

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

MM Docket No. 90-168

In re Applications of

LT/COLONEL                      File No. BPH-851024MB  
CYRUS V. EDWARDS

BOTT                              File No. BPH-851028MG  
COMMUNICATIONS, INC.

For Construction Permit for  
New FM Station, Channel 236C,  
Shawnee, Oklahoma

3. ACCORDINGLY, IT IS ORDERED, That the "Petition For Court Review And Reversal Of Ruling," filed January 8, 1992 by Lt/Colonel Cyrus V. Edwards IS DISMISSED, subject to being refiled in the proper form within ten (10) days of the release date of this *Order*.

FEDERAL COMMUNICATIONS COMMISSION

Norman B. Blumenthal  
Member, Review Board

#### MEMORANDUM OPINION AND ORDER

Adopted: January 22, 1992;      Released: January 30, 1992

By the Review Board: MARINO (Chairman),  
BLUMENTHAL, and GREENE.

1. Before the Review Board is a "Petition For Court Review and Reversal Of Ruling" ("exceptions") filed by Lt/Colonel Cyrus V. Edwards (Edwards) on January 8, 1992 to the *Initial Decision*, FCC 91D-64, released December 18, 1991.

2. Edward's exceptions are 44 pages in length, not counting the substantial exhibits attached thereto. Thus, the exceptions substantially exceed the 25-page limitation specified in Section 1.277(c) of the Commission's Rules, 47 CFR § 1.277(c) (revised) (the table of contents and table of citations are not counted in the 25-page limit). *See Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases*, 6 FCC Rcd 157, 163 (1990), modified, 6 FCC Rcd 3403, 3404 (1991). Additionally, the exceptions violate Section 1.276(a)(2) of the Commission's Rules, 47 CFR 1.276(a)(2), in that they fail to contain (i) a table of contents, (ii) a table of citations, (iii) a concise statement of the case, (iv) a statement of the questions of law presented, and (v) the argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific reference to the record and all legal or other materials relied on. Finally, the exceptions are also deficient with respect to Section 1.277(a) of the Rules, 47 CFR § 1.277(a). That section requires that exceptions, including rulings upon motions or objections, shall point out with particularly alleged material errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.