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

FCC 96M-54
61023

In re Applications of)	GC Docket No. 95-172
)	
RAINBOW BROADCASTING COMPANY)	File No. BMPCT-910625KP
)	File No. BMPCT-910125KE
)	File No. BTCCT-911129KT
)	
For an Extension of Time to Construct)	
)	
and)	
)	
For an Assignment of its Construction)	
Permit for Station WRBW(TV),)	
Orlando, Florida)	

ORDER
Issued: March 25, 1996 Released: March 28, 1996

On March 21, 1996, Press Broadcasting Company, Inc. (Press) served a set of written interrogatories on William E. Kennard and Douglas A. Sandifer. In accordance with the Presiding Judge's authority set forth in Section 1.313 of the Rules, such interrogatories shall not be answered for the following reasons. First, the Commission's Rules provide that interrogatories shall be served on the appropriate Bureau Chief, not individual Commission personnel. See Sections 1.311(b)(2) and 1.21(b) of the Rules. In this regard, the appropriate Bureau Chief is the separate trial staff designated to represent the Commission in light of the Mass Media Bureau's recusal from this proceeding. See Hearing Designation Order, FCC 95-468, paragraph 11.

Second, in the case of Kennard, the Presiding Judge has already ruled that Kennard's deposition shall not be taken. See FCC 96M-47, issued March 19, 1996. ¹ That ruling also bars the questioning of Kennard by interrogatories. See Section 1.311(b) and (b)(4) of the Rules. With respect to Sandifer, the material submitted by Press in support of its Notice to depose Sandifer ² and other Commission personnel includes a letter dated October 8, 1991 signed by Sandifer for the Managing Director and addressed to George G. Daniels, referencing File No. BMPCT-910125KE. The letter appears to be relevant to the ex parte issue designated against Rainbow Broadcasting Company (Rainbow). Therefore, the Presiding Judge will permit properly served interrogatories limited to communications (oral or written) between Sandifer and Rainbow's principals and/or agents and Sandifer's knowledge of any other FCC personnel who communicated with Rainbow's principals and/or agents concerning the instant letter.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION

Joseph Chachkin
Administrative Law Judge

¹ On March 21, 1996, Press sought to withdraw the notice of deposition addressed to Kennard. Press' pleading comes too late since the Presiding Judge has already ruled on Press' notice.

² On March 21, 1996, Press withdrew its request to depose Sandifer.