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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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 TO SET RESPONSE DATE OR,
IN THE ALTERNATIVE, TO EXTEND FILING DEADLINE

James A. Kay, Jr. ("Kay"), by his attorneys, respectfully requests that the Presiding Judge set a date by which Kay may file an opposition to the Wireless Telecommunications Bureau's (the "Bureau") Motion for Leave to File Supplement and Supplement to Motion for Summary Decision and Order Revoking Licenses or, in the alternative, extend the time for filing such an opposition to March 8, 1996. In support thereof, Kay states as follows:

1. The Bureau filed a Motion for Leave to File Supplement and Supplement to Motion for Summary Decision and Order Revoking Licenses (the "Motion") on February 23, 1996.

2. The Commission's Rules do not clearly specify a deadline for filing oppositions to motions of this type.

3. For example, section 1.251(b) of the Commission's Rules states that "[w]ithin 14 days after a motion for summary decision is filed, any other party to the proceeding may file an opposition or a countermotion for summary decision." Under this section, Kay's opposition would be due on March 8, 1996.

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4. In the alternative, if Section 1.251(b) of the Commission's Rules is not applicable because the Motion is not treated as a summary decision request, Kay respectfully requests that the time to file an opposition be set as March 8, 1996.

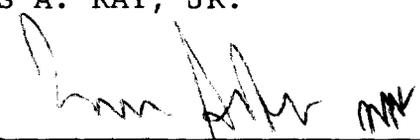
5. The Bureau is not prejudiced by this brief extension of time, if any.

6. In addition, Kay respectfully requests that the Presiding Judge defer ruling on the Bureau's pending Motion for Summary Decision until such time as the Opposition provided for herein is filed and the Presiding Judge has an opportunity to consider the same.

WHEREFORE, Kay respectfully requests that the Presiding Judge set March 8, 1996 as the last day for filing an opposition to the Motion and that the Presiding Judge defer his ruling on the Bureau's pending Motion for Summary Decision until such time as the opposition to the Bureau's Motion is filed and the Presiding Judge has an opportunity to consider the same.

Respectfully submitted,

JAMES A. KAY, JR.

By: 

Bruce Aitken
Martin J. Lewin
Curtis Knauss

Aitken, Irvin, Lewin,
Berlin, Vrooman & Cohn
1709 N Street, N.W.
Washington, D.C. 20036
(202) 331-8045

By: _____

Barry A. Friedman
Scott A. Fenske

Thompson Hine & Flory P.L.L.
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 331-8800

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Set Response Date or, in the Alternative, to Extend Filing Deadline was hand-delivered on this 27th day of February, 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 27th day of February, 1996 to:

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



Scott A. Fenske