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

FCC MAIL SECTION

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In re Applications	)	MM Docket No. 93-241 ✓
DARRELL BRYAN	)	File No. BPH-920109MA FILED BY
SBH PROPERTIES, INC.	)	File No. BPH-920123MD
For Construction Permit for a	)	
New FM Station on Channel 276A	)	
in Tusculum, Tennessee	)	

Memorandum Opinion and Order

Issued: March 9, 1994 ; Released: March 11, 1994

1. Under consideration are the following:

Supplemental Request for Production of Documents,  
filed February 2, 1994, by SBH Properties, Inc.  
("SBH");

Opposition to Supplemental Request for Production of  
Documents, filed February 15, 1994, by Darrell Bryan  
("Bryan");

Motion to Compel, filed February 22, 1994, by SBH; and

Opposition to Motion to Compel, filed February 28,  
1994, by Bryan.

2. SBH requests that Bryan produce the promissory note and any other documents related to the indebtedness of Mr. Bryan and the licensee of WSMG(AM). These documents relate to Mr. Bryan's ability to divest his interest in WSMG. As such they come under the Standard Document Production Order (see Section 1.325(c) (1) (XI)).

3. Bryan contends that he made a divestiture pledge and the grant, if made to him, will be conditioned upon divestiture. SBH argues that the pledge is a rebuttable presumption and that it has the right to scrutinize an opponent's divestiture proposal.

4. Bryan's objection notwithstanding, Bryan will be required to comply with SBH's Supplemental Request filed February 2, 1994.

Accordingly, IT IS ORDERED that the Supplemental Request for Production of Documents, filed February 2, 1994, by SBH Properties, Inc. IS GRANTED, and Bryan SHALL PRODUCE the requested documents within ten (10) days from the release date of this Order.

FEDERAL COMMUNICATIONS COMMISSION

*John M. Frysiak*

John M. Frysiak  
Administrative Law Judge