

FCC MAIL SECTION

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Before the
JUN 18 10 09 AM '98 FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FCC 98M-78

DISPATCHED

In re) MM DOCKET NO. 98-66
)
 HICKS BROADCASTING OF INDIANA, LLC)
)
 Order to Show Cause Why the License for)
 FM Radio Station WRBR(FM),)
 South Bend, Indiana, Should Not Be)
 Revoked;)
)
 AND)
)
 PATHFINDER COMMUNICATIONS CORP.)
)
 Order to Show Cause Why the License for)
 FM Radio Station WBYT(FM),)
 Elkhart, Indiana, Should Not Be Revoked;)
)
 AND)
)
 Applications of)
)
 MICHIANA TELECASTING CORP.)
 (ASSIGNOR))
)
 and) File Nos. BAL-960809GQ &
) BALH-960809GR
)
 PATHFINDER COMMUNICATIONS CORP.)
 (ASSIGNEE))
)
 For assignment of the licenses of:)
)
 WNDU-AM-FM, South Bend, Indiana)

ORDER PRIOR TO PREHEARING CONFERENCE

Issued: June 12, 1998

Released: June 16, 1998

1. A prehearing conference in this proceeding is scheduled for July 23, 1998 and the hearing is scheduled to commence on October 6, 1998. See Order, FCC 98M-61, released May 26, 1998. The Designation Order (Paragraph 62) has directed the Presiding Judge to conduct the hearing in an expeditious manner. Accordingly, the following procedures are established.

2. By June 25, 1998, counsel are directed to meet for the purpose of exploring proposed stipulations and discovery as well as any other pre-hearing procedures conducive to expediting the conduct of the hearing. (See Section 1.248(c) and (d) of the Rules).

3. In particular, if depositions are to be taken, the parties shall agree on a mutually convenient schedule for the taking of such depositions. It is hoped that the taking of some, if not all, of the depositions can be stipulated without the need for a notice. In any event, all discovery including the production of documents and the taking of depositions should begin promptly since discovery will be required to be completed by September 1. In this connection, the use of written interrogatories under Section 1.323 of the Rules will not be permitted.

4. At the pre-hearing conference to be held on July 23, the Presiding Judge will rule on any interlocutory matter which has not been ruled on prior to that date. In this connection, the Presiding Judge will call a conference prior to the July 23rd date if the need arises or the parties so desire. 1/

5. The October 6, 1998 hearing date is a firm date. Accordingly, the following procedural schedule IS ESTABLISHED:

September 1, 1998	Completion of all discovery.
September 15, 1998	Exchange of direct cases. <u>2/</u>
September 22, 1998	Notification of witnesses desired for cross-examination. <u>3/</u>
September 29, 1998	Objections to witness notification. <u>3/</u>
October 6, 1998	Commencement of the hearing at 10:00 a.m. in the Commission's Washington, D.C. offices. <u>4/</u>

FEDERAL COMMUNICATIONS COMMISSION


Joseph Chachkin
Chief Administrative Law Judge

1/ The Presiding Judge will be on leave and unavailable from July 8 through July 20.

2/ All exhibits will be assembled in a binder with each exhibit hearing a number, with a tab on each document. The documents will be serially numbered starting with the number 1. A prefix will be used to indicate the party sponsoring the exhibits. Each exhibit will be separately paginated. Each written exhibit must be accompanied by the affidavit of a sponsoring witness.

3/ Such notifications and objections shall be made by fax. The Presiding Judge's fax number is (202) 418-0195.

4/ Rebuttal, if any, will commence immediately after the conclusion of the direct cases.