

..... \*\*\* DKT/RM: 85-280 \*\*\* .....

09/12/85 HEARING DESIGNATION ORDER ADOPTED BY CHIEF, AUDIO SERVICES DIVISION DESIGNATING THE APPLICATIONS OF LOCHER DEVELOPMENT CORPORATION (BPH-840327CA), EMPIRE COMMUNICATIONS, INC (BPH-840627IC), AND ADVANCOM, INC. (BPH-840717IA) FOR HEARING IN A CONSOLIDATED PROCEEDING, AT A TIME AND PLACE TO BE SPECIFIED IN A SUBSEQUENT ORDER, UPON THE ISSUES SET FORTH THEREIN; THAT, AS TO EMPIRE AND ADVANCOM AND LOCHER THE PROVISIONS OF SECTION 73.315(A) ARE WAIVED TO PERMIT A SIGNAL LEVEL OF LESS THAN 3.16 MV/M OVER THE ENTIRE CITY OF LICENSE; THAT THE FEDERAL AVIATION ADMINISTRATION IS MADE A PARTY TO THIS PROCEEDING WITH RESPECT TO THE AIR HAZARD ISSUE ONLY; THAT SECTION 73.211(A) OF THE COMMISSION'S RULES IS WAIVED AS TO LOCHER, EMPIRE AND ADVANCOM; THAT LOCHER SHALL FILE DATA RELATIVE TO PARAGRAPH IV, PAGE 3 OF FCC 301 WITH THE PRESIDING ALJ WITHIN 30 DAYS OF THE RELEASE OF THIS ORDER; THAT, EMPIRE AND ADVANCOM SHALL FILE AN AMENDMENT WITH THE PRESIDING ADMINISTRATIVE LAW JUDGE, WITHIN 30 DAYS OF THE RELEASE OF THIS ORDER, CONTAINING A CLEAR COPY OF THE ORIGINAL 7.5 MINUTE MAPS SHOWING THE PROPOSED TRANSMITTER LOCATIONS ACCURATELY PLOTTED WITH THE LATITUDE AND LONGITUDE LINES CLEARLY MARKED AND SHOWING A SCALE OF STATUTE MILES OR KILOMETERS. (7344) REL. 10/03/85. ES/WEG

10/08/85 ORDER ADOPTED BY CHIEF JUDGE FITZPATRICK DIRECTING THAT DEPUTY CHIEF JUDGE JAMES F. TIERNEY SHALL SERVE AS PRESIDING JUDGE; THAT THE HEARING SHALL CONVENED ON 01/08/86 AT 10:00 A.M., AND THE PREHEARING SHALL BE HELD ON 12/02/85 AT 9:00 A.M. (FCC 85M-3966) REL. 10/10/85 ES

10/11/85 NOTICE OF APPEARANCE FILED BY STEVEN J. PENA AND JEROME K. BLASK, ATTYS., FOR EMPIRE COMMUNICATIONS, INC. ES/WEG

10/17/85 NOTICE OF APPEARANCE FILED BY ERNEST T. SANCHEZ AND NORA E. GARROTE, ATTORNEYS FOR LOCHER DEVELOPMENT CORPORATION. WEG

10/18/85 NOTICE OF APPEARANCE FILED BY STEVEN A. LANCELOTTA AND RICHARD H. STRODEL, ATTYS., FOR ADVANCOM, INC. ES/WEG

11/01/85 AMENDMENT SUBMITTED PURSUANT TO PARAGRAPHS 35 AND 38 OF THE HDO FILED BY DONALD P. CARY, PRINCIPAL, FOR ADVANCOM, INC. WEG

11/04/85 MOTION FOR LEAVE TO AMEND FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. AMENDMENT ALSO FILED. WEG/ES (12/11/85 GRANTED IN PART, MO&O)

11/04/85 MOTION FOR PARTIAL SUMMARY JUDGMENT UPON THE AIR HAZARD ISSUE DESIGNATED AGAINST IT FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE. ES ERRATUM FILED 11/05/85. ES (12/11/85 WITHDRAWN, MO&O)

11/05/85 PETITION FOR LEAVE TO AMEND FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT CORP. AMENDMENT ALSO FILED. WEG/ES (12/04/85 GRANTED)

11/06/85 MOTION TO DELETE AIR HAZARD ISSUE SPECIFIED AGAINST IT FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTORNEYS FOR LOCHER DEVELOPMENT CORP. ES/WEG (12/03/85 GRANTED)

11/08/85 MOTION TO ENLARGE ISSUES AGAINST EMPIRE COMMUNICATIONS FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER

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11/08/85 DEVELOPMENT CORP. ES/WEG  
CONSOLIDATED OPPOSITION TO EMPIRE'S 11/04/85 MOTION FOR LEAVE TO AMEND AND MOTION FOR PARTIAL SUMMARY JUDGMENT FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT

CORP. ES/WEG

11/08/85 INITIAL INTERROGATORIES PROPOUNDED TO ADVANCOM, INC. FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT. ES

11/08/85 MOTION TO ENLARGE ISSUES AGAINST EMPIRE FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER. ES

11/08/85 INITIAL INTERROGATORIES PROPOUNDED TO EMPIRE COMMUNICATIONS FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER. ES

11/14/85 COMMENTS ON ADVANCOM'S AND EMPIRE'S, RESPECTIVE, 11/01/85 AND 11/04/85 MOTIONS FOR LEAVE TO AMEND FILED FOR CHIEF, MM BUREAU BY JERRY M. HERMELE, ATTY. FOR FCC. WEG/ES

11/21/85 MOTION FOR EXTENSION OF TIME IN WHICH TO RESPOND TO VARIOUS 11/08/85 PLEADINGS FILED IN THIS PROCEEDING FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. ES/WEG

11/21/85 CERTIFICATION OF COMPLIANCE WITH SECTION 73.3594 OF THE COMMISSION'S RULES FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT CORP. ES

11/21/85 MOTION FOR EXTENSION OF TIME IN WHICH TO RESPOND TO ADVANCOM'S 11/08/85 INITIAL INTERROGATORIES FILED BY STEVEN A. LANCELOTTA AND RICHARD H. STRODEL, ATTYS., FOR ADVANCOM, INC. ES (11/26/85 GRANTED)

11/25/85 FIRST SET OF INTERROGATORIES PROPOUNDED TO EMPIRE COMMUNICATIONS FILED BY STEVEN A. LANCELOTTA AND RICHARD H. STRODEL, ATTYS., FOR ADVANCOM. ES

11/25/85 FIRST SET OF INTERROGATORIES PROPOUNDED TO LOCHER DEVELOPMENT CORP. FILED BY BY STEVEN A. LANCELOTTA AND RICHARD H. STRODEL, ATTYS., FOR ADVANCOM. ES

11/26/85 ORDER ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING ADVANCOM'S 11/21/85 MOTION FOR EXTENSION OF TIME, AND THE TIME FOR RESPONDING IS EXTENDED TO 11/29/85. (FCC 85M-4695) REL. 11/27/85. WEG/ES

11/27/85 RESPONSE TO LOCHER'S 11/08/85 INTERROGATORIES FILED BY STEVEN A. LANCELOTTA AND RICHARD H. STRODEL, ATTYS., FOR ADVANCOM, INC. ES

11/29/85 MOTION FOR EXTENSION OF TIME IN WHICH TO RESPOND TO VARIOUS 11/08/85 PLEADINGS FILED IN THIS PROCEEDING FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. ES (12/03/85 GRANTED)

12/02/85 HEARD (PREHG. CONF.) BEFORE JUDGE TIERNEY WITH PARTY APPLICANTS, AND HEARING IS SCHEDULED FOR 02/11/86 AT 10 A.M.; AND THAT PARTIES ARE TO FILE A PROGRESS REPORT ON SETTLEMENT PROPOSAL WITHIN 30 DAYS. WEG

12/03/85 ORDER ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING LOCHER'S 11/06/85 MOTION TO DELETE ISSUE, AND THE AIR HAZARD ISSUE DESIGNATED AGAINST IT IS DELETED. (FCC 85M-4759) REL. 12/04/85. ES/WEG

12/03/85 ORDER ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING EMPIRE'S 11/29/85 MOTION FOR EXTENSION OF TIME, AND THE TIME TO RESPOND IS

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12/04/85 EXTENDED TO 12/06/85. (FCC 85M-4760) REL. 12/04/85. ES/WEG

12/04/85 FIRST INTERROGATORIES PROPOUNDED TO LOCHER DEVELOPMENT CORP. FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. ES

12/04/85 FIRST INTERROGATORIES PROPOUNDED TO ADVANCOM, INC. FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. ES

12/04/85 ORDER ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING LOCHER'S 11/05/85 PETITION FOR LEAVE TO AMEND WHICH REFLECTS REQUIRED INFORMATION RELATING TO ITS EEO PROGRAM, AND THE AMENDMENT IS ACCEPTED. (FCC 85M-4794) REL. 12/05/85. ES/WEG

12/06/85 MOTION FOR LEAVE TO AMEND FILED STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. AMENDMENT ALSO FILED. ES

12/06/85 CONSOLIDATED OPPOSITION TO LOCHER'S 11/08/85 MOTIONS TO ENLARGE ISSUES AND REPLY TO LOCHER'S 11/08/85 OPPOSITION TO MOTION FOR LEAVE TO AMEND FILED STEVEN J. PENA, ATTY., FOR EMPIRE. ES

12/06/85 MOTION TO WITHDRAW ITS 11/04/87 MOTION FOR PARTIAL SUMMARY JUDGMENT FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE. ES (12/11/85 GRANTED, MO&O)

12/06/85 MOTION FOR EXTENSION OF TIME TO RESPOND TO LOCHER'S 11/08/85 INTERROGATORIES FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE. ES (12/10/85 GRANTED)

12/09/85 ANSWERS AND OBJECTIONS OF ADVANCOM'S 11/25/85 FIRST SET OF INTERROGATORIES FILED NORA GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER. VERIFICATION FILED 12/16/85. ES

12/10/85 ORDER ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING EMPIRE'S 12/06/85 MOTION FOR EXTENSION OF TIME, AND THE TIME TO RESPOND IS EXTENDED TO 12/11/85. (FCC 85M-4873) REL. 12/11/85. ES/WEG

12/11/85 MO&O ADOPTED BY JUDGE TIERNEY GRANTING IN PART EMPIRE'S 11/04/85 PETN. FOR LEAVE TO AMEND WHICH REPORTS CHANGES IN OWNERSHIP, ADDRESSES OF PRINCIPALS, AND FAA DETERMINATION OF NO HAZARD AND THE GRANT OF A CONSTRUCTION PERMIT FOR FAIRBANKS, ALASKA FOR THE SOLE PURPOSES OF RULE 1.65 WITH THE ADDED CAVEAT THAT EMPIRE REMOVE THE DEFECTS RESPECTING ADDRESSES BY A PROMPT FILING; GRANTING EMPIRE'S 12/06/85 MOTN. TO WITHDRAW MOTN. FOR PARTIAL SUMMARY JUDGMENT, AND THE 11/04/85 MOTN. FOR PARTIAL SUMMARY JUDGMENT IS WITHDRAWN . REL. 12/12/85 FCC 85M-4891 (1488) WEG

12/12/85 ANSWER TO LOCHER'S 11/08/85 INITIAL INTERROGATORIES FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE. ES

12/12/85 MOTION FOR LEAVE TO AMEND FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. AMENDMENT ALSO FILED. ES

12/13/85 RESPONSE TO ADVANCOM'S 11/25/85 FIRST SET OF INTERROGATORIES FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE. ES

12/18/85 RESPONSES TO EMPIRE'S 12/04/85 INTERROGATORIES FILED BY STEVEN A. LANCELLOTTA AND RICHARD H. STRODEL, ATTYS., FOR ADVANCOM. ES

12/18/85 REPLY TO EMPIRE'S 12/06/85 CONSOLIDATED OPPOSITION TO MOTIONS TO ENLARGE ISSUES FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT CORP. ES

12/18/85 ANSWERS TO EMPIRE'S 12/04/85 FIRST SET OF INTERROGATORIES FILED BY

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12/20/85 JOSEPH LOCHER, PRINCIPAL, FOR LOCHER DEVELOPMENT CORP. WEG INTEGRATION STATEMENT FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER. ES

01/02/86 INTEGRATION STATEMENT FILED BY STEVEN A. LANCELLOTTA AND RICHARD H. STRODEL, ATTYS., FOR ADVANCOM, INC. ES

01/02/86 INTEGRATION STATEMENT FILED BY STEVEN J. PENA, ATTY., FOR EMPIRE COMMUNICATIONS. ES

01/09/86 REQUEST FOR EXTENSION OF TIME IN WHICH TO PRELIMINARILY EXCHANGE THEIR COMPARATIVE COVERAGE EXHIBITS FILED BY NORA E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT. ES (01/10/86 GRANTED)

01/10/86 ORDER ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING LOCHER'S 01/09/86 REQUEST FOR EXTENSION OF TIME, AND THE TIME IS EXTENDED TO 01/21/86. (FCC 86M-183) REL. 01/14/86 ES/WEG

01/22/86 LTR. ADVISING OF IMPENDING SETTLEMENT OF THIS PROCEEDING FILED BY NORA E. GARROTE, ATTORNEY FOR LOCHER DEVELOPMENT CORP. WEG (01/28/86 GRANTED)

01/28/86 ORDER ADOPTED BY JUDGE TIERNEY GRANTING LOCHER'S 01/22/86 LTR.

REQUEST, AND ALL PROCEDURAL DATES, INCLUDING HEARING DATE, 02/11/86,  
02/26/86 ARE CONTINUED, SINE DIE. REL. 01/29/86 FCC 86M-393 (2287) WEG  
REQUEST FOR FURTHER CONTINUANCE OF PROCEDURAL DATES FILED BY NORA  
E. GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT  
02/28/86 AND ON BEHALF OF ADVANCOM AND EMPIRE. ES (02/28/86 GRANTED)  
ORDER ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING LOCHER'S  
02/26/86 REQUEST FOR FURTHER CONTINUANCE OF PROCEDURAL DATES, AND  
THE TIME WITHIN WHICH TO FILE A SETTLEMENT AGREEMENT IS EXTENDED TO  
03/28/86. (FCC 86M-818) REL. 03/03/86. ES/WEG  
03/28/86 LTR. REQUESTING FURTHER SUSPENSION OF PROCEDURAL DATES FILED BY NORA  
E. GARROTE, ATTORNEY FOR LOCHER DEVELOPMENT CORP. WEG (04/01/86  
GRANTED)  
04/01/86 ORDER ADOPTED BY JUDGE TIERNEY GRANTING LOCHER'S 03/28/86 LTR.  
REQUEST FOR EXTENSION OF PROCEDURAL DATES, AND THE TIME WITHIN WHICH  
TO FILE A SETTLEMENT AGREEMENT IS EXTENDED TO 04/28/86. REL.  
04/02/86 FCC 86M-1137 (3373) WEG  
04/28/86 LTR. REQUEST FOR FURTHER CONTINUANCE OF PROCEDURAL SCHEDULE FILED BY  
NORA E. GARROTE, ATTORNEY FOR LOCHER DEVELOPMENT CORP. WEG (04/30/86  
GRANTED)  
04/30/86 ORDER ADOPTED BY JUDGE TIERNEY GRANTING LOCHER'S 04/28/86 LETTER  
REQUEST FOR CONTINUANCE OF PROCEDURAL SCHEDULE, AND THE TIME WITHIN  
WHICH TO FILE A SETTLEMENT AGREEMENT IS EXTENDED TO 05/16/86. REL.  
05/01/86 FCC 86M-1491 (3905) WEG  
05/16/86 LTR. REQUEST FOR FURTHER CONTINUANCE OF PROCEDURAL DATES FILED BY  
NORA E. GARROTE, ATTORNEY FOR LOCHER DEVELOPMENT CORP. WEG (05/20/86  
GRANTED)  
05/20/86 ORDER ADOPTED BY JUDGE TIERNEY GRANTING LOCHER'S 05/16/86 LTR.  
REQUEST FOR CONTINUANCE OF PROCEDURAL DATES, AND THE TIME WITHIN  
WHICH TO FILE A SETTLEMENT AGREEMENT IS EXTENDED TO 06/02/86. REL.

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05/21/86 FCC 86M-1729 (4228) WEG  
07/21/86 MOTION FOR LEAVE TO FILE CONTINGENT AMENDMENT FILED BY NORA E.  
GARROTE AND ERNEST T. SANCHEZ, ATTYS., FOR LOCHER DEVELOPMENT CORP.  
CONTINGENT AMENDMENT ALSO FILED. WEG/ES (07/28/86 GRANTED, MO&O)  
07/21/86 JOINT REQUEST FOR APPROVAL OF SETTLEMENT WHEREBY THE APPLICATION OF  
EMPIRE COMMUNICATIONS (BPH-840627IC) AND ADVANCOM (BPH-840717IA) BE  
DISMISSED AND THE APPLICATION OF LOCHER DEVELOPMENT (BPH-840327CA)  
BE GRANTED FILED BY RICHARD STRODEL AND STEVEN LANCELLOTTA,  
ATTORNEYS FOR ADVANCOM, INC., ERNEST T. SANCHEZ AND NORA E. GARROTE,  
ATTORNEYS FOR LOCHER DEVELOPMENT CORP., AND STEVEN PENA, ATTORNEY  
FOR EMPIRE COMMUNICATIONS, INC. (AGREEMENT AND DECLARATION  
RE/CONSIDERATION ALSO FILED) ES/WEG (07/28/86 GRANTED, MO&O)  
07/28/86 MO&O ADOPTED BY DEPUTY CHIEF JUDGE TIERNEY GRANTING EMPIRE'S,  
LOCHER'S, AND ADVANCOM'S 07/21/86 JOINT REQUEST FOR APPROVAL OF  
SETTLEMENT, AND THE AGREEMENTS SUBSUMED THEREUNDER ARE APPROVED;  
GRANTING LOCHER'S 07/21/86 CONTINGENT MOTN. FOR LEAVE TO AMEND WHICH  
CONTEMPLATES THE TRANSFER, PRO FORMA, OF LOCHER'S INTEREST IN THE  
CAPTIONED APPLICATION TO A NEW CORPORATION, LOCHER BROADCASTING,  
INC., AND THE AMENDMENT IS ACCEPTED; THAT THE APPLICATIONS OF  
EMPIRE COMMUNICATIONS (BPH-840627IC) AND ADVANCOM, INC. (BPH-  
840717IA) FOR THE CAPTIONED FACILITIES AT JUNEAU, ALASKA, ARE  
DISMISSED WITH PREJUDICE; AND THE APPLICATION OF LOCHER  
BROADCASTING, INC., AS SUCCESSOR TO LOCHER DEVELOPMENT CORPORATION,  
(BPH-840327CA) FOR THOSE SAME FACILITIES IS GRANTED; AND THAT THIS  
PROCEEDING IS TERMINATED. (FCC 86M-2398) REL. 07/29/86 WEG