

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

|                                 |   |                       |
|---------------------------------|---|-----------------------|
| In re Applications of           | ) | MM DOCKET NO. 92-310  |
|                                 | ) |                       |
| ROBERT M. RICHMOND              | ) | File No. BPH-910703MD |
|                                 | ) |                       |
| BARBARA BRINDISI                | ) | File No. BPH-910703MI |
|                                 | ) |                       |
| LAURYN BROADCASTING CORPORATION | ) | File No. BPH-910703MJ |
|                                 | ) |                       |
| For Construction Permit for a   | ) |                       |
| New FM Station on Channel 265A  | ) |                       |
| in Beaumont, California         | ) |                       |
|                                 | ) |                       |
| and                             | ) |                       |
|                                 | ) |                       |
| KAY SADLIER-GILL                | ) | File No. BPH-910611IF |
|                                 | ) |                       |
| For Modification of Facilities  | ) |                       |
| for Station KATY-FM, Idyllwild, | ) |                       |
| California                      | ) |                       |

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Administrative Law Judge  
Walter C. Miller

MOTION FOR SEVERANCE AND GRANT

Kay Sadlier-Gill, by her attorneys, hereby submits her Motion for Severance and Grant of her application in the above-captioned proceeding, stating in support thereof as follows:

The Sadlier-Gill application to improve the facilities of Station KATY-FM, Idyllwild, California, has been designated for hearing in the instant proceeding because the transmitter site proposed therein is short-spaced to, and thus mutually-exclusive with, the applications of three other parties to construct a new station in Beaumont, California. She therefore has this date submitted an amendment to her application which will eliminate such short-spacing. A Petition for Leave to Amend, demonstrating that there is good cause for the amendment and that acceptance thereof will serve the public interest, also has been filed. Upon grant of the Petition and acceptance of the amendment, Sadlier-Gill's application no longer will be mutually-exclusive with those of the other parties in this proceeding.

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Moreover, there are no qualifying issues which would otherwise require a hearing with regard to Sadlier-Gill's application. The sole matter raised with regard to her application in the Hearing Designation Order ("HDO") concerns her failure to provide information as to how she will protect workers engaged in maintenance and repair at her transmitter site from harmful radiofrequency radiation. Sadlier-Gill provided the required information to the Mass Media Bureau on February 11, 1993, as required by the HDO, and her amendment also includes such information with respect to her new site.<sup>1</sup> Thus, if the Mass Media Bureau advises the presiding Judge that Sadlier-Gill's February 11, 1993 submission satisfies the concerns expressed in the HDO and further advises the Judge in its Comments on Sadlier-Gill's Petition for Leave to Amend that her amendment is acceptable to it from an engineering standpoint, the Judge may thereupon accept Sadlier-Gill's amendment, sever the Sadlier-Gill application from the hearing proceeding (which will then pertain only to the three Beaumont applicants) and grant her application without further delay or ado.<sup>2</sup>

In view of the foregoing, Sadlier-Gill respectfully requests the Judge to sever consideration of her application from the hearing proceeding concerning the three Beaumont applications and thereupon grant such application once he has granted her

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<sup>1</sup> Sadlier-Gill has stated that the power of the station will be reduced or entirely cut off as necessary to protect workers at her site. Such statements routinely satisfy the Commission's concerns in this regard.

<sup>2</sup> Sadlier-Gill assumes that no other party to the proceeding will interpose an objection to her amendment.

contemporaneously-filed Petition for Leave to Amend and accepted the amendment included therewith.<sup>3</sup>

Respectfully submitted,

**KAY SADLIER-GILL**

By:

  
Eric S. Kravetz

Brown, Nietert & Kaufman, Chtd.  
1920 N Street, N.W., Suite 660  
Washington, D.C. 20036

February 19, 1993

Her Attorneys

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<sup>3</sup> It may be noted that the applicant's consulting engineer has notified the FAA of the proposed relocation of her transmitter site. Given the low height of the tower, it is questionable whether such notification actually was required, but the de minimis nature of the change makes it extremely unlikely that the FAA will not approve of such relocation in any event. If the Judge deems the receipt of FAA approval to be necessary, it is respectfully requested that he defer ruling on Sadlier-Gill's Petition for Leave to Amend and the instant Motion until Sadlier-Gill can provide him with a copy of the FAA's determination. Sadlier-Gill represents that she will not later prosecute her application or otherwise seek to participate in the proceeding with regard to any Section 307(b) or comparative issue if for some reason her application cannot be amended, severed and granted independent of such issues.

CERTIFICATE OF SERVICE

I, Beverles Jenkins, a secretary in the law firm of Brown, Nietert & Kaufman, Chartered, do hereby certify that on this 19th day of February, 1993, I caused copies of the foregoing "**Motion for Severance and Grant**" to be delivered by first class mail, postage prepaid, to the persons named below:

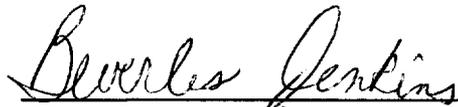
\* Honorable Walter C. Miller  
Administrative Law Judge  
Federal Communications Commission  
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