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

FCC 93M-90
31021

MAR 3 1993

In re Applications of)	MM DOCKET NO. 92-307
)	
SUNKISSED BROADCASTING, INC.)	File No. BPCT-910617KE
)	
BEACH TV PROPERTIES, INC.)	File No. BPCT-910825KE
)	
For Construction Permit for a New)	
Commercial Television Station on)	
Channel 46 in Panama City Beach,)	
Florida)	

O R D E R

Issued: March 3, 1993; Released: March 5, 1993

Under consideration is the Opposition to Notice of Deposition, filed by Beach TV Properties, Inc. (Beach), on February 26, 1993; and the Response to Opposition to Notice of Deposition, filed by Sunkissed Broadcasting, Inc. (Sunkissed), on March 01, 1993.

Beach objects to the notice of deposition served on it by Sunkissed and dated February 17, 1993. It argues that that it violates the Prehearing Conference Order released in this proceeding since it specifies a location for the taking of the depositions other than the city of residence of those to be deposed, and, for the additional reason, that the notice fails to fully comply with Section 1.315(a)(2) of the Commission's Rules.

Although the notice of deposition referenced above specified Panama City, Florida, for the taking of the scheduled depositions, it also states that Sunkissed was willing to select a different venue agreeable to both parties. The Presiding Judge considers it regrettable that he must rule on a matter which could, conceivably, have been resolved between the parties informally without the participation of the undersigned. However, having been forced to rule on this matter, he finds that the parties to be deposed have received sufficient and adequate notice of the depositions scheduled to be taken on March 29, 1993, and they will go forward as scheduled. The parties will agree among themselves as to the location for the taking of the scheduled depositions. If they are unable to do so, the depositions will be taken in Panama City Beach, Florida. Sunkissed will amend its notice of deposition, within five days of the release date of this Order, to specify the name or descriptive title and address of the officer before whom the deposition is to be taken as required by Section 1.315(a)(2) of the Commission's Rules. SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION



Joseph P. Gonzalez
Administrative Law Judge