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

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JUN - 6 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter of the)
Application of)
)
HERBERT L. SCHOENBOHM)
Kingshill, Virgin Islands)
)
For Amateur Station)
and Operator Licenses)

WT Docket No. 95-11

~~CONFIDENTIAL~~
FILE

To: Administrative Law Judge Edward Luton

MOTION FOR ORDER

The Chief, Wireless Telecommunications Bureau (Bureau), by her attorney, respectfully moves that Herbert L. Schoenbohm be ordered not to call proposed witnesses John Dellinger and Victor O. Frazer to testify in his direct presentation. The basis for this motion is the following:

1. At the prehearing conference on March 30, 1995, the Presiding Administrative Law Judge informed the applicant as follows: "Mr. Schoenbohm, I'm telling you that your witnesses' testimony is due in written form to the Bureau and to me by May 23, 1995." Tr. 10-11. A subsequent order released April 10, 1995, specified May 23, 1995, as the exhibit exchange date and June 6, 1995 as the date for notification to produce witnesses for cross examination.
2. Schoenbohm provided his own direct testimony in written form on May 23, 1995. He, therefore, was apparently aware of the procedural requirement for doing so.

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3. Schoenbohm did not provide the testimony of proposed witnesses John Dellinger and Victor O. Frazer on the required date. Instead he provided only general descriptions of their proposed testimony and did not do so until June 5, 1995. This is in clear violation of the procedural schedule established by the Presiding Administrative Law Judge.

4. Schoenbohm has not provided any explanation for failing to comply with the procedural schedule. He should not allowed to call proposed witnesses John Dellinger and Victor O. Frazer to testify in his direct presentation.

5. The Bureau requests that the time for opposing this motion be compressed to allow a ruling be made by Friday, June 9, 1995. If a ruling is not made by that date, the Bureau will not know in sufficient time whether it is necessary to prepare cross examination questions for Schoenbohm's proposed witnesses. The compression of response time would clearly serve the public interest.

Accordingly, the Bureau requests that Schoenbohm be ordered not to call proposed witnesses John Dellinger and Victor O. Frazer to testify in his direct presentation.

Respectfully Submitted,

Regina M. Keeney
Chief, Wireless Telecommunications Bureau

By:


Thomas D. Fitz-Gibbon
Attorney

Dated: June 6, 1995

Certificate of Service

I, Thomas D. Fitz-Gibbon, certify that, on June 6, 1995, a copy of the foregoing Motion To Dismiss, filed on behalf of the Chief, Wireless Telecommunications Bureau, was sent by Federal Express Overnight Delivery to:

Mr. Herbert L. Schoenbohm
15C Constitution Hill
Christiansted, Virgin Islands 00850

and

Administrative Law Judge
Edward Luton (Hand delivered)



Thomas D. Fitz-Gibbon