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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the matter of ) WT Docket No. 94-147  
 )  
JAMES A. KAY, JR. )  
 )  
Licensee of one hundred sixty- )  
four Part 90 licenses in the )  
Los Angeles, California area. ) DOCKET FILE COPY ORIGINAL  
  
To: Administrative Law Judge  
Richard L. Sippel

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

James A. Kay, Jr. ("Kay"), by his attorneys, respectfully requests that the Presiding Judge extend the time 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. 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 for Leave") on February 23, 1996.

2. On February 27, 1996, Kay filed a Motion to Set Response Date Or, In The Alternative, To Extend Filing Deadline to March 8, 1996 (the "Motion").

3. Pursuant to the Presiding Judge's Order, FCC 96M-26, released March 1, 1996, the Presiding Judge granted the Motion and set March 8, 1996 as the date by which Kay could file a response to the Motion for Leave (the "Proposed Response").

4. Kay respectfully requests a seven (7) day extension of time (to March 15, 1996) to file his Proposed Response.

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5. As part of his Proposed Response, Kay intends to file a declaration. Both Kay and local counsel in California are diligently preparing this declaration. However, Kay's declaration will not be finalized until after March 8, 1996.

6. The Bureau is not prejudiced by this brief extension of time, particularly since the determination of the Bureau's pending Motion for Summary Decision was delayed by its own action; namely, the filing of the Motion for Leave.

7. This Motion for a seven (7) day extension is not for purposes of delaying the Presiding Judge's ruling on the Bureau's pending Motion for Summary Decision. Kay has not previously requested an extension of time to file the Proposed Response<sup>1</sup> or any other pleading in the matter.

8. Pursuant to Section 1.46(c) of the Commission's Rules, counsel for Kay has advised the Bureau of Kay's intention to seek a seven (7) day extension of time.

9. 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 Proposed Opposition is filed and the Presiding Judge has an opportunity to consider the same.

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<sup>1</sup> In the Motion dated February 27, 1996, Kay merely requested that the Presiding Judge establish a date by which his response would be due since "[t]he Commission's Rules do not clearly specify a deadline for filing oppositions to motions of this type." See Motion, page 1.



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Extension of Time to File Response was hand-delivered on this 5th day of March, 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 5th day of March, 1996 to:

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

  
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Scott A. Fenske