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

IN THE MATTER OF:

MM DOCKET NO. 93-265

PINE TREE MEDIA, INCORPORATED  
Longview, Texas

DATE OF CONFERENCE: July 11, 1994 VOLUME: 3  
PLACE OF CONFERENCE: Washington, D.C. PAGES: 13-20

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

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In the matter of: :  
: MM Docket No. 93-265  
Pine Tree Media, Incorporated :  
Longview, Texas :  
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The above-entitled matter came on for prehearing conference pursuant to notice before Judge John M. Frysiak, Administrative Law Judge, at 2000 L Street, N.W., Suite 201, Washington, D.C. in Courtroom Number Four on Monday, July 11, 1994 at 9:00 a.m.

APPEARANCES:

On behalf of Praise Media, Incorporated:

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Irwin, Campbell and Crowe  
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Washington, D.C. 20036

On behalf of the Mass Media Bureau:

ROBERT A. ZAUNER, ESQUIRE  
GARY P. SCHONMAN, ESQUIRE  
Federal Communications Commission  
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Washington, D.C. 20554

I N D E X

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25	Conference Began: 9:02 a.m.	Conference Ended: 9:08 a.m.

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P R O C E E D I N G S

1  
2 JUDGE FRYSIAK: This is a prehearing conference for  
3 Longview, Texas. May we note your appearances?

4 MR. CAMPBELL: Alan Campbell of Irwin, Campbell and  
5 Crowe on behalf of Praise Media, Inc.

6 MR. ZAUNER: Robert Zauner and Gary Schonman on  
7 behalf of the Chief, Mass Media Bureau.

8 JUDGE FRYSIAK: I guess the only thing I have on the  
9 agenda is procedural dates. Do you have any questions?

10 MR. CAMPBELL: I think today that's all we would  
11 have, too, Your Honor.

12 MR. ZAUNER: Your Honor, before you came into the  
13 hearing room, we were discussing hearing dates for this  
14 proceeding and we were looking at a date of October 16th.

15 MR. CAMPBELL: That's a Sunday actually.

16 MR. ZAUNER: Is it Sunday? Wait a minute. What am  
17 I looking at? I've got a calendar here, but it's small. I  
18 guess I was thinking about the 18th.

19 MR. CAMPBELL: October 17th is a Monday.

20 MR. ZAUNER: How about the 18th which would be a  
21 Tuesday?

22 JUDGE FRYSIAK: You want it to start on the 18th?

23 MR. ZAUNER: Correct.

24 MR. CAMPBELL: That seems fine, Your Honor.

25 MR. ZAUNER: That way if any witnesses have to come

1 in, they wouldn't be traveling on a weekend.

2 JUDGE FRYSIAK: I thought they prefer to travel on a  
3 Sunday.

4 MR. ZAUNER: Do they?

5 MR. CAMPBELL: Well, I think the risk, of course, is  
6 being ready, but I find it easier to be ready on a Tuesday  
7 morning than a Monday morning, despite the weekend.

8 JUDGE FRYSIAK: It doesn't make any difference to  
9 me.

10 MR. CAMPBELL: Tuesday would be fine with me.

11 JUDGE FRYSIAK: Fine. Does that mean that you would  
12 file papers before that date? You're suggesting the 17th for  
13 a hearing date. Is that it?

14 MR. ZAUNER: 18th for a hearing date.

15 JUDGE FRYSIAK: The 18th?

16 MR. ZAUNER: Right.

17 JUDGE FRYSIAK: All right. So working back, we  
18 would say that two weeks before that, you would file exhibits,  
19 which would be then the fourth of October and that you would  
20 request witnesses for cross examination on the 11th, okay? Do  
21 you think you'll have enough time in two and a half months to  
22 complete discovery and all that?

23 MR. ZAUNER: Your Honor, as of this point, the only  
24 thing I know that the Bureau plans to file would be a Request  
25 for Admissions and we would request that Your Honor set a date

1 for us to file admissions by. Two weeks from now, would that  
2 be acceptable, Your Honor?

3 JUDGE FRYSIAK: How about Mr. Campbell?

4 MR. CAMPBELL: Your Honor, could we post-- at least  
5 postpone that another week? We're in -- we'll be in the  
6 process of just completing a move at home and I know between  
7 now and toward the end of July, I'm going to be a little out  
8 of pocket. I'm wondering if we could do it that first week in  
9 August instead.

10 MR. ZAUNER: That would be fine.

11 JUDGE FRYSIAK: Will that require your presence here  
12 in the courtroom?

13 MR. ZAUNER: No.

14 MR. CAMPBELL: I don't think so, Your Honor.

15 JUDGE FRYSIAK: So August 1 for admissions. Is  
16 there anything else that we might discuss?

17 MR. ZAUNER: Your Honor, did you say the  
18 notification of witnesses for cross examination is going to be  
19 on the 11th -- October 11th?

20 JUDGE FRYSIAK: A week before the hearing.

21 MR. ZAUNER: Oh, that would be --

22 JUDGE FRYSIAK: Is that too much time?

23 MR. ZAUNER: No, that's fine.

24 JUDGE FRYSIAK: You're filing exhibits on the  
25 fourth, so a week later -- and then you'd have the hearing on

1 the 18th, admissions to be filed August 1.

2 MR. CAMPBELL: That's acceptable.

3 JUDGE FRYSIAK: So we have no representation then by  
4 Pine Media. Is that right?

5 MR. CAMPBELL: No, Your Honor. We do not -- I do  
6 not represent Pine Tree.

7 JUDGE FRYSIAK: So all we're considering then is  
8 your intervention, Mr. Campbell, and your possible succession  
9 in interest.

10 MR. CAMPBELL: Correct.

11 JUDGE FRYSIAK: And so that the initial specified  
12 issues are still controlling, are they not, and that is the  
13 unauthorized control -- transfer of control?

14 MR. ZAUNER: Yes, Your Honor. The issues would  
15 remain. I believe that Praise would -- status would probably  
16 be as an intervenor rather than as a party. But I'm not sure  
17 whether there's any real significant difference between the  
18 two.

19 JUDGE FRYSIAK: That's confusing. How do you read  
20 it, Mr. Campbell? How do you read the order?

21 MR. CAMPBELL: I think -- what I thought the Review  
22 Board did was made us a party in interest as an intervenor, I  
23 think. They certainly describe us as an intervenor and having  
24 a right to participate as a party.

25 JUDGE FRYSIAK: Well, they're giving you an

1 opportunity to develop your succession in interest. You could  
2 only do that as a party. I mean, I would think you were a  
3 party if you have succeeded an interest.

4 MR. CAMPBELL: Yes, we have -- we think we have,  
5 Your Honor, certainly contractually.

6 JUDGE FRYSIAK: That's the way I look at it. But  
7 don't you then fall if there should be a finding made that  
8 there's been a non-- an unauthorized transfer? I mean, don't  
9 you fall by the same axe as Pine Media?

10 MR. CAMPBELL: Your Honor, certainly if there had  
11 been unauthorized transfers, it's a situation where we could  
12 be a culpable party in there. Whether we could be exonerated  
13 or found not to have deliberately done something is another  
14 issue.

15 JUDGE FRYSIAK: I bring that up only to make you --  
16 make sure that you're aware of this development. Anything  
17 else?

18 MR. ZAUNER: We have nothing further.

19 MR. CAMPBELL: Nothing further, Your Honor.

20 JUDGE FRYSIAK: Well, all right. Thank you very  
21 much for attending here today and just to recap, we'll have --  
22 we set August 1 for the filing of admissions, October 4 for  
23 the filing of exhibits, all of them in written -- in writing,  
24 and October 11th for notification of witnesses for cross  
25 examination, October 18th for a hearing here in Washington.

1 Thank you very much. We stand adjourned.

2 (Whereupon, at 9:08 a.m. on Monday, July 11, 1994,  
3 the prehearing conference was adjourned.)

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**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

Pine Tree Media, Inc.

**Name**

MM Docket No. 93-265

**Docket No.**

Washington, D.C.

**Place**

July 11, 1994

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 13 through 20, inclusive, are the true, accurate and complete transcript prepared from the reporting by Marykae Fleishman in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

July 20, 1994

**Date**

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July 21, 1994

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