

FCC MAIL SECTION

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

FCC 92M-1040
30230

In re Applications of)	MM DOCKET NO. 92-111 ✓
)	
DEAS COMMUNICATIONS, INC.)	File No. BPH-910208MB
)	
HEALDSBURG BROADCASTING, INC.)	File No. BPH-910211MB
)	
HEALDSBURG EMPIRE CORPORATION)	File No. BPH-910212MM
)	
For Construction Permit for a)	
New FM Station on Channel 240A)	
in Healdsburg, California)	

MEMORANDUM OPINION AND ORDER

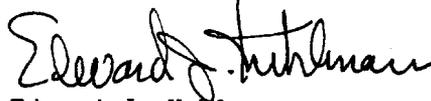
Issued: November 5, 1992; Released: November 6, 1992

1. Under consideration is the Motion to Reopen the Record and Request for Discovery and Revised Procedural Dates, filed October 22, 1992 by Healdsburg Broadcasting, Inc.

2. HBI requests that the record be reopened and that it be given an opportunity to conduct discovery because its application was dismissed before it could depose the other applicants. Deas opposes the request on the grounds that HBI has not shown new evidence discovered after the close of the record. Deas also disputes HBI's claim that it had plans to depose the other applicants when its application was dismissed. Ordinarily, HBI would need to show good cause to reopen the record but the Review Board's order fulfilled that function. HBI's request will be granted. HBI and the other two applicants may conduct depositions within the next 30 days. All discovery must be completed by December 7, 1992. Following discovery, requests for examination of witnesses on exhibits that have been filed will be considered again. Any request must be justified with references to specific facts and should be filed by December 11, 1992. Objections should be filed by December 15, 1992. If it is determined that examination of witnesses is necessary, a hearing will be scheduled before the end of the year. Counsel should inform all principals that time may be required to testify at the end of December.

ACCORDINGLY, IT IS ORDERED that the motion to reopen the record and request for discovery and revised procedural dates, filed October 22, 1992 by Healdsburg Broadcasting, Inc. IS GRANTED to the extent indicated.

FEDERAL COMMUNICATIONS COMMISSION



Edward J. Kuhlmann
Administrative Law Judge