

FCC MAIL SECTION

DOCKET FILE COPY ORIGINAL

MAY 26 11 15 AM '92

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

FCC 92M-601
02896

In re Application of)	MM DOCKET NO. 92-6
DISPATCHED BY)	
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 22, 1992;

Released: May 26, 1992

A Prehearing Conference was held on May 21, 1992, to consider a change to the hearing date. For cause shown on-the-record, the request of Lawrence N. Brandt for an earlier hearing date was granted. An extension of time also was granted to Normandy Broadcasting Corporation within which to file its proffer of relevant exculpatory evidence.¹ Brandt and the Bureau were required to file responsive pleadings. And there was discussion and resolution of the relevant renewal period.

Accordingly, IT IS ORDERED that the hearing set for September 8, 1992, IS CANCELLED and IT IS RESET for August 24, 1992, at 10:00 a.m.

IT IS FURTHER ORDERED that the date for submission by Normandy on June 5, 1992, IS CANCELLED and Normandy SHALL SERVE AND FILE on June 12, 1992, its proffer and contentions of relevant exculpatory evidence that it intends to rely on at the hearing.

¹ See Memorandum Opinion and Order, FCC 92M-560, released May 15, 1992. As discussed in detail at the prehearing conference, Normandy should rely on new evidence which it believes might exculpate or mitigate the violations found in Barry Skidelsky. The proof relied on by Normandy for that limited purpose must not include evidence of a past broadcast record. There may be evidence of broadcast record received at the hearing on the issue of renewal expectancy. But that evidence is not directly relevant to exculpation/mitigation. And there must be no attempt made to introduce evidence that would involve relitigating the findings and conclusions of the Initial Decision in Barry Skidelsky.

IT IS FURTHER ORDERED that on June 23, 1992, Brandt SHALL FILE AND SERVE his Response and the Mass Media Bureau SHALL FILE AND SERVE its Comments with respect to Normandy's proffer.

IT IS FURTHER ORDERED that all parties are on notice that the renewal period set for this case is June 1, 1984, to April 30, 1991.²

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel
Administrative Law Judge

2 Normandy continues to appear pro se through its principal, Mr. Christopher P. Lynch. He was not cognizant at the Prehearing Conference of the nature of the proffer of his broadcast record and he was expecting the Judge to consider his proffer as evidence. Mr. Lynch should be aware that he will need to prepare and premark specific exhibits on his broadcast record that must be exchanged in advance of the August 4 Admission Session. Mr. Lynch also should be aware that he must have an original and one copy in court for the court reporter to mark for identification and receive in evidence. Mr. Lynch was advised at the Prehearing Conference that only renewal evidence that falls within the renewal period will be admitted in evidence. He was also advised that renewal evidence would not be received which postdates the filing of Brandt's challenging application. Mr. Lynch continues to assure the Presiding Judge that he is seeking to arrange for counsel's retainer and he hopes to proceed at the admissions session and at hearing with counsel.