

6. Item 3. No additional documents need be produced. For the reasons stated in paragraph 8, below, documents reflecting "an evaluation of CRSPI's current expenses," are not within the scope of Issue 1 and do not appear reasonably calculated to lead to the discovery of admissible evidence. Id.

7. Items 6 and 23. The telephone records and telephone bills requested should be produced as they appear reasonably calculated to lead to the discovery of admissible evidence. Id.

8. Items 7, 8, 9, 10, 18, 19. The documents requested need not be produced. Issue 1 involves alleged misrepresentations contained in two declarations under penalty of perjury submitted to the Commission by CRSPI. Those declarations related specifically to the purported availability to CRSPI of \$4 million in financing from Dean H. Tyler for the purpose of making a down payment for the licenses on which CRSPI was the successful bidder. Order to Show Cause, FCC 95-59, released February 16, 1995, at paras. 9, 12-15. Contrary to the Bureau's contentions (Motion at 2-6), Issue 1 does not encompass a generalized, broad-based inquiry into CRSPI's financial certification, financial qualifications, or the filing of "false and/or misleading financial statements." Consequently, the requested documents, which all relate to the financial wherewithal of CRSPI and the Hartleys, do not fall within the scope of Issue 1, and do not appear reasonably calculated to lead to the discovery of admissible evidence. See Section 1.311(b) of the Commission's Rules.

Accordingly, IT IS ORDERED that the Motion to Compel, filed by CRSPI on June 12, 1995, IS DENIED.

IT IS FURTHER ORDERED that the Motion to Compel, filed by the Bureau on June 12, 1995, IS GRANTED to the extent indicated above and IS DENIED in all other respects.

IT IS FURTHER ORDERED that CRSPI and the Hartleys SHALL PRODUCE the documents ordered produced and the index referred to in paragraph 4, above, within seven (7) days of the release of this order by delivering copies thereof to the offices of Bureau counsel, or in such other manner or at such other time and place as may be mutually agreeable to counsel for the parties.

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg
Administrative Law Judge