

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554 Oct 26 2 41 PM '94

FCC 94M-592

In re Applications)	MM Docket No. 93-241	
)		
DARRELL BRYAN)	File No. BPH-920109MA	50151
)		
SBH PROPERTIES, INC.)	File No. BPH-920123MD	
)		
For Construction Permit for a)		
New FM Station on Channel 276A)		
in Tusculum, Tennessee)		

Q R D E R

Issued: October 24, 1994 ; Released: October 26, 1994

Under consideration are Petition to Reopen the Record and Receive Evidence, filed September 12, 1994, by SBH Properties, Inc. ("SBH"); Response to SBH Petition to Reopen Record and Receive Evidence, filed September 21, 1994, by Darrell Bryan ("Bryan"); and Reply to Bryan Response to SBH Petition to Reopen the Record and Receive Evidence.

SBH seeks to have admitted into the record its proposed Exhibit 17. The proposed Exhibit consists of an Engineering Statement and supporting data, prepared by Steven J. Crowley, P.E., describing his analysis of and setting forth his conclusions regarding Bryan's proposed STL path. Based on his detailed analysis of the terrain between Bryan's proposed Studio and transmitter sites, Mr. Crowley concludes that a line of sight path could be obtained only if the STL antenna at the Studio site were mounted at least 134 feet above ground level, establishing that a line of sight path cannot be obtained between an STL antenna mounted immediately below a four-bay antenna on Bryan's proposed transmitting tower and an STL antenna mounted at the top of the 30 foot existing tower at Bryan's proposed Studio site.

Bryan has no objection provided he would be allowed to submit into the record his surrebuttal Exhibit 10. Bryan Exhibit 10 is an engineering statement of Richard Mertz, consulting engineer, responding to SBH Exhibit 17.

Accordingly, IT IS ORDERED that Petition to Reopen the Record and Receive Evidence, filed September 12, 1994, by SBH IS GRANTED, the record is reopened and SBH Exhibit 17 and Bryan Exhibit 10 ARE RECEIVED INTO EVIDENCE.

IT IS FURTHER ORDERED that the applicants furnish Free State Reporting, Inc. with two copies of the above exhibits.

IT IS FURTHER ORDERED that the record again IS CLOSED.

FEDERAL COMMUNICATIONS COMMISSION

John M. Frysiaak
John M. Frysiaak
Administrative Law Judge