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

In the Matter of)
)
JAMES A. KAY, JR.)
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four Part 90 licenses in the)
Los Angeles, California area)

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To: The Honorable Richard L. Sippel, Administrative Law Judge

STATUS REPORT

James A. Kay, Jr., by his attorneys, hereby respectfully reports to the presiding officer on the status of the above captioned proceeding.

On January 12, 1995, Kay filed a number of pleadings concerning the instant matter. With the Commission, Kay filed on January 12 an Application for Review of an Erratum released over the signature of Ralph A. Haller, who was identified therein as Deputy Chief of the Wireless Telecommunications Bureau. With the Commission, Kay also filed on January 12 a Motion to Enlarge, Change or Delete Issues.

With the presiding officer, Kay filed on January 12 a Motion for Modification or Correction of Order, a Motion to Dismiss, and a Motion to Defer Proceedings.

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With both the presiding officer and with the Commission, Kay filed a Notice of Appearance on January 12.

All of the pleadings which Kay filed on January 12 are still pending.

On January 20, 1995, Gary P. Schonman, who has stated that he is Bureau counsel for the Wireless Telecommunications Bureau, and undersigned counsel conferred by telephone in accord with the presiding officer's Order released on December 22, 1994 (the December 22 Order). Also on January 20, undersigned counsel delivered to Mr. Schonman the written information required to be supplied on that date.

On January 18, Kay had filed with the presiding officer a request that the scheduling of two events be suspended. On January 23, 1995, the presiding officer released an Order denying the relief which Kay had requested on January 18. On January 23, Kay filed with the presiding officer a Request for Permission to File Appeal, a Motion for Set Aside and Other Relief, and a Motion to Disqualify Counsel. All of the pleadings which Kay filed on January 23 are still pending.

In the conference held by attorneys for the parties on January 20, 1995 (the January 20 Conference), counsel conferred on each of the items set forth at paragraph four of the presiding officer's December 22 Order. Kay expects to request that the Bureau admit to the genuineness of certain documents and to answer interrogatories. Kay expects to depose the witnesses which

he expects to call and to depose the witnesses which the Bureau expects to call. To the extent that a special request must be made of the presiding officer to depose a witness, Kay will make such a request in a timely manner. Kay may request the disclosure of certain Commission documents in accord with the Commission's Rules.

Kay expects to conduct discovery as to each of the issues designated by the Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing and Forfeiture (HDO). Kay also expects to conduct discovery material to whether W. Riley Hollingsworth, Terry L. Fishel, and/or Anne Marie Wypijewski violated any statute or Commission Rule in the course of their investigation of Kay leading to the instant proceeding. Kay expects to conduct such discovery by means of requests for admission of the genuineness of documents, interrogatories, depositions, and such other methods as are permissible under the Commission's Rules. Kay expects that his discovery may require up to 60 days from January 24, 1995.

During the January 20 Conference, undersigned counsel expressed the expectation that some facts might be established by stipulation or official notice. However, undersigned counsel noted that, because of the absence of allegations of fact in the HDO, it was not possible at that time to enumerate a large number of such facts. Undersigned counsel has sent a written request to Mr. Schonman for stipulation as to one matter of fact.

At present, Kay expects that he may call nine witnesses. Undersigned counsel had informed Mr. Schonman during the January 20 Conference that he might call Kay. However,

in view of the Bureau's intention to call Kay, it would not appear to be necessary for undersigned counsel to call Kay.

With respect to the issue designated at paragraph 10(b) of the HDO, Kay may call Marc Sobel as a witness. Sobel was present during the inspection which was reported at footnote four to the HDO and may be asked to testify concerning that event.

Kay expects to call Paul Northup, Ben Sarfehnia, and Norm Kramer to testify as to his character and reputation in the Los Angeles area radio communications business.

Kay expects to call W. Riley Hollingsworth, Terry L. Fishel, and Anne Marie Wypijewski to testify as to violations of statute and Commission Rule which occurred during the course of their investigation of Kay for purposes of demonstrating that misconduct by the investigators has fatally tainted the instant proceeding.

Kay expects to call Sonja Colista to testify concerning Mr. Hollingsworth's inclination to pursue his objectives and the relationship of that pursuit to his compliance with applicable rules of law.

Kay expects to call Reed E. Hundt, Chairman of the Commission, to ascertain the reason that his office has not yet acted on complaints which Kay has filed against Mr. Hollingsworth and Mr. Fishel.

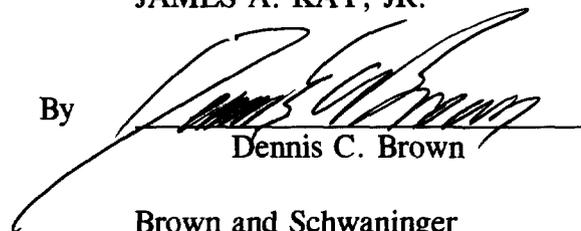
Kay expects to offer testimony in his direct case, if any, by oral testimony before the presiding officer. To avoid undue inconvenience to the Chairman, Kay would be willing to offer the Chairman's testimony by an alternative to requiring the Chairman to appear at hearing in Los Angeles, provided that the parties can agree to an alternative method. Kay may also offer documents for entry into evidence in support of his direct case. Kay expects to require two days to present his direct case.

Depending on the information which is ascertained through discovery and depending on the nature and facts of the case presented by the Bureau, Kay may present a rebuttal case. Mr. Kay may call rebuttal witnesses as appears to be made necessary by the evidence presented by the Bureau.

Currently pending before the Commission is Kay's Motion to Enlarge, Change or Delete Issues. Depending on the action taken on that filing, it may be necessary for Kay to revise all or part of the expectations and intentions covered by the instant report.

Respectfully submitted,
JAMES A. KAY, JR.

By



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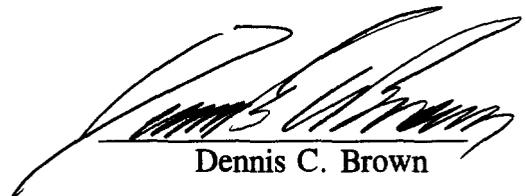
Dated: January 24, 1995

CERTIFICATE OF SERVICE

I hereby certify that on this twenty-fourth day of January, 1995, I served a copy of the foregoing Status Report on each of the following persons by causing to be delivered to their offices a copy thereof:

Gary P. Schonman, Attorney
Federal Communications Commission
Hearing Branch
Mass Media Bureau
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2025 M Street, N.W.
Washington, D.C. 20554

W. Riley Hollingsworth*
Deputy Associate Bureau Chief
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Federal Communications Commission
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* By regular mail