

..... *** DKT/RM: 85-354 ***

- 11/12/85 - HEARING DESIGNATION ORDER ADOPTED BY MM BUREAU DESIGNATING APPLICATIONS 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 THE PETITION FOR EXPEDITED TREATMENT FILED BY ERWAY BROADCASTING CORPORATION IS DENIED AS AN INFORMAL OBJECTION; THAT IN ADDITION TO THE COPY SERVED ON THE CHIEF, HEARING BRANCH, A COPY OF EACH AMENDMENT FILED IN THIS PROCEEDING SUBSEQUENT TO THE DATE OF ADOPTION OF THIS ORDER SHALL BE SERVED ON THE CHIEF, DATA MANAGEMENT STAFF, AUDIO SERVICES DIVISION, ROOM 350. (1232) RELEASED: 12/05/85 GDB
- 12/09/85 - ORDER ADOPTED BY CHIEF ALJ FITZPATRICK DIRECTING THAT ALJ EDWARD LUTON SHALL SERVE AS PRESIDING JUDGE; THAT THE HEARING SHALL BE ON 03/06/86 AT 10 AM, AND THE PREHEARING CONFERENCE SHALL BE ON 02/03/86 AT 9 AM; THAT ALL PROCEEDING WITH THE EXCEPTION OF TESTIMONY RELATED TO THAT OF LOCAL WITNESSES AS TO THE PAST OPERATION OF STATION KESP, SHALL TAKE PLACE IN THE OFFICES OF THE COMMISSION, WASHINGTON, D.C. (FCC 85M-4861) RELEASED: 12/11/85 GDB
- 12/16/85 - NOTICE OF APPEARANCE FILED ROGER J. METZLER, JR., ATTY FOR ERWAY BROADCASTING. GDB
- 12/18/85 - NOTICE OF APPEARANCE FILED EDWARD S. O'NEILL, JOHN R. WILNER, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. (KESP) GDB
- 01/09/86 - MOTION TO ENLARGE ISSUES AGAINST ERWAY FILED BY EDWARD S. O'NEILL, JOHN R. WILNER, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB (02/24/86 - MO&O)
- 01/13/86 - REQUEST FOR USE OF SPEAKERPHONE AS ATTENDANCE AT PREHEARING CONFERENCE FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (01/24/86 - APPROVED)
- 01/17/86 - PROOF OF PUBLICATION FILED BY GARY P. SCHONMAN, ATTY FOR WESTCOM BROADCASTING, INC. GDB
- 01/21/86 - OPPOSITION TO ERWAY'S 01/13/86 REQUEST FOR USE OF SPEAKERPHONE AS ATTENDANCE AT PREHEARING CONFERENCE FILED EDWARD S. O'NEILL, JOHN R. WILNER, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB (01/24/86 - APPROVED)
- 01/22/86 - MOTION FOR EXTENSION OF TIME TO FILE ITS OPPOSITION TO WESTCOM'S 01/09/86 MOTION TO ENLARGE ISSUES FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB
- 01/23/86 - COMMENTS ON WESTCOM BROADCASTING INC'S. 01/09/86 MOTION TO ENLARGE ISSUES AGAINST ERWAY BROADCASTING CORPORATION FILED FOR CHIEF MM BUREAU BY Y. PAULETTE LADEN, ATTY., FCC. GDB (02/24/86 MO&O)
- 01/24/86 - ORDER ADOPTED BY ALJ LUTON DIRECTING THAT THE PREHEARING CONFERENCE SCHEDULED FOR 02/03/86, WILL COMMENCE AT 1 PM EST, AND THE USE OF A SPEAKERPHONE AS A MEANS OF ERWAY ATTENDANCE AT THE PREHEARING CONFERENCE IS APPROVED. (FCC 86M-307) RELEASED: 01/27/86 GDB
- 01/29/86 - OPPOSITION TO WESTCOM BROADCASTING'S 01/09/86 MOTION TO ENLARGE ISSUES FILED BY RODGER J. METZLER, JR., ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (01/29/86 - GRANTED MO&O)
- 01/29/86 - ORDER ADOPTED BY ALJ LUTON GRANTING ERWAY BROADCASTING'S

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01/29/86 MOTION FOR EXTENSION OF TIME, AND THE TIME WITHIN WHICH ERWAY MAY RESPOND TO THE MOTION TO ENLARGE ISSUES FILED BY WESTCOM BROADCASTING, INC., IS EXTENDED TO 01/19/86. (FCC 86M-403) RELEASED: 01/30/86 GDB

- 02/02/86 - HEARD (PREHEARING CONFERENCE) BEFORE ALJ LUTON AND HEARING SCHEDULED FOR 06/10/86. GDB
- 02/03/86 - NOTICE OF INTENT TO TAKE ORAL DEPOSITIONS OF TERENCE JANISCH, AND DOUGLAS R. JONES FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB
- 02/03/86 - INITIAL INTERROGATORIES PROPOUNDED TO WESTCOM BROADCASTING, INC. FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB
- 02/04/86 - ORDER ADOPTED BY ALJ LUTON DIRECTING THAT THE FOLLOWING PROCEDURAL SCHEDULE SHALL GOVERN THIS PROCEEDING:
 - 05/15/86 - EXCHANGE OF EXHIBITS;
 - 06/03/86 - NOTIFICATION OF THE NAMES OF WITNESSES DESIRED FOR CROSS-EXAMINATION;
 - 06/10/86 - COMMENCEMENT OF HEARING, AT 10 AM.
 (FCC 86M-468) RELEASED: 02/05/86 GDB
- 02/10/86 - CONSOLIDATED REPLY TO THE MM BUREAU'S 01/23/86 COMMENTS AND ERWAY'S 01/29/86 OPPOSITION TO ITS MOTION TO ENLARGE ISSUE FILED BY EDWARD S. O'NEILL, JOHN R. WILNER, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB
- 02/24/86 - MEMORANDUM OPINION AND ORDER ADOPTED BY ALJ LUTON GRANTING WESTCOM'S BROADCASTING, INC'S 01/09/86 MOTION TO ENLARGE ISSUES TO THE EXTENT INDICATED THEREIN; AND THE ISSUES SET FORTH THEREIN ARE ADDED AGAINST THE APPLICATION OF ERWAY BROADCASTING CORPORATION. (FCC 86M-708) RELEASED: 02/25/86 GDB
- 02/25/86 - PETITION FOR LEAVE TO AMEND FILED BY TERENCE L. BRUINIERS, AMENDMENT ALSO FILED. GDB
- 02/28/86 - RESPONSE TO ERWAY BROADCASTING CORPORATION'S 02/03/86 INITIAL INTERROGATORIES FILED BY EDWARD S. O'NEILL, CHASE C. LIBBEY, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB
- 03/04/86 - INITIAL INTERROGATORIES PROPOUNDED TO ERWAY BROADCASTING CORPORATION FILED BY EDWARD S. O'NEILL, CHASE C. LIBBEY, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB
- 03/05/86 - MOTION FOR ORDER REQUIRING PRODUCTION OF DOCUMENTS FILED BY EDWARD S. O'NEILL, CHASE C. LIBBEY, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB (05/22/86 - GRANTED)
- 03/10/86 - MOTION TO COMPEL ANSWERS TO ITS 02/03/86 INITIAL INTERROGATORIES FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (05/22/86 - GRANTED)
- 03/14/86 - OPPOSITION TO WESTCOM BROADCASTING, INC'S 03/05/86 MOTION FOR PRODUCTION OF DOCUMENTS FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (05/22/86 - GRANTED)
- 03/19/86 - OPPOSITION TO ERWAY BROADCASTING CORPORATION'S 03/10/86 MOTION TO COMPEL ANSWERS TO INITIAL INTERROGATORIES FILED BY EDWARD S.

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- O'NEILL, CHASE C. LIBBEY, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB (05/22/86 - GRANTED)
- 03/20/86 - THRESHOLD SHOWING OF UNUSUALLY POOR PAST BROADCAST RECORD OF GUY S. ERWAY, CHAIRMAN OF THE BOARD AND CONTROLLING SHAREHOLDER OF ERWAY FILED BY EDWARD S. O'NEILL, CHASE C. LIBBEY, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. GDB
- 03/31/86 - OPPOSITION TO WESTCOM'S 03/20/86 THRESHOLD SHOWING OF UNUSUALLY POOR PAST BROADCAST RECORD FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY. GDB
- 03/31/86 - REQUEST FOR THE EXPEDITED ISSUANCE OF A PROTECTIVE ORDER DIRECTING THAT THE DEPOSITION OF DOUGLAS R. JONES NOT BE TAKEN FILED BY

EDWARD S. O'NEILL, AND CHASE LIBBEY, ATTYS FOR WESTCOM BROADCASTING, INC. GDB (04/02/86 - GRANTED)

4/02/86 - ORDER ADOPTED BY ALJ LUTON, GRANTING WESTCOM BROADCASTING, INC'S. 03/31/86 REQUEST FOR THE EXPEDITED ISSUANCE OF A PROTECTIVE ORDER; AND THAT MR. JONES MAY NOT BE DEPOSED PURSUANT TO THE PREVIOUS NOTICE OF DEPOSITION, BUT MAY BE DEPOSED IN DENVER, COLORADO, PURSUANT TO A SUBSEQUENT NOTICE OR BY AGREEMENT OF THE PARTIES. (FCC 86M-1172) RELEASED: 04/04/86 GDB

04/02/86 - OPPOSITION TO WESTCOM'S 03/31/86 REQUEST FOR EXPEDITED ISSUANCE OF PROTECTIVE ORDER FILED BY TERENCE L. BRUINIERS, ATTY FOR WESTCOM BROADCASTING, INC. GDB

04/07/86 - ANSWERS TO WESTCOM BROADCASTING, INC'S. 03/04/86 INITIAL INTERROGATORIES FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB

04/07/86 - PETITION FOR LEAVE TO AMEND FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. AMENDMENT ALSO FILED. GDB

04/21/86 - MOTION FOR LEAVE TO AMEND FILED BY EDWARD S. O'NEILL, CHASE C. LIBBEY, AND GARY P. SCHONMAN, ATTY FOR WESTCOM BROADCASTING, INC. GDB (05/22/86 - GRANTED)

04/22/86 - NOTICE OF TAKING OF ORAL DEPOSITIONS OF EFRIAM CORONA, AND TONY MOLINA FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB

04/22/86 - NOTICE OF TAKING OF ORAL DEPOSITIONS OF DOUGLAS R. JONES FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB

04/22/86 - MOTION FOR PRODUCTION OF DOCUMENTS FILED BY TERENCE L. BRUINIERS, ATTYS FOR ERWAY BROADCASTING CORPORATION. GDB (05/22/86 - GRANTED)

04/22/86 - PETITION TO ENLARGE ISSUES AGAINST WESTCOM BROADCASTING, INC. FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING, INC. GDB 04/23/86 - ERRATA FILED 05/07/86 - SUPPLEMENT FILED (11/21/86 - DENIED MO&O)

04/25/86 - PARTIAL OPPOSITION TO WESTCOM BROADCASTING, INC'S. 04/21/86 MOTION FOR LEAVE TO AMEND FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (05/22/86 - GRANTED)

05/01/86 - OPPOSITION TO ERWAY BROADCASTING CORPORATION'S 04/22/86 MOTION FOR PRODUCTION OF DOCUMENTS FILED BY EDWARD S. O'NEILL, AND CHASE

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C. LIBBEY, ATTY FOR WESTCOM BROADCASTING, INC. GDB (05/22/86 - GRANTED)

05/02/86 - CONSENT MOTION FOR EXTENSION OF TIME WITH WHICH TO FILE ITS OPPOSITION TO ERWAY BROADCASTING CORPORATION'S 04/22/86 PETITION TO ENLARGE ISSUES FILED BY EDWARD S. O'NEILL, AND CHASE C. LIBBEY, ATTYS FOR WESTCOM BROADCASTING, INC. GDB (05/12/86 - GRANTED)

05/05/85 - MOTION FOR LEAVE TO AMEND FILED BY EDWARD S. O'NEILL, CHASE C. LIBBEY, AND GARY P. SCHONMAN, ATTYS FOR WESTCOM BROADCASTING, INC. AMENDMENT ALSO FILED GDB (05/22/86 - GRANTED)

05/12/86 - PARTIAL OPPOSITION TO WESTCOM BROADCASTING, INC'S. 05/05/86 MOTION FOR LEAVE TO AMEND FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (05/22/86 - GRANTED)

05/12/86 - ORDER ADOPTED BY ALJ LUTON GRANTING WESTCOM BROADCASTING, INC'S 05/02/86 CONSENT MOTION FOR EXTENSION OF TIME; AND THE TIME WITHIN WHICH WESTCOM BROADCASTING, INC. MAY RESPOND TO ERWAY BROADCASTING CORPORATION'S PETITION TO ENLARGE ISSUES IS EXTENDED TO 05/14/86. (FCC 86M-1632) RELEASED: 05/13/86 GDB

05/14/86 - COMMENTS ON ERWAY BROADCASTING CORPORATION'S 04/22/86 PETITION TO

ENLARGE ISSUES AGAINST WESTCOM BROADCASTING, INC., FILED FOR CHIEF MM BUREAU BY Y. PAULETTE LADEN, ATTY FOR FCC.

05/14/86 - OPPOSITION TO ERWAY BROADCASTING CORPORATION'S 04/22/86 PETITION TO ENLARGE ISSUES AGAINST WESTCOM BROADCASTING, INC., FILED BY EDWARD S. O'NEILL, AND CHASE C. LIBBEY, ATTYS FOR WESTCOM BROADCASTING, INC. GDB

05/22/86 - ORDER ADOPTED BY ALJ LUTON GRANTING WESTCOM BROADCASTING, INC'S., 04/21/86 MOTION FOR LEAVE TO AMEND TO REPORT A NEW ADDRESS, IN DENVER, COLORADO, FOR DOUGLAS R. JONES, A SHAREHOLDER IN WESTCOM; AND THE AMENDMENT IS ACCEPTED. (FCC 86M-1766) RELEASED: 05/23/86 GDB

05/22/86 - ORDER ADOPTED BY ALJ LUTON GRANTING ERWAY BROADCASTING CORPORATION'S 03/10/86 MOTION TO COMPEL ANSWERS TO INITIAL INTERROGATORIES AND WESTCOM SHALL PROVIDE FULL AND COMPLETE RESPONSES TO THE REMAINING INTERROGATORIES WITHIN 7 DAYS AFTER THE RELEASE OF THIS ORDER. (FCC 86M-1770) RELEASED: 05/23/86 GDB

05/22/86 - ORDER ADOPTED BY ALJ LUTON GRANTING WESTCOM BROADCASTING, INC'S., 05/05/86 MOTION FOR LEAVE TO AMEND TO REPORT THAT GREG RADER IS A DIRECTOR AND IS THE SECRETARY OF WESTCOM BROADCASTING, INC., AND THAT MR. RADER WAS APPOINTED TO THESE POSITIONS IN AUGUST OF 1983; AND THE AMENDMENT IS ACCEPTED. (FCC 86M-1771) RELEASED: 05/23/86 GDB

05/22/86 - ORDER ADOPTED BY ALJ LUTON GRANTING ERWAY BROADCASTING CORPORATION'S 04/22/86 MOTION FOR PRODUCTION OF DOCUMENTS IN ITS ENTIRELY, AND WESTCOM SHALL PRODUCE THE REQUESTED DOCUMENTS WITHIN 10 DAYS AFTER THE RELEASE OF THIS ORDER. (FCC 86M-1772) RELEASED: 05/23/86 GDB

05/22/86 - ORDER ADOPTED BY ALJ LUTON GRANTING WESTCOM BROADCASTING, INC'S., 03/05/86 MOTION FOR ORDER REQUIRING PRODUCTION OF DOCUMENTS TO THE

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05/23/86 - EXTENT INDICATED THEREIN. (FCC 86M-1773) RELEASED: 05/23/86 GDB

05/23/86 - JOINT MOTION FOR SUSPENSION OF PROCEEDINGS AND DEFERRAL OF PROCEDURAL AND HEARING DATES FILED BY EDWARD S. O'NEILL, AND CHASE C. LIBBEY, ATTYS FOR WESTCOM BROADCASTING, INC AND TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (05/28/86 - GRANTED)

05/27/86 - DEPOSITION OF GUY S. ERWAY, SR., TAKEN ON BEHALF OF WESTCOM BROADCASTING, INC. RECIEVED. GDB

05/27/86 - DEPOSITION OF JOYCE C. ERWAY TAKEN ON BEHALF OF WESTCOM BROADCASTING, INC. RECIEVED. GDB

05/28/86 - ORDER ADOPTED ALJ LUTON GRANTING WESTCOM BROADCASTING, INC'S., AND ERWAYS'S 05/23/86 JOINT MOTION FOR SUSPENSION OF PROCEEDINGS AND DEFERRAL OF PROCEDURAL AND HEARING DATES; AND ALL PROCEDURAL DATES, INCLUDING THE HEARING DATES, ARE SUSPENED; AND THE PARTIES SHALL SUBMIT THEIR PAPERS IN SETTLEMENT OF THIS PROCEEDING BY 06/14/86. (FCC 86M-1805) RELEASED: 05/29/86 GDB

06/27/86 - JOINT MOTION FOR EXTENSION OF TIME FOR FILING SETTLEMENT AGREEMENT FILED BY EDWARD S. O'NEILL, AND CHASE C. LIBBEY, ATTYS FOR WESTCOM BROADCASTING, INC. AND TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (07/11/86 - GRANTED)

07/11/86 - ORDER ADOPTED BY ALJ LUTON GRANTING WESTCOM BROADCASTING, INC'S AND ERWAY BROADCASTING CORPORATION'S 06/27/86 JOINT MOTION FOR EXTENSION OF TIME FOR FILING SETTLEMENT AGREEMENT; AND THE TIME WITHIN WHICH TO SUBMIT THE SETTLEMENT AGREEMENT IS EXTENDED TO 08/13/86. (FCC 86M-2259) RELEASED: 07/14/86 GDB

08/13/86 - ORDER ADOPTED BY ALJ LUTON DIRECTING THAT THE TIME WITHIN WHICH THE PARTIES SHALL SUBMIT THEIR PAPERS IN SETTLEMENT OF THIS PROCEEDING IS EXTENDED TO 08/25/86. (FCC 86-2575) RELEASED: 08/15/86 GDB

08/25/86 - JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT, GRANT OF WESTCOM APPLICATION (BR-830726VX) AND CONTINGENT REQUEST FOR DISMISSAL OF ERWAY BROADCASTING CORPORATION'S APPLICATION (BP-831031AK) FILED BY EDWARD S. O'NEILL, AND CHASE LIBBEY, ATTYS FOR WESTCOM BROADCASTING, INC. AND TERENCE L. BRUINIERS, ATTY FOR ERWAY BROADCASTING CORPORATION. GDB (11/21/86 - GRANTED MO&O)

09/04/86 - COMMENTS ON ERYWAY'S 08/25/86 JOINT MOTION FOR APPROVAL OF SETTLEMENT, GRANT OF APPRLICATION, AND CONTINGENT REQUEST FOR DISMISSAL FILED FOR MM BUREAU BY Y. PAULETTE LADEN, ATTY, FCC. GDB

09/09/86 - REPLY TO ERWAY'S 09/04/86 MM BUREAU COMMENTS FILED BY EDWARD S. O'NEILL, AND CHASE C. LIBBEY, ATTYS FOR WESTCOM. GDB

09/23/86 - PETITION FOR LEAVE TO AMEND FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY. AMENDMENT ALSO FILED. GDB

10/23/86 - PETITION FOR LEAVE TO AMEND FILED BY TERENCE L. BRUINIERS, ATTY FOR ERWAY. AMENDMENT ALSO FILED. GDB/WEG

11/21/86 - MEMORANDUM OIPINION AND ORDER ADOPTED BY ALJ LUTON, DENYING ERWAY'S 04/22/86 PETITION TO ENLARGE ISSUES AGAINST WESTCOM. (FCC 86M-3434) RELEASED: 11/24/86 GDB

11/21/86 - MEMORANDUM OPINION AND ORDER ADOPTED BY ALJ LUTON, GRANTING WESTCOM'S 08/25/86 JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND THE SETTLEMENT AGREEMENT IS APPROVED; GRANTING WESTCOM RENEWAL

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APPLICATION AND THE APPLICATION OF ERWAY IS DISMISSED WITH PREJUDICE; AND THAT THIS PROCEEDING IS TERMINATED. (FCC 86M-3435) RELEASED: 11/24/86 GDB