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

FCC 92M-557

In re Application of	)	MM DOCKET NO. 92-6
	)	
NORMANDY BROADCASTING CORP.	)	File No. BRH-910129UR
	)	
For Renewal of License of	)	
Station WYLR(FM)	)	
Glens Falls, New York	)	
	)	
and	)	
	)	
LAWRENCE N. BRANDT	)	File No. BPH-910430MB
	)	
For a Construction Permit	)	
for a New FM Station on 95.9 MHz	)	
at Glens Falls, New York	)	

O R D E R

Issued: May 12, 1992; Released: May 13, 1992

This is a ruling on Notice of Deposition filed by Normandy Broadcasting Corporation ("Normandy") on April 13, 1992, and an Opposition filed by Lawrence N. Brandt ("Brandt") on April 21, 1992. There has been no pleading filed by the Bureau. Normandy seeks the deposition of Brandt and A.G. Newmeyer ("Newmeyer") who is described in the Notice as "an ex-party in interest."

The Commission's rules do provide for discovery as follows: "[P]arties may be examined regarding any matter, not privileged which is relevant to the hearing issues - - -." 47 C.F.R. §1.311(b). Notices of Deposition must specify: (1) the name and address of the person to be examined; (2) the time and place for taking the deposition and the name and descriptive title and address of the person before whom it will be taken; and (3) the matters upon which each person will be examined. 47 C.F.R. §1.315(a).

The Notice filed and served by Normandy is defective in that it fails to specify a time, date and place. It also fails to identify the officer before whom it will be taken. There has been no agreement among the parties for informal notice. In fact, Brandt objects to the Notice on the ground that it does not meet those particulars. Also, the stated purposes for the deposition are broad and inconclusive. Brandt would be deposed to discover his knowledge on "all matters reasonably calculated to lead to the discovery of admissible evidence on the issues designated - - -." Newmeyer, who is not identified by position or transaction as a person who is in a position to have gained relevant information, is sought to be deposed on his "exact involvement and the form and substance of his agreements with Mr. Brandt."

But the issues under the designation order were set against the renewal applicant, Normandy, and not against Brandt. And there were no issues

added. See Memorandum Opinion and Order, FCC 92M-505, released April 29, 1992, and Memorandum Opinion and Order, FCC 92M-556, to be released May 13, 1992. There is no basis for permitting such unfocused discovery of Brandt.

Accordingly, for a failure to comply with the Commission's notice provisions and due to the excessive breadth of the matters sought to be inquired of IT IS ORDERED that the Notice of Deposition filed by Normandy Broadcasting Corporation on April 13, 1992, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Richard L. Sippel

Richard L. Sippel
Administrative Law Judge