

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

In re Applications of) MM Docket No. 91-10
)
WHITE BROADCASTING PARTNERSHIP) File No. BPH-891214MM
et al.)

For Construction Permit for a New FM Station
Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

RECEIVED

JUN 6 - 1991

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OPPOSITION TO MOTION TO ENLARGE ISSUES

Peaches Broadcasting, Ltd. ("Peaches") respectfully opposes the "Motion to Enlarge Issues" ("Motion") filed May 21, 1991 by White Broadcasting Partnership ("White").

I. Public Notice

White acknowledges that Peaches published its public notice the required four times, but notes that the notice was published three times in the wrong newspaper. White further acknowledges that Peaches kept the Commission apprised of its progress by filing a "Partial Statement of Publication" on April 24, 1991.

Peaches' notice in the wrong newspaper was nearly timely, having been completed but three days late. Where an applicant publishes its notice in a reasonably timely fashion in the wrong newspaper but nobody is prejudiced thereby, no issue for trial is added. Risner Broadcasting, Inc., 13 RR2d 335, 337 (Examiner, 1968) (decisional magnitude of applicant's selection of wrong newspaper characterized by Examiner Sharfman as reminiscent of Dr. Johnson's stricture "[s]ir, there is no settling the point of precedency between a louse and a flea.")

However, Peaches still undertook to republish the notice in the correct newspaper. As the Declaration of Anna Matthews (Exhibit 1 hereto) explains in detail, she commenced republication in the Florida Times Union on April 15. However, the newspaper

delayed the next three notices because its records incorrectly showed that Peaches had an outstanding balance with the newspaper.

After several unsuccessful attempts to trace the problem and insure that the three notices would be published, Mrs. Matthews asked Molly Strain, the newspaper's Legal Advertising Representative, to research the matter and determine why the ads had still not run. Mrs. Matthews explains that Ms. Strain found that

the newspaper, in error, had created two accounts, one in the name of Fred Matthews and one in the name of Peaches Productions Group. Through the newspaper's clerical error, the money I had paid the newspaper on April 15 was credited to the Fred Matthews' account instead of the Peaches account. Ms. Strain made the proper adjustments on May 28. She has now advised me that the ads will run on the following dates: June 5, June 7 and June 10.

Ms. Strain's letter of explanation, together with supporting documentation, is appended hereto as Exhibit 2. Inasmuch as Peaches was not at fault and the newspaper has graciously acknowledged its error, no hearing issue is warranted.^{1/}

^{1/} The newspaper indeed recommenced publication in this morning's newspaper. See Exhibit 3 hereto.

White's Motion, at 4 n. 3, states that White's counsel contacted "staff personnel" at the newspaper, who purportedly told her that Peaches had not requested republication of the notices. However, White's counsel supplies neither the name(s) of the persons she contacted, nor evidence that those unnamed persons had determined that no request for republication had been made (as Mrs. Matthews avers) via the credit department. Nor did White's counsel swear the required declaration under penalty of perjury or submit any evidence from the newspaper itself. See Alabama Citizens for Responsive Public TV, Inc., 79 FCC2d 615, 620 (1979) (motions to enlarge "must be supported by affidavits of a person or persons having personal knowledge of the allegations of fact...[t]his is particularly germane with respect to allegations of fraud or misrepresentation. Speculation and innuendo will not suffice"); Southland, Inc., 25 RR2d 186 (Rev. Bd. 1972) (petition to add lack of candor and financial qualifications issues was denied where allegations were not adequately supported by personal knowledge.)

The Public Notice Rule is important, and Peaches means that rule no offense by observing that the sanction for minor failures to comply with that rule is not disqualification. The Commission's policy is to be lenient in its application of the Public Notice Rule by allowing applicants to come into compliance with the Rule. Coast TV, 102 FCC2d 718, 59 RR2d 205, 206-07 (Rev. Bd. 1985); Brookhaven Broadcasting Co., Inc., 50 FCC2d 703, 706 (Rev. Bd. 1975); Howard L. Burris, 28 FCC2d 10, 11 (Rev. Bd. 1971).

Nothing pled by White reflects adversely on Peaches' character. The Commission no longer specifies "character" issues for hearing where those issues could only result in a comparative demerit. In Character Qualifications in Broadcast Licensing, 102 FCC2d 1179, 59 RR2d 801, 835 (1986) ("Character Qualifications") the Commission explained that it no longer wished to find itself "in the position of adjudicating an applicant's minor transgressions which have very little bearing on its ability to act as a responsible broadcaster." Even before the issuance of Character Qualifications, the Commission only added public notice issues where an applicant deliberately intended to mislead the public. See, eg., Country-Politan Broadcasting, Inc., 57 FCC2d 92, 93 (Rev. Bd. 1975) (issue added where applicant published false hearing issues which suggested that competitor was financially unqualified). Here, Peaches did publish promptly, but in the wrong newspaper; it then undertook to correct its error and has done so. Furthermore, it has kept the Presiding Judge informed of its progress. Peaches' conduct is not disqualifying, nor does it suggest that Peaches will not be a law abiding Commission licensee.

Finally, Ms. Matthews' explains that the reference in Peaches' public notices to the "Baldwin Public Library" was inadvertent and resulted from the use of a law office form. Peaches' notice of filing of the application (Exhibit 4 hereto) correctly specified the Baldwin City Hall, but the text of the notice of hearing which was transmitted to Peaches by counsel (Exhibit 5) erroneously specified a library site. This was counsel's error and should not be attributed to Peaches. As Mrs. Matthews' declaration confirms, the three notices in the Florida Times Union which are being published now contain the correct information (see Exhibit 3 hereto), and a correction of Peaches' April 15, 1991 public notice in the Florida Times Union, which erroneously specified "Baldwin Public Library" will be published early next week.

II. Public File

White essentially alleges that Peaches' public file contains nine of the twelve items it should contain. The allegedly missing items were (1) an amendment of February 1, resubmitted April 17; (2) the 1974 publication "The Public in Broadcasting" and (3) a copy of the publisher's affidavit showing public notice of filing of the application.

As explained in the declaration of Frederick Matthews (Exhibit 6 hereto), Peaches has been diligent in maintaining and updating its public file. Mr. Matthews has inserted or reinserted into the file the February 1, 1991 amendment as filed and resubmitted, but he did not include "The Public and Broadcasting"

because he understood it to be out of print and not available.^{2/} Mr. Matthews had placed all amendments in the file when they were filed with the Commission; thus, he does not know why all amendments to Peaches' application were not in the file when Charlie White reviewed it.

The presence of nine of twelve items in a public file is not an egregious, disqualifying failure to comply with the Public File Rule. Rust Communications Group, Inc., 57 FCC2d 873, 877-79 (Rev. Bd. 1976) ("Rust") is almost exactly on point: omission of "The Public and Broadcasting" the political broadcasting file, the 1974 Form 395 and letters from the public did not merit an issue where all such omissions were promptly corrected. Those omissions in Rust were more significant than those here, and the licensee was a highly experienced owner of an AM Clear Channel and FM Class B facility. Even where eight of thirteen required items were missing, the issue was added but only on a comparative, nondisqualifying basis. Julie P. Miner (KDXU), 51 FCC2d 1163 (Rev. Bd. 1975).

In Peaches' file, the most significant items, such as the application, were included. Omission of relatively unimportant material, absent any motive other than simple inadvertence, does not trigger a public file issue. Gilbert Broadcasting Corp., 55 FCC2d 579, 582-83 (Rev. Bd. 1975). Furthermore, public file issues are not added when applicants remedy public file omissions after

^{2/} This was counsel's understanding. On the day this pleading was filed, counsel rechecked with the Commission's Consumer Assistance to be sure, and discovered that the document is in print. One has been ordered, and a copy will be placed in Peaches' public file imminently. Peaches will also insert a publisher's affidavit of its publication of the notice of filing of its application in the public file. As shown herein, that notice was published. See Exhibit 4 hereto.

they learn of the omissions. Felix H. Morales, 58 FCC2d 642, 643 (19786); Rust, supra.; Howard L. Burris, supra.

White cites Henry R. Malloy, Jr. d/b/a REM Malloy Broadcasting, FCC 91D-17 (ALJ released April 24, 1991) ("Malloy") for the proposition that a character issue must be added for failure to maintain a public file.^{3/} Unlike the instant case, however, Malloy was quite extreme. The applicant in Malloy did not place very important documents -- the issues/programs lists -- in its AM station public file for many years. Its principals dissembled on the witness stand when asked why no such lists had been maintained in the file, and the omissions were apparently intentional. Furthermore, the issues/programs lists were unavailable elsewhere and, without them, the public could not evaluate the AM station's program service; thus, failure to maintain the lists was highly prejudicial. Id. at 5-6. Here, there is no suggestion that critical materials were omitted from the file; that anyone was prejudiced by the omissions; that the omissions were intentional; or that Peaches has not been candid concerning the matter. Nor has anyone been denied access to Peaches' file. Compare Post-Newsweek Stations, Florida, Inc., 55 FCC2d 172, 176-77 (Rev. Bd. 1975) (issue added on comparative basis when file was not accessible).

Like the Public Notice Rule, the Public File Rule is an important one. However, what White has alleged is that Peaches has a public file -- a nearly complete one -- but not an absolutely complete one. That is simply not disqualifying conduct. See, eg.,

^{3/} White cites Malloy as an order adding issues. Actually, the Malloy ruling White has cited was an order disqualifying the applicant after trial on the issues. This error by White is immaterial and is mentioned here only to correct the record.

Millard V. Oakley, 45 RR2d 661, 663 (1979) (no public file issue added without evidence of intentional misconduct); Tuscola Broadcasting Co. (WKYO), 45 RR2d 133, 136-37 (ALJ 1979) (inadvertent omissions from file not grounds for addition of issue); WIOO, Inc., 42 RR2d 1123, 1125-26 (ALJ 1978) (inadvertent omissions not grounds for addition of issues without prejudice to public); compare Safe Broadcasting Corp., 5 FCC Rcd 4917, 4918-19 (Rev. Bd. 1990) (public file issue added where applicant deliberately placed false issues/programs lists in its file over a considerable period of time, and sought superior programming credit based on the fraudulent lists.)

Finally, White alleges that one of the materials in Peaches' file relates to another FM applicant in Sacramento. That material was erroneously sent to Peaches by counsel, inadvertently enclosed along with other documents which were to be placed in the public file. There is absolutely no connection between the Sacramento applicant and Peaches except that they have the same FCC attorney.

The Public File Rule contains no prohibition on extraneous material in the file. Indeed, as Mr. Matthews' declaration observes, White's own public file contains extraneous material. Therefore, inclusion of the Sacramento pleading in Peaches' file has no legal significance.

III. Beamon Advertising Issue

Based on the public notice and public file allegations it has advanced, White seeks what is commonly known as a "Beamon Advertising" or "ineptness" issue. See Beamon Advertising, Inc., 1 RR2d 285, 289 (Rev. Bd. 1963).

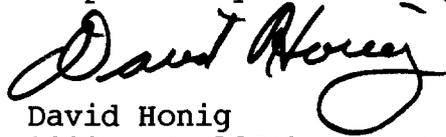
Not only has Beamon seldom been followed, it is inapposite. As best Peaches can determine, an "ineptness" issue has never been added without being ancillary to a misrepresentation issue, as occurred in Beamon, or being so extreme enough to border on the comical, (eg., Minority Broadcasters of East St. Louis, Inc., 52 RR2d 687 (ALJ 1982) (cited by White) (ineptness issue added where engineer simply duplicated competitor's engineering despite the fact that the applicants proposed different antenna heights and power levels).^{4/} Peaches' errors involved no material issue, prejudiced nobody, and were corrected promptly after being brought to Peaches' attention. Moreover, none involved any defect of character.

CONCLUSION

It is easy for White point out errors that Peaches, like practically all applicants, has made. But quibbling over these errors is simply not what broadcast licensing is all about. Peaches does not claim perfection, and if licensed it will not operate a perfect radio station. But Peaches has never deliberately misled the Commission. The requested issues should be denied.

^{4/} In one of the authorities cited by White, Mark L. Wodlinger, 62 RR2d 888, 898 (ALJ 1987), the requested Beamon Advertising issue was not added. Peaches cannot fathom why White would cite this case in support of the requested issue.

Respectfully submitted,



David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.

June 5, 1991^{5/}

^{5/} Peaches is filing this pleading by fax today and serving clean copies on all opposing applicants today. It is filing clean copies of the pleading tomorrow and will serve clean copies on the Bureau and the Presiding Judge tomorrow.

EXHIBIT 1.

DECLARATION OF ANNA MATTHEWS

I am the Vice President of Peaches Productions Group, Inc., General Partner of Peaches Broadcasting, Ltd.

Peaches' public notice of filing of its application correctly specified the location of its public file at the Baldwin City Hall.

Peaches public notice of the hearing designation order incorrectly specified the "Baldwin Public Library" as the location of its public file. I have learned that this happened because a law office form was used to create the public notice, and, through inadvertence, the words "Public Library" rather than "City Hall" were included in the notice. A correction of Peaches' April 15, 1991 public notice in the Florida Times Union, which erroneously specified "Baldwin Public Library" will be published early next week. The other three publications of the notice in the Florida Times Union (see below) have already been corrected to specify the Baldwin City Hall as the public file's location.

Peaches did not commence publication of its public notice immediately after the release of the hearing designation order because we wanted to be sure we would be filing an appearance in this case. After we filed our appearance, I published the notice on March 14, 15 and 18 in the Financial News and Daily Record, which is where legal notices are customarily published in Jacksonville. I subsequently learned from our counsel that the Commission requires that publication must occur in the daily newspaper.

I published another notice on Monday, April 15 in the Florida Times Union. I knew I had to publish three more such notices, so I called Molly Strain in the newspaper's legal advertising department to place the remaining three ads.

Ms. Strain told me that the ads' publication would be delayed because Peaches had an outstanding balance with the newspaper. I could not understand this because Peaches had paid the Times Union in cash before the April 15 ad ran. I asked Ms. Strain to publish the notices as soon as a record of my April 15 payment reached her desk, as I was sure it would.

Two weeks later, I called again to determine whether the money I had paid on April 15 had been credited to Peaches' account and whether the other three ads had been or were about to be run. Ms. Strain advised me that the newspaper's credit department's records still showed a balance due.

A week later, I spoke to Dorothy Rals in the credit department, who informed me that we still had an outstanding balance. On May 21, I called the credit department again and was told that we then had a zero balance. I then placed another order to run the ads. By May 28, the ads still hadn't run, so on that date I spoke again to Molly Strain, and asked her why the ads had still not run. She told me that we did not have a zero balance, and I then asked her to research the matter and find out how we could have had a zero balance on May 21 but not on May 28, and why our ads had still not run. She did the research and traced down the problem: the newspaper, in error, had created two accounts, one in the name of Fred Matthews and one in the name of Peaches Productions Group. Through the newspaper's clerical error, the money I had paid the newspaper on April 15 was credited to the Fred Matthews' account instead of the Peaches account. Ms. Strain made the proper adjustments on May 28. She has now advised me that the ads will run on the following dates: June 5, June 7 and June 10.

I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct. Executed 6/4/91.

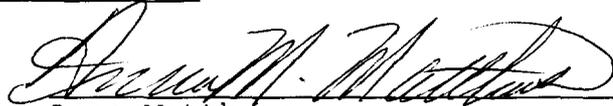

Anna Matthews

EXHIBIT 2.

U The Florida Times-Union

ONE RIVERSIDE AVENUE • P.O. BOX 1949 • JACKSONVILLE, FLORIDA 32231 • (904) 359-4111

May 28th, 1991

Mrs. Anna Matthews
Post Office Box 12563
Jacksonville, FL 32209

Dear Mrs. Matthews,

Per our conversation this morning, attached is the adjustment information you requested on the legal notice that ran on April 15th, 1991, ad number 655577.

On April 15th, when you paid for the legal notice, the \$102.20 credit was applied to the Fred Matthews account, number 394493. The ad; however, was billed to the Peaches Production Group account, number 449220. The payment should have billed to account number 449220 to zero-out the balance.

The adjustment for this transfer was written today to clear this matter up.

If you should have any further questions, please do not hesitate to call me at (904) 359-4170.

Thank you,



Molly A. Strain
Legal Advertising Representative

Enclosures



REQUEST FOR ADVERTISING ACCOUNT ADJUSTMENT

THIS SPACE ACCOUNTING DEPARTMENT USE ONLY
APPROVALS
CLERK
SUPERVISOR

E: May 28th, 1991 DEPARTMENT: Classified/Regis

NAME OF ACCOUNT: Fred Matthews

ACCOUNT NO. 394493 SUBMITTED BY: Molly Strain

AD NO.(S) 39 re: 655577

DATE(S) AD RAN April 15th, 1991 SIZE OF AD INCHES _____ LINES _____ OR OTHER _____

CHECK PRODUCT: DAILY SATURDAY _____ SUNDAY _____ COMMUNITY NEWS _____ OTHER _____

ADJUSTMENT REQUEST

Please transfer the \$102.20 credit from acct. No. 394493 to acct no. 449220.

DETAILED REASON

The \$102.20 payment was applied to the wrong account number. Please transfer to acct no. 449220

MAKE GOOD AD

<input type="checkbox"/>	TICKET # _____	RUN DATE _____
ORIGINAL TICKET# _____	ORIGINAL AD AMOUNT _____	
ORIGINAL AD SIZE _____	ORIGINAL RUN DATE _____	
NO. OF PJ. AD _____	PJ. AMOUNT _____	

WAS AD PROOFREAD? YES _____ NO _____
YES, BY: CUSTOMER _____ SALES REP _____

AD COST transfer ADJUSTMENT AMT. _____
ADVERTISING DEPT. ERROR? YES _____ NO
IF YES, PERSON RESPONSIBLE: _____

APPROVALS (SIGNATURE REQUIRED)

SALES REPRESENTATIVE Molly A. Strain
DEPARTMENT MANAGER _____
(IF OVER \$200 CREDIT)

SALES MANAGER _____
AD DIRECTOR _____
(IF OVER \$1000 CREDIT)



The Florida Times-Union - Jacksonville Journal

ONE RIVERSIDE AVENUE / POST OFFICE BOX 1949 / JACKSONVILLE, FLORIDA 32224
TELEPHONE (904) 358-4364

ADVERTISING INVOICE / STATEMENT

Bill To

PEACHES PRODUCTION GROUP
PO BOX 12563

JACKSONVILLE, FL

32209

4 BILLING DATE	5 BILLING PERIOD
4/30/91	MONTHLY
6 TERMS OF PAYMENT	
ALL BILLS DUE UPON RECEIPT	
7 ACCOUNT NO	PAGE
0449229	1

4094

*transfer (credit) amount from
Acct no. 394493
to zero-out account.*

DATE	REFERENCE NO.	LINE	DESCRIPTION	CLASS	RATES	BILLED UNITS	UNIT PRICE	TOTAL	GROSS AMOUNT
4/1/91	655577	CPUBLIC NOT		0215	1	70 L			102.20
TOTAL								102.20	102.20
ADJUSTMENTS									
TOTAL								102.20	102.20

REMITTANCE ADVICE: ACH AND RETURN THIS PORTION WITH PAYMENT TO INSURE PROPER CREDIT

ACCOUNT NO	PEACHES PRODUCTION GROUP	BALANCE DUE	102.20
DATE	4/30/91		

NOTE: THE AMOUNT PAID BY THE DEBITOR DOES NOT EQUAL THE AMOUNT DUE TO THE CREDITOR ON THIS DATE.

C7000

FLORIDA PUBLISHING COMPANY

POST OFFICE BOX 41000
JACKSONVILLE, FLORIDA 32232-0000

F13

2025 RELEASE UNDER E.O. 14176



The Florida Times-Union · Jacksonville Journal

ADVERTISING INVOICE / STATEMENT

READ MATTERS
PO BOX 17823
JACKSONVILLE

FL 32209

BILLING DATE
 BILLING PERIOD
 4/30/91 MONTHLY
 TERM OF INVOICE
 ALL BILLS DUE UPON RECEIPT
 ACCOUNT NO.
 0394923
 PAGE 1

LINE NO.	DATE	DESCRIPTION	CLASS	RATE	AMOUNT
00		DEBIT ADJUSTMENT			
		PAYMENTS		102.20	
		CREDIT			102.20
		GRAND TOTAL			102.20

REMITTANCE ADVICE
 ACH AND RETURN THIS PORTION WITH PAYMENT TO INSURE PROPER CREDIT
 4/30/91
 BALANCE DUE
 102.20
 D

2100 N. FLORISSANT COURTWAY
 JACKSONVILLE, FL 32216
 PHONE: 904-766-1111
 FAX: 904-766-1112

Should be billed to
Acct: 449220

note: The cash
 payment was
 applied to the
 wrong account
 number. It should
 have been billed to
 acct no. 449220.
 [Wrote adjustment 5/28/91
 per Anne Matthews]

EXHIBIT 3.

Find it. Buy it. Sell it. The new Classified. Let it work for you.

Classified

To place an ad Call 355-4321 7:30 am to 5 pm

To find an ad, look for these major classifications:

100 Announcements 200 Legal Auctions

300 Real Estate For Sale 400 Real Estate For Rent

500 Commercial Real Estate 550 Financial

600 Instruction 700 Employment

900 Services 900 Merchandise

1000 Pets/Animals 1200 Transportation

100 Announcements

300 Clubs & Organizations

105 Dating Services

FREE DATE LINE

MEXY LOCAL GUYZ/SL

110 Happy Ads

125 Personals

Dazzlingly Different

DO YOU SNORE?

THANK YOU ST. JUDE

115 Lost & Found

Bankruptcy 5309

AMERICAN LEGAL

DON'T LOSE YOUR HOME

LEGAL SERVICES

WEDDING MUSIC

205 Fictitious Names

215 Legal Medicine

INVIATION TO BID

INVIATION TO BID

SECTION A INVIATION TO BID

SECTION A INVIATION TO BID

PUBLIC SALE

CITY OF ATLANTIC BEACH INVITATION TO BID

WITH THE BID

205 Fictitious Names

NOTICE UNDER FICTITIOUS NAMES

215 Legal Medicine

INVIATION TO BID

INVIATION TO BID

SECTION A INVIATION TO BID

SECTION A INVIATION TO BID

SECTION A INVIATION TO BID

LEGAL NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

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EXHIBIT 4.

PUBLIC NOTICE

Notice is hereby given that Jem Productions, Limited Partnership General Partner, Joyce E. Morean, has filed with the Federal Communications Commission on December 14, 1989, an application for a construction permit for a new FM broadcast radio station to be located in Baldwin, Florida on Frequency 105.7, Channel 289, Class A, Power 6.0 KW, transmitter site location Duval County, Geographic coordinates NL 30° 17'54", WL 82°00'52", overall height above ground elevation 109.7 meters. This application may be inspected at the Main Branch of the Jacksonville Library during normal business hours.

PUBLIC NOTICE

Peaches Broadcasting, Ltd. ("Peaches"), a limited partnership, has filed an application for a construction permit for a new FM radio station to be licensed to Baldwin, Florida. The owners of Peaches are Peaches Productions Group, Inc., General Partner (25%), and Stephen Weissman, Limited Partner (75%). Peaches Productions Group, Inc. is owned by Frederick Matthews (50%) and Anna Matthews (50%). The application was filed with the Federal Communications Commission on December 14, 1989. The station will operate on Channel 289A (105.7 MHz) as a class A facility with a power of 6,000 watts and a height above average terrain of 328 feet. The studio will be situated at a location to be determined in Baldwin. The transmitter location will be at: 2500 feet Northwest of the Brandy Branch Church, Nassau County, Florida. A copy of the application is available for public inspection at the Baldwin City Hall.

LEGAL NOTICES**PUBLIC NOTICE**

On December 14, 1989, Douglas Johnson filed with the Federal Communications Commission an application seeking a construction permit for a new FM station on Channel 289A of Baldwin, Florida. The station's transmitter would be located west of 3-1, 8.8 km NW of Baldwin, Nassau County, Florida, and would operate with 6 kilowatts ERP, with antenna 100 meters above average terrain (105 meters above ground). The main studio will be in Baldwin, Florida, or within the city-grade contour of the station. A copy of the application, amendments and related material, are on file for public inspection at Baldwin City Hall, P.O. Box 54, Baldwin, Florida.

EXHIBIT 5.

cc's of original ad

FROM

2.25.1991 12:27

P. 3

PUBLIC NOTICE

The Federal Communications Commission has designated for hearing the following applications for a construction permit to operate a new FM radio station on FM Channel 289A in Baldwin, Florida: White Broadcasting Partnership; Peaches Broadcasting, Ltd.; Sage Broadcasting Corporation of Jupiter, Florida; First Coast Broadcasting Company; Douglas Johnson; Northeast Florida Broadcasting Corp; and JEM Productions, Limited Partnership c/o Joyce Morgan.

The hearing is scheduled to occur at a time and place to be determined. The issues to be determined in the hearing are:

- (1) To determine whether there is a reasonable possibility that the tower height and location proposed by White, Peaches, Sage, Coast, Johnson and Northeast would constitute a hazard to air navigation.
- (2) To determine which of the proposals would, on a comparative basis, best serve the public interest.
- (3) To determine, in light of the evidence adduced pursuant to the specified issues, which of the applications should be granted, if any.

A copy of the application of Peaches Broadcasting, Ltd., together with amendments thereto and related material, is on file for public inspection at the public library in Baldwin, Florida.

EXHIBIT 6.