

Before the
FEDERAL COMMUNICATIONS COMMISSION FCC MAIL SECTION
Washington, D.C. 20554

In re Applications of)

HOWARD B. DOLGOFF)

MARK AND RENEE CARTER)

For Construction Permit for a)
New FM Station on Channel 292A)
in Miramar Beach, Florida)

MM DOCKET NO. 93-178 ✓

File No. BPH-911224ME

File No. BPH-911224MD

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FCC 93-450
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DISPATCHED BY

ORDER PRIOR TO PREHEARING CONFERENCE

Issued: July 8, 1993 ; Released: July 9, 1993

1. Discovery in this proceeding will be governed by the Commission's new hearing procedures. See Proposals To Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases (Gen. Doc. 90-264), 6 FCC Rcd 157 (1991). Counsel and parties appearing pro se are conclusively presumed to have full knowledge of these procedures.

Standardized Discovery

2. All parties who have timely filed their Notices of Appearance ("NOA") under 47 C.F.R. §1.221 shall, within five days of filing and service of the NOAs, effect the Standard Document Production ("SDP") under 47 C.F.R. §1.325(c)(1) and shall exchange Standard Integration Statements ("SIS") under 47 C.F.R. §1.325(c)(2). Service of SDP and SIS are to be made only on parties that have timely filed a NOA. It is noted that SDP discovery utilizes a document request procedure similar to Rule 34 FRCP and thus for SDP discovery there is no motion filed and there is no requirement to show good cause. See 47 C.F.R. §1.325.

3. Initial supplemental requests for documents must be filed and served by the tenth day after the standardized exchange. Further supplemental motions for documents must be filed and served ten days after receipt of information on which the further supplemental demand is made. There is no requirement for a showing of good cause and the parties are encouraged to stipulate to the scope and terms of all supplemental document requests which would avoid the need for a motion. See 47 C.F.R. §1.325. Parties are to seek by motion only those documents that are refused to be produced, or that are contested as privileged. 47 C.F.R. §1.325(a)(2). Where documents that are responsive to a document request are on file with the Commission, such documents need only be identified by the responding party. Although copies of such documents need not be furnished, parties are encouraged to furnish copies if the request is reasonable.

4. The prehearing conference set for August 27, 1993 shall address the possibility for a settlement, and the Presiding Judge shall rule on any pending

discovery issues and any procedural discovery, or trial preparation matter raised by a party.

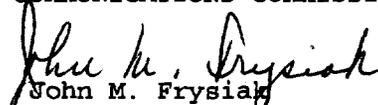
Procedural Dates

The following procedural dates are set to comply with the reformed time limitations and therefore these dates are firm:

- | | | |
|--------------------|---|---|
| September 27, 1993 | - | Discovery completed. 47 C.F.R. §1.311(c)(1). |
| September 13, 1993 | - | Preliminary joint engineering exhibits to be filed. |
| October 4, 1993 | - | Exchange all documentary exhibits (to include the exchanged SIS) and signed frozen sworn testimony. ¹ |
| October 12, 1993 | - | Exchange witnesses requested for cross-examination stating reasons and legal precedent for the requested cross-examination. |
| October 19, 1993 | - | Exchange of opposition to witness requests. |
| October 26, 1993 | - | Commence of hearing at 10:00 a.m. in a Commission courtroom in Washington, D.C. |

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION


John M. Frysia
Administrative Law Judge

¹ All exhibits will be assembled in a binder with each exhibit bearing a number with a tab on each document. An index containing a descriptive title of each exhibit shall be submitted. The exhibits will be serially numbered, starting with the number 1. A prefix will be used to indicate the party sponsoring the exhibits. Each exhibit shall be separately and consecutively paginated, including attachments. If stipulations are entered into, they are to be executed by counsel, prepared as joint exhibits, suitably bound, tabbed and paginated.