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FILE

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Before the  
**Federal Communications Commission**

JUN 10 1991

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 91-10 ✓
	)	
Charley Cecil &	)	File No. BPH-891214MM
Dianna Mae White	)	
d/b/a WHITE BROADCASTING	)	
PARTNERSHIP	)	
	)	
PEACHES BROADCASTING, LTD.	)	File No. BPH-891214MN
	)	
SAGE BROADCASTING CORPORATION	)	File No. BPH-891214MR
OF JUPITER, FLORIDA	)	
	)	
DOUGLAS JOHNSON	)	File No. BPH-891214MZ
	)	
NORTHEAST FLORIDA	)	File No. BPH-891214NA
BROADCASTING CORP.	)	
	)	
JEM PRODUCTIONS, LIMITED	)	File No. BPH-891214ND
PARTNERSHIP C/O JOYCE	)	
MORGAN	)	
	)	
For Construction Permit	)	
for a New FM Station on	)	
Channel 289A	)	
Baldwin, Florida	)	

TO: The Honorable Edward J. Luton  
Administrative Law Judge

**MOTION TO DISMISS**

1. Douglas Johnson ("Johnson"), by his attorney, hereby moves for the dismissal of the application of Sage Broadcasting Corporation of Jupiter, Florida ("Sage").

2. On February 11, 1991, the Chief, Audio Services Division released a Hearing Designation Order<sup>1</sup> designating Sage and six other applicants for comparative hearing for a construction permit for a new FM station at Baldwin,

<sup>1</sup> White Broadcasting Partnership, 6 FCC Rcd 863 (Audio Services Division 1991).

Florida. Pursuant to Section 1.221(c) of the Commission's Rules, Sage was required to file a Notice of Appearance and remit a hearing fee by March 4, 1991. Sage failed to file a Notice of Appearance or remit a hearing fee. Accordingly, its application should be dismissed for failure to prosecute.

WHEREFORE, in light of the foregoing, Johnson respectfully requests the Presiding Officer to dismiss with prejudice the application of Sage.

Respectfully submitted,

**DOUGLAS JOHNSON**

By:   
Arthur V. Belendiuk  
His Counsel

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June 10, 1991

**CERTIFICATE OF SERVICE**

I, Lisa M. Volpe, a legal assistant in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 10th day of June 1991, copies of the foregoing were mailed to the following:

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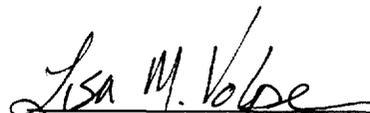
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