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FCC MAIL SECTION

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

Jan 5 4 06 PM '94

FCC 94M-03

DISPATCHED BY 40558

In the Matter of)
)
Keyboard Broadcasting Communication)
)
Licensee of Station WCSA (AM))
Ripley, Mississippi)
)
Order to Show Cause Why the)
License for Station WCSA (AM))
Ripley, Mississippi)
Should Not be Revoked)

MM Docket No. 93-317

PREHEARING ORDER

Issued; January 4, 1994 ; Released; January 5, 1994

1. We will hold the Prehearing Conference on March 29, 1994, and the hearing on May 2, 1994.¹ Both will begin at 8:30 a.m. in the Commission's offices in Washington, D.C.

2. Appearances. The Show Cause Order calls on licensee Keyboard Broadcasting Communication to file a written notice of appearance with the Commission on or before January 31, 1994. See DA 93-1523 released December 29, 1993, at para. 5.

3. Discovery. The use of discovery is discretionary. The Show Cause Order and the designated issues are so structured that discovery doesn't appear to be necessary. But, if after January 31, 1994, the Mass Media Bureau² believes that some discovery is needed to uncover all the relevant facts, they will initiate such discovery on or before February 11, 1994. Any such discovery must be completed on or before March 28, 1994.

4. Exhibit Exchange. At the March 29th prehearing conference, the parties will exchange the written exhibits they intend to rely on in support of their direct cases along with a list of witnesses they intend to present in support of their direct case.^{3/4}

¹ The Trial Judge has blocked off May 2 through May 4, 1994 for the hearing.

² The Bureau bears both the burden of proceeding and the burden of proof on the specified issues. See DA 93-1532 supra. at para.4.

³ If the Bureau intends to call any licensee principal as an adverse witness they shall include the name of that adverse witness on their March 29th list of witnesses. See para. 4 supra.

5. If either party intends to request that official notice be taken of any materials in the Commission's files, that material should be assembled in written form, properly identified by source, given a tentative exhibit number, and exchanged at the March 29, 1994 prehearing.

6. Each party will assemble their exhibits in a binder. Each exhibit will bear a number, preferably by means of a tab on each document. Each exhibit shall also contain the sponsoring witnesses affidavit - if such an affidavit is required. (See para. 5 supra.) Please number the exhibits serially starting with the number 1. Use a prefix to indicate who is sponsoring the exhibits; e.g. Keyboard Exhibit 1; MMB Ex.1. Untabbed or unpaginated exhibits may be returned to the sender as being procedurally defective.

7. Evidentiary Admission Session. We'll hold an Evidentiary Admission Session on April 18, 1994 at 8:30 a.m. in the Commission's offices in Washington, D.C. There both parties (starting with the Bureau) will formally identify and offer into evidence the exhibits they exchanged on March 29, 1994. The Trial Judge will rule on any objections to those proffers. At the conclusion of the April 18th session, each party will notify the other of those witnesses they need for cross-examination.

8. The May 2, 1994 hearing date is a firm date. A thorough but speedy trial is contemplated.

FEDERAL COMMUNICATIONS COMMISSION



Walter C. Miller
Administrative Law Judge

4 Both parties are reminded that DA 93-1523 is also a Notice of Apparent Liability and provides for a forfeiture that doesn't exceed \$250,000. See DA 93-1532 supra. at paras. 6-7.