DOCKET FILE COPY ORIGINAL

FCC MAIL SECTION

MAR 16 11 43 AM '95

Before the
FEDERAL COMMUNICATIONS COMMISSION FCC 95M-73
Washington, D.C. 20554

In the Matter of	)	WT Docket No. 95-26
	)	51015
Commercial Realty St. Pete, Inc.,	)	
James C. Hartley, Teresa Hartley,	)	
and Ralph E. Howe	)	

MEMORANDUM OPINION AND ORDER

Issued: March 15, 1995 ; Released: March 16, 1995

1. Under consideration is a Notice of Appearance ("NOA"), filed on March 13, 1995, by Ralph Elliot Howe.[1] For the reasons which follow, the NOA will be dismissed.

2. The NOA was not filed in accordance with the Commission's Rules. Specifically, the NOA was not mailed to the Secretary of the Commission,[2] was not accompanied by proof of service, was not accompanied by a verification, and the requisite number of copies were not submitted. See Sections 0.401, 1.47, 1.51, 1.52 and 1.211 of the Commission's Rules.[3]

3. In addition to these procedural infirmities, the NOA is substantively defective. Thus, the NOA states: "The Chief, Wireless Telecommunications Bureau, through its attorneys named below, . . . will appear on the date fixed for hearing . . . ." (Emphasis added.) However, the only name which appears below this statement is Mr. Howe's, and it is obvious that he is not the attorney for the Wireless Telecommunications Bureau. Inasmuch as the NOA is both procedurally and substantively defective, it will be dismissed.

Accordingly, IT IS ORDERED that the Notice of Appearance, filed on March 13, 1995, by Ralph Elliot Howe, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Arthur I. Steinberg

Arthur I. Steinberg
Administrative Law Judge

---

[1] The NOA indicates that it was signed by Mr. Howe on March 4, 1995. The envelope in which it arrived bears a March 6, 1995, postmark, and was received by the Commission's Mail Room on March 13, 1995.

[2] The original NOA was mailed directly to the Presiding Judge.

[3] The parties were put on notice by the Chief Administrative Law Judge that they were expected to be fully cognizant of Part I of the Commission's Rules concerning Practice and Procedure. See Order, FCC 95M-57, released February 23, 1995. In this regard, it has been held that where a party elects to act without counsel, it must assume the burden of becoming acquainted with and conforming to the requirements of the Commission's rules. The Commission will not tolerate any disruption of its administrative processes because a party, who undertook to act as its own counsel, was unfamiliar with the rules and procedures. Silver Beehive Telephone Co., 34 FCC 2d 738, 739-40 (1972).