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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FCC 05M-30  
04470

In The Matter of	)	MB Docket No. 04-191
	)	
<b>San Francisco Unified School District</b>	)	
	)	
For Renewal of License for Station	)	Facility ID No. 58830
KALW(FM), San Francisco, California	)	File No. BRED-19970801YA

DOCKET FILE COPY ORIGINAL  
ORDER

Issued: June 16, 2005

Released: June 17, 2005

**Transcripts**

Hearings were conducted from June 6 to June 10, 2005. Transcripts are expected for delivery during the week of June 20, 2005. The parties are to review the hearing transcripts for accuracy. By **August 19, 2005**, the parties shall submit Transcript Corrections and Joint Motion to Correct Transcript.

Transcript Corrections shall be contained in a separate document submitted as an Attachment to the Motion to Correct, identified by case caption and docket number. Each transcript volume shall be a section heading. Corrections shall cite page and line number, setting forth the corrected version of text, followed by the version of text in parenthesis as it appears in the transcript.<sup>1</sup>

<sup>1</sup> At the parties' option, if context is not lost, corrections may appear as a phrase. *E.g.* transcript reads: "Jack and Jill went down the hill." Correction could read: Tr. 235, Line 18: up the hill (down the hill). Corrections are not expected to involve editing or proof-reading to correct spelling or grammar, unless that is necessary for substantive accuracy (e.g. misspelled names and places and erroneous dates are to be corrected).

## Public Comments

Written public comment sent to the Commission Secretary in accordance with § 73.3594 of the Commission's rules [47 C.F.R. § 73.3594] must be received by **June 30, 2005**, in order to be considered for possible evidence. Those public comments shall be assembled chronologically by SFUSD in a binder, with a chronological inventory or index. By **July 15, 2005**, two copies of the assembled Public Comments shall be delivered to Ms. Shiela Parker, Paralegal Specialist, for inclusion with hearing exhibits.<sup>2</sup> Copies shall also be provided to Bureau counsel and the Presiding Judge.

In order to qualify for further consideration, the comment letter must "set forth in detail specific facts concerning which the writer wishes to give evidence," and the proffered evidence must be determined to be "legally competent, material and relevant to the issues." 47 C.F.R. § 73.3594(e)(2). It appears that comment letters to date relate to meritorious programming. Public comment evidence supporting the added issue on meritorious programming,<sup>3</sup> if any, would be limited in form to written statement, declaration under oath, and/or deposition. See 47 C.F.R. § 1.243(f) (authority of presiding officer to regulate course of hearing).

This is a non-comparative renewal case and there are not competing applications to weigh. Therefore, should the parties stipulate as a fact, that the programming of Station KALW(FM) was meritorious during the period November 3, 1996 to November 3, 1997, and during the period July 16, 2003 to July 16, 2004, corroborating evidence of meritorious programming would become irrelevant and duplicative, and therefore foreclosed.<sup>4</sup>

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION<sup>5</sup>



Richard L. Sippel

Chief Administrative Law Judge

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<sup>2</sup> These dates of June 30 and July 15 are changes to procedures set forth in *Order FCC 05M-29*, released June 14, 2005. These dates are set in order to provide finality to this proceeding.

<sup>3</sup> *Memorandum Opinion and Order*, FCC 04M-31, released October 8, 2004.

<sup>4</sup> It would be in the interest of timely disposition of the proceeding if the parties would so stipulate. The question of relevance of meritorious programming to disqualifying issues, which the Bureau contests, would not be effected by such a stipulation of fact. See *Memorandum Opinion and Order*, FCC 04M-31, *supra*.

<sup>5</sup> Courtesy copies of this *Order* were transmitted to counsel for each of the parties by e-mail on the date of issuance.