

ORIGINAL
FCC 93M-288
31565

FCC MAIL SECTION

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

May 20 3 36 PM '93

In re Applications of)	MM DOCKET NO. 93-51
DISCONTINUED BY)	
MARTHA J. HUBER)	File No. BPH-911114ME
)	
RITA REYNA BRENT)	File No. BPH-911115MC
)	
MIDAMERICA ELECTRONICS SERVICE, INC.)	File No. BPH-911115ML
)	
STATON COMMUNICATIONS, INC.)	File No. BPH-911115MU
)	
For Construction Permit for a)	
New FM Station on Channel 234A)	
in New Albany, Indiana)	

ORDER

Issued: May 18, 1993; Released: May 20, 1993

This is a formalized record of bench rulings that were made by the Presiding Judge at a Prehearing Conference held on May 18, 1993.¹ All parties were present through their respective counsel. There were no objections to the following:

1. The parties stipulated deposition schedule is accepted by the Presiding Judge. A copy is attached to this Order.
2. Midamerica has waived its right to participate in all depositions that have been noticed as of the date of this ruling, except for the deposition of Midamerica and its principals. See Amendment and Restatement of Notices of Deposition filed by Midamerica on May 12, 1993.²

¹ All parties appeared through counsel. Only the court reporter failed to appear due to an administrative mishap (a fax communication apparently failed to arrive at its destination). Counsel unanimously requested that the conference go forward without a transcript. The Presiding Judge granted the request because of the expense to the parties in requiring their counsel to reassemble for a conference in which there were no contested issues to resolve. The rulings below adequately summarize the business that was conducted at the conference.

² The pleading was filed by Midamerica in response to three Oppositions that were filed against Midamerica's participation in the scheduled deposition discovery because Midamerica was eight days late in serving notices.

3. The parties shall complete their respective publication procedures, including the filing of the required affidavits, by June 18, 1993.

4. The parties shall submit their preliminary engineering to Bureau counsel by June 29, 1993.

5. The procedural and hearing schedule remains as set in the Prehearing Conference Order (FCC 93M-114) which includes the completion of discovery and exchange of evidence in connection with the financial issues which have been added against Midamerica (FCC 93M-276).³

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel
Administrative Law Judge

Attachment: Deposition Schedule

³ There are now pending with the Presiding Judge three additional motions to add issues. Two are ready for decision as of this date and one must await the completion of the pleading cycle (opposition and reply). If any of those requested issues are added, the schedule will need to be adjusted or the case will require a second phase. If necessary, a second prehearing conference will be called to consider further the scheduling of this case for hearing.

NEW ALBANY, INDIANA
MM Docket No. 93-51

DEPOSITION SCHEDULE

I. At New Albany, Indiana

Monroe, Shine & Co.
222 East Market Street
New Albany, IN 47150

1. Tuesday, May 25, 1993

Larry A. Young - 2:00 p.m.

2. Wednesday, May 26, 1993

Peter C.L. Boyce - 9:30 a.m.
Rita Reyna Brent - 2:00 p.m.

3. Thursday, May 27, 1993

Martha J. Huber - 9:30 a.m.

II. At Washington, D.C.

Cohen and Berfield, P.C.
1129 20th Street, N.W., Suite 507
Washington, D.C. 20036

4. Wednesday, June 2, 1993

Mildred J. Staton - 9:30 a.m.
Kenneth L. Ramsey - 2.00 p.m.