  
Broadcasting Corp.**  
Baldwin, Florida  
File No. BPH-891214NA

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**AMENDMENT**

Northeast Florida Broadcasting Corp. ("Northeast Florida"), respectfully requests that its application for a new FM broadcast station on Channel 289A at Baldwin, Florida, File No. BPH-891214NA, be amended to reflect the following media interest of Ms. Dorothy Wade, a non-voting shareholder in Northeast Florida:

Ms. Wade has a 75% non-voting interest in HBA Broadcasting, Inc., an applicant for a construction permit to build a new FM radio station at Martinez, Georgia, File No. BPH-900125MT.

Because Ms. Wade is a non-voting shareholder in Northeast Florida, insulated from the management and control of the applicant, Ms. Wade's interest in HBA Broadcasting, Inc. is not attributable to Northeast Florida Broadcasting Corp.

**NORTHEAST FLORIDA  
BROADCASTING CORP.**

---

Lillian Holt  
President

Dated: June \_\_\_\_, 1991

**EXHIBIT A**

**RUBIN, WINSTON & DIERCKS**

ATTORNEYS AT LAW

ERIC M. RUBIN, P.C.  
JAMES L. WINSTON, P.C.  
WALTER E. DIERCKS  
STEVEN J. STONE  
DESMOND P. BROWN\*

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(202) 861-0870

TELECOPIER NUMBER  
(202) 429-0657

OF COUNSEL  
STUART D. RUBIN\*  
\* ADMITTED ONLY IN NEW YORK

April 5, 1990

Ms. Lillian Holt  
Northeast Florida Broadcasting Corp.  
3716 Bramble Road  
Jacksonville, Florida 32210

Re: Amendment regarding Dorothy Wade

Dear Lillian:

Enclosed is an amendment to update the FCC that Dorothy Wade has acquired an interest in another applicant. Please review the amendment, and then sign and return it to our office so that we may file it with the Commission.

If you have any questions concerning this matter, please contact me.

Sincerely,



Desmond P. Brown

Enclosure

Northeast Florida  
Broadcasting Corp.  
Baldwin, Florida  
File No. BPH-891214NA

AMENDMENT

Northeast Florida Broadcasting Corp. requests that its application for a new FM radio station on Channel 289A at Baldwin, Florida, File No. BPH-891214NA, be amended to reflect the attached information.

**NORTHEAST FLORIDA  
BROADCASTING CORP.**

---

Lillian Holt  
President

Dated: April \_\_, 1990

Northeast Florida  
Broadcasting Corp.  
Baldwin, Florida  
File No. BPH-891214NA

**AMENDMENT**

Northeast Florida Broadcasting Corp. respectfully requests that its response to Question 8 in Section II (regarding the applicant's Legal Qualifications) of its application for a new FM station on Channel 289A at Baldwin, Florida, File No. BPH-891214NA, be amended to update the media interests of Ms. Dorothy Wade, who has acquired an interest in the following:

Ms. Dorothy Wade has acquired a 75% non-voting interest in HBA Broadcasting, Inc., an applicant for a construction permit to build a new FM radio station on Channel 299C2 at Martinez, Georgia, File No. BPH-890114MP

The interest held by Ms. Wade, who is a 75% non-voting shareholder in Northeast Florida Broadcasting Corp., is not attributable to the applicant.

CERTIFICATE OF SERVICE

I, Kathy Nickens, a secretary in the law firm of Rubin, Winston, Diercks & Harris, hereby certify that a copy of the attached **PETITION FOR LEAVE TO AMEND AND AMENDMENT** was served this 27th day of June 1991, to the following persons by first class mail, postage prepaid:

Honorable Edward Luton  
Administrative Law Judge  
Federal Communications  
Commission  
2000 L Street, N.W.  
Room 225  
Washington, D.C. 20554

Mr. Charles E. Dziejcz  
Chief, Hearing Branch  
Federal Communications  
Commission  
Mass Media Bureau  
2025 M Street, N.W.,  
Room 7212  
Washington, D.C. 20554

Chief, Data Management Staff  
Federal Communications  
Commission  
Mass Media Bureau  
Audio Services Division  
1919 M Street, N.W.,  
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Washington, D.C. 20554

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Broadcasting, Ltd.

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Kaye, Scholer, Fierman,  
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Counsel for JEM Productions,  
Limited Partnership

Federal Aviation Administration  
Office of Chief Counsel  
AGC-230  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

  
Kathy Nickens