

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

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| In the Matter of |) | |
| |) | |
| SNAKE RIVER RADIO, LLC |) | MB Docket No. 22-53 |
| |) | |
| Application for Renewal of License |) | File No. 0000151021 |
| Station KPCQ(AM), Chubbuck, ID |) | Facility ID No. 24627 |

ORDER

Issued: November 7, 2022

Released: November 7, 2022

1. On October 31, 2022, after close of discovery in the above-captioned proceeding and just before its Affirmative Case was due, Snake River Radio, licensee of KPCQ(AM), Chubbuck, Idaho, filed a supplemental response to the Enforcement Bureau’s request for production of documents. The supplemental information provided by Snake River included an amendment to its pending application for renewal filed with the Media Bureau, a set of maintenance logs maintained at Snake River’s new transmitter site, and a letter designating the preparer of the logs, Bill Traue, as the station’s chief operator.¹ On November 1, 2022, the Enforcement Bureau filed a motion to strike the supplemental response and preclude Snake River from relying on those documents as part of its Affirmative Case in this proceeding because they were filed after discovery had closed. In the alternative, the Enforcement Bureau requested that the discovery period be reopened to permit discovery related to Snake River’s October 31 supplement.² The Presiding Judge temporarily suspended the filing deadlines for this proceeding pending resolution of this post-discovery issue.³

2. Snake River responded on November 6, 2022, indicating that it does not oppose the Enforcement Bureau’s motion. Snake River explains that it filed the additional information pursuant to section 1.65 of the Commission’s rules, 47 CFR § 1.65, which requires applicants to keep pending applications current, and section 1.371(g) of the Commission’s rules, 47 CFR § 1.371(g), which requires parties to a hearing proceeding to update responses to discovery requests as necessary. Snake River avers that it does not seek to gain advantage in this proceeding from the information filed in its October 31 supplement.⁴

3. The Presiding Judge finds that the Enforcement Bureau’s Emergency Motion to Strike Snake River’s Untimely Supplemental Discovery Response, or in the Alternative, to Re-open the Discovery Period, should be granted to the extent of striking Snake River’s October 31 supplement from the record in this proceeding and that the procedural schedule for this proceeding should be revised as detailed below.

¹ Snake River Radio, Licensee Supplemental Response to Requests for Production, MB Docket No. 22-53 (filed Oct. 31, 2022).

² Enforcement Bureau, Emergency Motion to Strike Snake River’s Untimely Supplemental Discovery Response, or in the Alternative, to Re-open the Discovery Period, MB Docket No. 22-53 (filed Nov. 1, 2022).

³ *Snake River Radio, LLC*, Order, MB Docket No. 22-53, FCC 22M-28 (ALJ Nov. 2, 2022). Discovery in this proceeding ended on October 3, 2022, per *Snake River Radio, LLC*, Order Summarizing Initial Status Conference, MB Docket No. 22-53, FCC 22M-08 (ALJ Apr. 1, 2022).

⁴ Snake River Radio, Response to Emergency Motion, MB Docket No. 22-53 (filed Nov. 6, 2022).

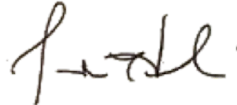
4. Accordingly, **IT IS ORDERED** that the Emergency Motion to Strike Snake River's Untimely Supplemental Discovery Response, or in the Alternative, to Re-open the Discovery Period, filed by the Enforcement Bureau on November 1, 2022, **IS GRANTED** to the extent indicated herein and otherwise **IS DENIED**.

5. **IT IS FURTHER ORDERED** that the Licensee Supplemental Response to Requests for Production filed by Snake River Radio on October 31, 2022, **IS STRICKEN FROM THE RECORD** of the above-captioned proceeding.

6. **IT IS FURTHER ORDERED** that the previous filing deadlines, suspended by the Presiding Judge on November 2, 2022, **ARE REVISED** by extending each due date by one week, as follows:

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| Snake River's Affirmative Case Due | November 9, 2022 |
| Enforcement Bureau's Responsive Case Due | December 9, 2022 |
| Snake River's Reply Case Due | January 10, 2023 |
| Deadline to File Motion to Request Oral Hearing | January 24, 2023 |
| Deadline to File Motion to Submit Additional Pleadings | January 24, 2023 |

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge