

FCC MAIL SECTION

APR 17 12:42 PM '95

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

FCC 95M-107

In the Matter of)	WT Docket No. 95-26	51199
)		
Commercial Realty St. Pete, Inc.,)		
James C. Hartley, Teresa Hartley,)		
and Ralph E. Howe)		

MEMORANDUM OPINION AND ORDER

Issued: April 13, 1995 ; Released: April 17, 1995

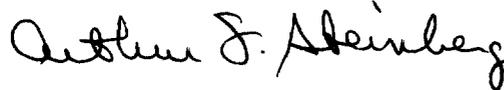
1. Under consideration is a Notice of Appearance ("NOA-2"), filed on March 31, 1995, by Ralph E. Howe.

2. On March 13, 1995, Mr. Howe attempted to file a Notice of Appearance ("NOA") in this proceeding. By Memorandum Opinion and Order, FCC 95M-73, released March 16, 1995, the NOA was dismissed because it was both procedurally and substantively defective. NOA-2 has been filed, in Mr. Howe's words, "To correct deficiencies of [the earlier] NOA."

3. NOA-2 will be dismissed. As with the original NOA, NOA-2 is defective. Specifically, the requisite number of copies were not filed, it was not accompanied by a verification, and it was not served upon counsel for Commercial Realty St. Pete, Inc., James C. Hartley, and Teresa Hartley. See Sections 1.47, 1.51, 1.52, and 1.211 of the Commission's Rules. Further, all notices of appearance in this proceeding were due to be filed no later than March 8, 1995. Order to Show Cause, FCC 95-59, released February 16, 1995, at para. 24. Consequently, NOA-2 was late filed. Moreover, it was not accompanied by showing of good cause for the late filing, or by a motion requesting the acceptance of the late filed NOA-2.

Accordingly, IT IS ORDERED that the Notice of Appearance filed by Ralph E. Howe on March 31, 1995, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg
Administrative Law Judge