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FILE

ORIGINAL

Before the
Federal Communications Commission
Washington, DC 20554

In re Applications of)	MM Docket No. 92-70
)	
SABLE COMMUNITY BROADCASTING)	File No. BPED-851003MB
CORPORATION)	
Channel 217A)	
Hobson City, Alabama)	
)	
GADSDEN STATE COMMUNITY COLLEGE)	File No. BPED-860307MK
Radio Station WSGN(FM))	
Channel 218)	
Gadsden, Alabama)	
)	
TRINITY CHRISTIAN ACADEMY)	File No. BPED-860512MB
Channel 217A)	
Oxford, Alabama)	
)	
For Construction Permit for)	
New and Modified Noncommercial)	
FM Facilities)	

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JUN 26 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Honorable Arthur I. Steinberg
Administrative Law Judge

PETITION FOR LEAVE TO AMEND

Sable Community Broadcasting Corporation ("Sable"), by its attorneys, pursuant to Sections 1.65 and 73.3522(b) of the Commission's rules, hereby petitions for leave to amend its application.

The amendment provides clarifying information concerning the Board of Directors of Sable. In the Reply to Opposition to Motion to Dismiss filed by Trinity Christian Academy ("Trinity") on June 16, 1992, at page 14, Trinity pointed out that Marcus Reid was identified as a Director of Sable in Sable's June 4, 1992 Motion for Acceptance of Late-Filed Notice of Appearance, at page 2, yet the list of directors on page 4 of Sable's application did not list Mr. Reid as a Director.

The attached amendment explains that Mr. Reid, as well as two other individuals have been Directors of Sable since inception

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of the corporation but were omitted from the table of directors in Sable's application because those three individuals were absent from the organizational meeting held on January 15, 1984. Attached hereto as Exhibit 1 is a copy of the resolution adopted by Sable at that meeting, which contains a list of the directors present at that meeting. Messrs. Reid and Dunn and Ms. Bailey were indeed absent from that meeting.

As the amendment also explains, two individuals, Ms. Bowers and Ms. Tippins, have resigned from Sable's Board and have not been replaced. Ms. Bowers resigned on January 2, 1986. See Minutes of Meeting of Sable Community Broadcasting Corporation, dated March 3, 1986, attached hereto as Exhibit 2. Ms. Tippins relocated out of the area some years ago, and has not attended any meetings of the Directors of Sable for quite some time.

The attached list of Directors from Sable's application for federal assistance from the National Telecommunications and Information Administration, filed on December 29, 1984, Exhibit 3 hereto, accurately reflects the identity of the Board of Directors of Sable.

This amendment fulfills Sable's continuing obligation to keep its application accurate in all respects, and thus should be accepted for Section 1.65 purposes.

With respect to the good cause showing attendant to a Section 73.3522(b) amendment, obviously the information concerning Sable's Directors reported in Sable's application ideally should have been corrected and updated sooner. However, Sable submits that no harm

or prejudice to the parties or this proceeding flows from the delay.¹

Unlike a commercial proceeding, where a principal's ownership of other media, plans to integrate into the station's management, local residence, civic participation and past broadcast experience all have significant comparative meaning, a noncommercial applicant is judged on entirely different criteria. Those criteria have less to do with the individual identity of each principal than with the overall educational goals and objectives of the applicant. Indeed, in a noncommercial case even a principal's other media interests, of which there are none here, are irrelevant to the analysis.

Furthermore, discovery has not even begun in this proceeding. Trinity has not lost an opportunity to notice any of Sable's Directors for deposition. Indeed, Sable is hard pressed to conceive of one theory under which Sable's failure to correct the list of Directors in its application sooner has affected the course of this proceeding. Under these circumstances, Sable's lack of due diligence in reporting corrections to its table of directors should not impact on the acceptance of this amendment for Section 73.3522(b) purposes.²

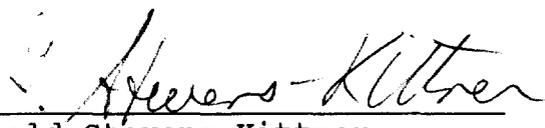
¹ As indicated previously, until recently, Sable has effectively acted in a pro se capacity with respect to its application. Although not an entirely exculpatory excuse, it nevertheless bears on the equities of this good cause showing. See Anax Broadcasting, Inc., 87 RCC2d 483, 488-89 (1981)(the "due diligence . . . requirement . . . [should be viewed] in light of the equities of the case. . . ."); Mark L. Wodlinger, 63 RR2d 1083, 1087 (Rev. Bd. 1987)(equities of the case manifestly outweigh small defect.)

² Although Sable has been dilatory in amending its FCC application to report corrections to the table of directors, as can be seen from the attached Exhibits, Sable has been conscientious about keeping corporate minutes of its meetings, and Sable accurately reported the makeup of its Board in its NTIA application.

With respect to the remaining elements of the Erwin O'Connor test, the amendment is involuntary in nature, since Sable is fulfilling its obligation to keep its application accurate in all respects; it will result in no comparative upgrade; the difference in the identity of Sable's Directors will not result in the need for any additional issues; and, as discussed above, it should not prejudice the parties or disrupt the proceeding. Under these circumstances, good cause exists to accept this amendment for purposes of both Section 1.65 and Section 73.3522(b) of the Commission's rules.

Respectfully submitted,

SABLE COMMUNITY BROADCASTING
CORPORATION

By: 
Gerald Stevens-Kittner
ARTER & HADDEN
1801 K Street, NW, Suite 400
Washington, DC 20006
(202) 775-7138

Its Attorneys

June 26, 1992

²(...continued)
complying with corporate formalities. Moreover, Sable accurately reported the makeup of its Board in its NTIA application.

SABLE COMMUNITY BROADCASTING CORPORATION
613 CHURCH STREET
HOBSON CITY, ALABAMA 36201
PHONE: (205) 237--6144/237-3238
MAUDINE J. HOLLOWAY, PRESIDENT

June 17, 1992

This is an Amendment for the aforementioned station:

The original base group and the Board of Directors has not changed except for the resignation of Ms. Angela Bowers and Ms. Bernadette Tippins who served briefly. We have not filled these vacancies.

Our application to FCC was based on members who were present at the organizational meeting which was held on January 15, 1984.

Absent from that meeting were:

Mr. James Dunn
Attorney Marcus Reid
Ms. Annie Bailey

Our application for Federal Assistance does reflect the entire Board of Directors.

None of the Board members to my knowledge, has any interest in any other radio station.

I do hereby swear this to be true as stated this 17th Day of June, 1992.


MAUDINE J. HOLLOWAY, PRESIDENT
SABLE COMMUNITY BROADCASTING CORPORATION

Exhibit 1

SABLE COMMUNITY BROADCASTING CORPORATION
BOARD MEETING/RESOLUTION

January 15, 1984

PLACE OF MEETING: 1924 Constantine Avenue
Anniston, AL 36201

THOSE PRESENT WERE:

Maudine J. Holloway
Myrtle Miller
Vernice Sanders

Billy Ross
Denice DeRamus
Maude Snow

Montessor Suddeth
Angela Bowers
Dorothy Swain

It was duly noted by the President, Maudine J. Holloway that a quorum of members with the authority to act were present.

It was moved and duly seconded that the following resolution be adopted.

- That Sable Community Broadcasting Corporation authorized Mrs. Maudine J. Holloway, Anniston, AL, to apply for a construction permit to the FCC for an educational Radio Station for the Hobson City area. Further, that Mrs. Maudine J. Holloway, founder of this corporation is authorized to execute said corporation.

The Resolution was passed with no opposition.

ADJOURNMENT

There being no further business, the meeting was adjourned.

DATED THIS 15TH DAY OF JANUARY, 1984.

RESPECTFULLY SUBMITTED BY:

Dorothy W. Swain
Secretary

ACKNOWLEDGEMENT

STATE OF ALABAMA)
 : ss
COUNTY OF CALHOUN)

Before me, a Notary Public in and for the County and State aforesaid, that on the 15TH day of JANUARY, 1984, MYRTLE MILLER, VERNICE F. SANDERS, AND MAUDINE J. HOLLOWAY, personally appeared before me and, being first duly sworn by me severally acknowledged that they signed the foregoing document in the respective capacities therein set forth and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Dorothy W. Swain
SECRETARY

Harold A. Bealger
NOTARY PUBLIC
My Commission Expires: Aug. 22, 1988

Exhibit 2

MINUTES OF
SABLE COMMUNITY BROADCASTING CORPORATION

March 3, 1986

The Board of Sable met on March 3, 1986 in the Radio building at 711 Church Street, Hobson City, Alabama.

PRESENT WERE

Mrs. Maude Snow
Mr. Montessor Suddeth
Mrs. Maudine Holloway
Mrs. Myrtle Miller

Mrs. Annie Bailey
Mrs. Denise DeRamus
Ms. Dorothy Swain

A letter of resignation was read from Angela Bowers, dated January 2, 1986 to the group. It was motioned by Mrs. Bailey and seconded by Mrs. Miller to accept the letter of resignation. The motion was carried.

A copy of the application for the radio station has been mailed to Mr. Ship Hinton and Ms. Donna Snowden for their approval.

CALENDAR REPORT

We have received \$182.00 as of February 15, 1986.

PART TIME PERSON

Mrs. Holloway said she would like to see a part-time person working on Ads now.

LETTER TO LEGISLATURES

Now is a good time to write to our legislators. Mr. Dunn agreed to meet with Mrs. Holloway at the office to formulate a letter.

ADJOURNMENT

There being no further discussions the meeting was adjourned at 12:40 p.m.

RESPECTFULLY SUBMITTED BY:

DORTHY SWAIN, SECRETARY

MAUDINE J. HOLLOWAY, PRESIDENT

PAMELA BURTON, RECORDING

Exhibit 3

SABLE COMMUNITY BROADCASTING CORPORATION
711 CHURCH ST./HOBSON CITY, ALABAMA 36201 (205) 237-6144
P. O. BOX 3197
OXFORD, ALABAMA 36203

December 29, 1984

Public Telecommunications
Facilities Program

NTIA/DOC
1401 Street and Constitution Avenue, N. W.
Washington, D.C. 20230

Dear Sirs:

Enclosed is the following materials.

1. One original copy of the Facilities Grant Proposal.
2. An additional copy of the facilities Grant Proposal.

We are requesting special consideration as a minority owned and operated non profit educational radio station.

This request for equipment will assist us in having considerable equipment.
We planned the equipment list contemplating a minimum of 10 years use.

If you have questions concerning the enclosed proposal, please feel free to contact me via phone or in writing.

Sincerely,


MAUDINE J. HOLLOWAY, PRESIDENT

ENCLOSURES

-Facilities Grant Proposal

MH:dws

SABLE COMMUNITY BROADCASTING CORPORATION

BOARD MEMBERS

Maudine J. Holloway, President
1924 Constantine Avenue
Anniston, AL 36201

Black Community Developer

Vernice Sanders, Vice President
128 South Leighton
Anniston, AL 36201

Retired Nurse

Billy Ross, Treasurer
105 Shannon Lane
Anniston, AL 36201

General Foreman

Myrtle Miller
1013 West 14TH Street
Anniston, AL

Maintenance Worker

Denice DeRamus
810 Snow Circle
Hobson City, AL 36201

City Clerk

Montressor Suddeth
307 Lucien Drive
Anniston, AL 36201

White Collar Worker

Maude Snow
600 Park Avenue
Hobson City, AL 36201

Mayor

Marcus Reid
100 Quintard Avenue
Anniston, AL 36201

Lawyer

Annie P. Bailey
602 Spring Street
Oxford, AL 36203

Senior Aide Coordinator

Dorothy Swain, Secretary
609 Sunset Avenue
Talladega, AL 35160

Secretary/Youth Coordinator

James A. Dunn
1728 Cooper Avenue
Anniston, AL 36201

Retired Principal

CERTIFICATE OF SERVICE

I, Michelle Jarrett, a secretary in the law firm of Arter & Hadden, hereby certify that on this 26th day of June, 1992, a copy of the foregoing PETITION FOR LEAVE TO AMEND was served by, unless otherwise indicated, first class U.S. mail, postage prepaid, on each of the following persons:

* Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 228
Washington, D.C. 20554

* Paulette Laden, Esquire
Hearing Branch, Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

* Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Rm. 302
Washington, D.C. 20554

Harry C. Martin
Andrew S. Kersting
Reddy, Begley & Martin
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037
Counsel for Trinity Christian Academy

M. Scott Johnson, Esq.
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900 East Tower
Washington, D.C. 20005
Counsel for Gadsen State Community College

Gary S. Smithwick, Esq.
Smithwick & Belendiuk
2033 M Street, N.W., Suite 207
Washington, D.C. 20036
Counsel for Bible Broadcasting Network, Inc.

* via Hand Delivery


Michelle Jarrett