

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

) WT Docket No. 95-26
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Commercial Realty St. Pete, Inc., James C.
Hartley, Teresa Hartley, and Ralph E.
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To: Administrative Law Judge
Arthur I. Steinberg

OPPOSITION TO MOTION FOR LEAVE TO FILE INTERROGATORIES

The Chief, Wireless Telecommunications Bureau (Bureau), hereby opposes the motion for leave to file interrogatories filed by Commercial Realty St. Pete, Inc., James C. Hartley, and Teresa Hartley (collectively CRSPI). For the reasons shown below, the proposed interrogatories are irrelevant to the designated issues and should not be allowed.

1. The proposed interrogatories concern whether a video tape was made of the Commission's Interactive Video and Data Services (IVDS) auction. The Commission, however, has not designated any issue concerning CRSPI's actions during the auction. The Bureau, therefore, fails to see what benefit questions regarding the taping of the auction would serve. As the presiding officer correctly noted in denying CRSPI the opportunity to depose employees of EON Corporation,

the issues inquire into the submission by CRSPI of two specific declarations with respect to the availability of a \$4 million loan (issue 1), CRSPI's claim that it was entitled to a bidding credit as a woman-owned small business (Issue 2), CRSPI's communications with another successful IVDS bidder (Issue 3), and CRSPI's dissemination of facsimile letters and a press release (Issue 4).

Commercial Realty St. Pete, Inc., FCC 95M-151, at ¶ 6 (released June 28, 1995).

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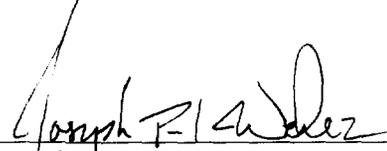
2. The scope of the inquiry in the interrogatories is very similar to the information CRSPI sought and was denied in its Motion to Compel. There, the presiding Administrative Law Judge stated that "[t]he documents sought go far beyond the scope of the issues in this proceeding, which involve conduct of CRSPI and its principals, and do not, therefore, appear reasonably calculated to lead to the discovery of admissible evidence." Commercial Realty St. Pete, Inc., FCC 95M-143, at ¶ 3 (released June 20, 1995). For those same reasons, the Bureau requests that the leave to file interrogatories be denied. CRSPI cannot be allowed to convolute the issues with irrelevant matters.

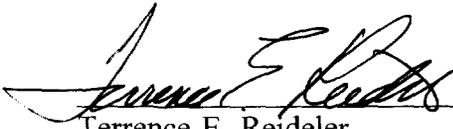
For the reasons stated above, the Chief, Wireless Telecommunications Bureau, respectively requests that CRSPI's Motion for Leave to File Interrogatories be denied.

Respectively submitted,

Regina M. Keeney
Chief, Wireless Telecommunications Bureau

By:


Joseph Paul Weber
Trial Attorney


Terrence E. Reideler
Trial Attorney

July 9, 1995

CERTIFICATE OF SERVICE

I, Clara Henry, do hereby certify that on July 9, 1995, copies of the foregoing Opposition to Motion for Leave to File Interrogatories were served by First-Class mail, U.S. Government frank, except as otherwise noted, on the following parties:

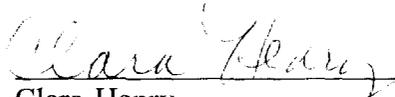
BY HAND

Honorable Arthur I. Steinberg
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554

Commercial Realty St. Pete, Inc.
P.O. Box 7808
St. Petersburg, FL 33734

Lauren A. Colby, Esq.
10 East Fourth Street
Frederick, MD 20701

Richard T. Avis, Esq.
1325 Snell Isle Blvd.
St. Petersburg, FL 33704


Clara Henry