

FCC MAIL SECTION

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

ORIGINAL

FCC 91M-3471
01064

In re Applications of)	MM DOCKET NO. 91-10
)	
CHARLEY CECIL & DIANNA MAE WHITE)	File No. BPH-891213M
d/b/a WHITE BROADCASTING PARTNERSHIP)	
)	
PEACHES BROADCASTING, LTD.)	File No. BPH-891214MN
)	
DOUGLAS JOHNSON)	File No. BPH-891214MZ
)	
NORTHEAST FLORIDA BROADCASTING CORP.)	File No. BPH-891214NA
)	
JEM PRODUCTIONS, LIMITED PARTNERSHIP)	File No. BPH-891214ND
C/O JOYCE MORGAN)	
)	
For Construction Permit for a)	
New FM Station on Channel 289A)	
in Baldwin, Florida)	

MEMORANDUM OPINION AND ORDER

Issued: December 17, 1991; Released: December 19, 1991

1. Under consideration are 1) Motion to Enlarge Issues Against Peaches Broadcasting, Ltd., filed May 21, 1991 by Charley Cecil & Dianna Mae White, d/b/a White Broadcasting Partnership ("White"); 2) Opposition to Motion to Enlarge Issues, filed June 6, 1991 by Peaches Broadcasting, Ltd.; 3) Supplement to Opposition to Motion to Enlarge Issues, filed June 11, 1991 by Peaches Broadcasting, Ltd. ("Peaches"); and 4) Reply to Opposition to Motion to Enlarge Issues, filed June 19, 1991 by White. White seeks a public notice issue, a public file issue, and a carelessness/ineptness issue against Peaches.

Public Notice Issue

2. Peaches published its public notice the required four times, but three times in the wrong newspaper. The publication in the wrong newspaper was completed three days late. Peaches did undertake to republish the notice in the correct newspaper, but that effort was frustrated because of incorrect record keeping at the newspaper. Proper public notice has now been completed.

3. Peaches' failures here are minor, do not reflect adversely on its character, and do not warrant the addition of any issue.

Public File Issue

4. White essentially claims that Peaches' public file contain only nine of the twelve items it should have contained. The presence of nine of twelve items in a public file hardly exhibits an egregious, disqualifying failure to comply with the public file rule. Rust Communications Group, Inc., 57 F.C.C. 2d 873 (Rev. Bd. 1976). No issue will be specified.

Carelessness/Ineptness Issue

5. White alleges no facts warranting the addition of such an issue, and its request for such an issue will be denied.

Accordingly, IT IS ORDERED THAT the Motion to Enlarge Issues Against Peaches Broadcasting, Ltd., IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION


Edward Luton
Administrative Law Judge