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

FCC 95M-46

In the Matter of	)	CC Docket No. 94-89
	)	
Elehue Kawika Freemon and	)	
Lucille K. Freemon,	)	50807
Complainants,	)	
	)	
v.	)	File No. E-90-393
	)	
American Telephone and Telegraph Company	)	
Defendant	)	

[redacted]

MEMORANDUM OPINION AND ORDER

Issued: February 8, 1995 ; Released: February 10, 1995

1. On February 8, 1995, AT&T's counsel submitted a letter to the Trial Judge. That letter states that "AT&T does not intend to file reply findings and conclusions. . ." That message is consistent with the procedural guidelines we have set up (Tr.406-409).

2. However, and in the same letter, AT&T counsel then goes on to argue two or three additional matters that are properly the subject of reply findings and conclusions. That is inappropriate. Once a matter is designated for hearing the letter form of pleading is improper. See Action Radio, Inc., 37 FCC 2d 351 (1952), at 353; and Belo Broadcasting, Corp. et.al., 44 FCC 2d 534 (1973) at 537.

Ruling

3. AT&T's letter will be accepted insofar as it delivers the pertinent message that "AT&T does not intend to file reply findings and conclusions." It will be rejected in all other respects.

So the letter that AT&T filed on February 8, 1995, IS ACCEPTED to the extent indicated in para.1 supra. and IS OTHERWISE REJECTED.[1]

FEDERAL COMMUNICATIONS COMMISSION

Walter C. Miller
Administrative Law Judge

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[1] This doesn't mean that the other matters AT&T raises are invalid. They may well have merit. But AT&T, like Elehue Freemon, must properly present such matters.