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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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)	
)	
To: Administrative Law Judge		
Walter C. Miller		

MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF
PETITION FOR LEAVE TO AMEND AND
MOTION FOR SEVERANCE AND GRANT

1. On February 19, 1993, Kay Sadlier-Gill (Gill) filed a petition for leave to amend and an interrelated motion for severance and grant of her application. The Mass Media Bureau hereby files its comments in support of Gill's petition and interrelated motion.

2. Gill seeks to amend her application to specify a new transmitter site. Acceptance of her amendment will eliminate the short-spacing between Gill's application and the transmitter sites proposed in the Beaumont applications. In her interrelated motion for severance and grant, Gill notes that, with the

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elimination of the short-spacing, the mutual exclusivity between her application and the Beaumont applications will be eliminated. She, therefore, requests that her application be severed from this proceeding and granted.

3. Gill states that a grant of her amendment is in the public interest because it will enable the Commission to authorize both an improved service by KATY-FM to Idyllwild and a new station in Beaumont. She also states that she is filing her amendment promptly after the release of the Hearing Designation Order, DA 92-1733, released January 21, 1993, and that the need to amend is caused by circumstances beyond her control, i.e., the filing of the mutually exclusive Beaumont applications after she had filed her application to modify KATY-FM.

4. The Bureau's engineering staff has analyzed the Gill amendment and determined that it is in conformity with the Commission's technical requirements, with one exception. Gill has not yet obtained a no hazard to air navigation determination from the Federal Aviation Administration (FAA) for her amended site.¹ Once Gill has obtained FAA clearance, the Bureau would not object to a grant of her application.² Gill has demonstrated

¹ Gill has notified the FAA of the proposed construction. See Gill's response to FCC Form 301, Question 5.

² Gill has stated that she will provide the required radiation protection to workers at the station's amended transmitter site. See Exhibit E-7 to her amendment.

that good cause exists for acceptance of her amendment because it will eliminate the mutual exclusivity between her application and the Beaumont applications and permit an immediate grant of the Gill application, upon receipt of her FAA no hazard determination.

5. In sum, the Mass Media Bureau supports acceptance of Gill's amendment, severance of the Gill application from this proceeding and grant of the Gill application, as amended, following a determination by the FAA that Gill's proposed tower would not be a hazard to air navigation.

Respectfully submitted,
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Chief, Mass Media Bureau



Charles E. Dziejcz
Chief, Hearing Branch



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March 2, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 2nd day of March 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Comments in Support of Petition for Leave to Amend and Motion for Severance and Grant"** to:

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