

**DOCKET FILE COPY ORIGINAL**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

**FCC MAIL SECTION**

42850  
FCC 94M-529

SEP 16 2 37 PM '94  
CC Docket No. 94-89

**DISPATCHED BY**

File No. E-90-393

In the Matter of )  
)  
Elehue Kawika Freemon and )  
Lucille K. Freemon, )  
Complainants, )  
)  
v. )  
)  
American Telephone and Telegraph Company )  
Defendant )

MEMORANDUM OPINION and ORDER

Issued: September 14, 1994 ; Released: September 16, 1994

1. On the morning of September 14, 1994, the Trial Judge received a copy of a letter (dated September 13, 1994) that defendant AT&T has mailed to complainant Elehue K. Freemon.

2. That letter refers to a Notice to take the Deposition of Nancy Zolnikov. It also refers to Notices to take Depositions of ". . . other nonparty witnesses. . ." Apparently Elehue K. Freemon mailed copies of those Notices to AT&T on September 9, 1994.

3. Something is substantially amiss. Neither the Trial Judge nor the Common Carrier Bureau has received such notices. They should have. 47 CFR 1.315(a) provides that an original and three copies of each Deposition Notice shall be filed with the Secretary of the Commission.

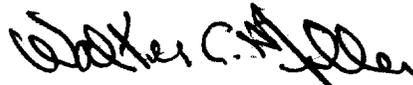
4. Thus there is no way of knowing whether Elehue Freemon has complied with 47 CFR 1.315(a), 47 CFR 1.47, 47 CFR 1.52, and 47 CFR 1.318.<sup>1</sup>

Ruling

5. The Notices to Take Deposition referred to in paragraph 2 above are void. They have not been properly filed. The Trial Judge has no copies of those notices. So he cannot administer their taking.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION



Walter C. Miller  
Administrative Law Judge

<sup>1</sup> Similar problems surrounded the earlier filing of the Freemons' Notices of Appearance. In fact, upon information and analysis, the Trial Judge believes that the signature of "Lucille K. Freemon" on her "Notice of Hearing: Appearances" purportedly filed on September 1, 1994, is a forgery.