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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the matter of)
)
JAMES A. KAY, JR.)
)
Licensee of one hundred sixty-)
four Part 90 licenses in the)
Los Angeles, California area.)

WT Docket No. 94-147

DOCKET FILE COPY ORIGINAL

To: Administrative Law Judge
Richard L. Sippel

**MOTION FOR LEAVE TO FILE REPLY TO THE
WIRELESS TELECOMMUNICATIONS BUREAU'S
OPPOSITION TO MOTION FOR PARTIAL SUMMARY DECISION**

James A. Kay, Jr. ("Kay"), by his attorneys, respectfully requests permission from the Presiding Judge to file a Reply to the Wireless Telecommunications Bureau's Opposition to Motion for Partial Summary Decision. In support thereof, Kay states as follows:

1. During a January 11, 1995 conference telephone call among counsel for the parties hereto, the Presiding Judge authorized Kay to seek leave to file a proposed Reply to the Bureau's Opposition to the Motion for Partial Summary Decision filed by Kay on April 17, 1995. The Presiding Judge's oral rulings were memorialized in an Order, FCC 96M-1, released January 18, 1996.¹

¹ Kay objects to the Presiding Judge's Order, FCC 96M-1, released January 18, 1996, to the extent that the Bureau was authorized to file a reply pleading in an active matter--Bureau's Motion for Summary Decision--and Kay was permitted to file a reply to a matter that was previously decided--Kay's Motion for Partial Summary Decision. See Memorandum Opinion and Order FCC 95M-141, released June 14, 1995 (denying Kay's Motion for Partial Summary Decision). Since replies are otherwise not permitted pursuant to Commission Rule 1.294(b) and the attached reply is

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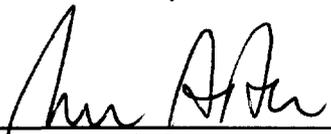
2. As noted in the aforesaid Order, the purpose of the proposed Reply is to give "full consideration to the views of all parties on the issues set in this case." Order, FCC 96M-1, note 3.

3. The proposed Reply is attached hereto for the convenience of the Presiding Judge in giving his full consideration to the Bureau's Motion for Summary Decision.

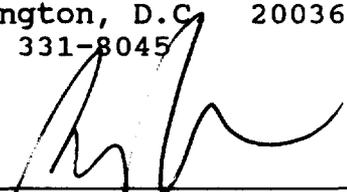
WHEREFORE, Kay respectfully requests leave to file a Reply to the Wireless Telecommunications Bureau's Opposition to Motion for Partial Summary Decision.

Respectfully submitted,

JAMES A. KAY, JR.

By:  
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effectively moot, Kay is unfairly prejudiced by the Presiding Judge's January 18, 1996 ruling.

CERTIFICATE OF SERVICE

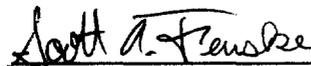
I hereby certify that a true and correct copy of the foregoing Motion for Leave to File Reply to the Wireless Telecommunications Bureau's Opposition to Motion for Partial Summary Decision was hand-delivered on this 22nd day of January, 1996 to the following:

The Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Suite 220
Washington, D.C. 20554

Gary P. Schonman, Esquire
Federal Communications Commission
Hearing Branch
Mass Media Bureau
Suite 7212
2025 M Street, N.W.
Washington, D.C. 20554

and sent via first-class mail, postage prepaid on this 22nd day of January, 1996 to:

W. Riley Hollingsworth, Esquire
Deputy Associates Bureau Chief
Wireless Telecommunications Bureau
1270 Fairfield Road
Gettysburg, Pennsylvania 17325-7245



Scott A. Fenske

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