

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

FCC 92M-414  
02410

In the Matter of ) MM DOCKET NO. 92-41  
)  
WAYNE C. MURPHY )  
)  
Licensee of Station WDAT(AM) )  
Amory, Mississippi )  
)  
Order to Show Cause Why the License )  
for Station WDAT(AM), Amory, )  
Mississippi, Should Not Be Revoked )

PREHEARING ORDER

Issued: March 31, 1992;

Released: April 1, 1992

1. We will hold the prehearing conference on June 24, 1992, and the hearing on July 27, 1992.<sup>1</sup> Both will begin at 8:30 a.m. in the Commission offices in Washington, D.C.

2. Appearance. The Show Cause Order calls on the licensee to file a written appearance with the Commission on or before April 27, 1992. See FCC 92-92 released March 26, 1992 at para. 6.

3. Bill of Particulars. The Show Cause Order also calls on the Mass Media Bureau to serve a Bill of Particulars on the licensee on or before April 27, 1992. See FCC 92-92 supra, at para. 4.<sup>2</sup>

4. Discovery. The use of discovery is discretionary. The Show Cause Order and the designated issues are so structured that discovery doesn't appear necessary. However, if after April 27, 1992, the Mass Media Bureau<sup>3</sup> believes that discovery is needed to uncover all the relevant facts, they will initiate such discovery on or before May 8, 1992. Any such discovery must be completed on or before July 8, 1992.

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1 The Trial Judge has blocked off July 27-29 for the hearing.

2 As the Show Cause Order indicates Wayne Murphy can't be located. Perhaps Donald R. Brady, Marcus D. Jones, John Eric Stevenson, Ellis R. Toney, Mel Webster, or William Fulgham can provide some clues to his whereabouts. See 1987 Broadcasting Yearbook at B-157.

3 The Bureau bears both the burden of proceeding and the burden of proof on the specified issues.

5. Exhibit Exchange. At the June 24, 1992 prehearing conference the parties will exchange the written documents they intend to rely on in support of their direct case along with a list of the witnesses they intend to present in support of their case.

6. If a party intends to request that official notice be taken of any materials in the Commission's files, that material should be assembled in written form, properly identified by source, given a tentative exhibit number, and exchanged on the date set.

7. Each party will assemble their exhibits in a binder. Each exhibit will bear a number, preferably by means of a tab on each document. Each exhibit will also contain the sponsoring witnesses' affidavit - if such an affidavit is required (See para. 6 supra). Please number the exhibits serially starting with the number 1. Use a prefix to indicate who is sponsoring the exhibits; e.g. Murphy Exhibit 1 and MMB Exhibit 1. Untabbed or unpaginated exhibits will be returned to the sender as being procedurally defective.

8. Evidentiary Admission Session. We'll hold an evidentiary admission session on July 2, 1992 at 8:30 a.m. There each party (starting with the Bureau) will formally identify and offer the exhibits they exchanged on June 24, 1992. The Trial Judge will rule on any objections to those exhibits. At the conclusion of the July 2nd session, each party will notify the other of those witnesses they need for cross-examination and the exhibits or subjects to be covered by that cross-examination.

9. Hearing Date. The July 27, 1992 hearing date is a firm date. A thorough but speedy trial is contemplated.

FEDERAL COMMUNICATIONS COMMISSION

  
Walter C. Miller  
Administrative Law Judge