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

OCT 26 2 11 PM '94

FCC 94M-591

In the Matter of)	CC Docket No. 94-89	
)		
Elehue Kawika Freeman and)		
Lucille K. Freeman,)		
Complainants,)		
)		
v.)	File No. E-90-393	
)		
American Telephone and Telegraph Company)		
Defendant)		

50137

MEMORANDUM OPINION AND ORDER

Issued: October 24, 1994 ; Released: October 26, 1994

1. Complainants Elehue Kawika Freeman and Lucille K. Freeman and defendant AT&T Corp., seek a ruling on a "Joint Motion for Modification of Settlement Conference Procedures."¹ They filed their motion on October 21, 1994, and want the face-to-face settlement conference presently scheduled for October 21, 1994² turned into telephone settlement conference.

Ruling

2. The joint motion will be granted. The parties have convinced the Trial Judge that a modification of the Prehearing Order's prescribed procedure will serve the interests of efficient administration of this proceeding.

3. However, one comment is warranted. The Freemons represent that they are financially unable to travel to Washington, D.C. for purposes of conducting the face-to-face conference. This is a disturbing representation. The Freemons have had since 1988 to prepare for this hearing. They have prepared and filed numerous pleadings in the case thus far. To suggest that they are financially unable to meet their burden of proceeding and their burden of proof after all these years is incredulous. Even though they're proceeding pro se, to properly try their portion of the case will take time and money.

4. In any event, the Freemons will have to travel to Washington, D.C. to attend the November 10, 1994 Prehearing Conference,³ to attend the November 28, 1994 Evidentiary Admission Session,⁴ and to attend the hearing starting on December 12, 1994. See FCC 94-481 supra.

So the "Joint Motion for Modification of Settlement Conference Procedures" filed on October 21, 1994, IS GRANTED; and the parties may hold a

¹ The only other party to the proceeding, the Common Carrier Bureau, joined in the motion.

² See FCC 94M-481 released August 19, 1994 at para.12.

³ The Freemons will inter alia, exchange all of their direct case exhibits on November 10, 1994.

⁴ The Freemons will formally identify and offer their pre-identified direct case exhibits on November 28, 1994.

telephone settlement conference on October 24, 1994, instead of the scheduled face-to-face conference.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Walter C. Miller".

Walter C. Miller
Administrative Law Judge