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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of	)	WT Docket No. 96-41	
Liberty Cable Co., Inc.)		
)		
For Private Operational Fixed	)	File Nos.:	
Microwave Service Authorization and	)	708777	WNTT370
Modifications	)	708778, 713296	WNTM210
	)	708779	WNTM385
New York, New York	)	708780	WNTT555
	)	708781, 709426, 711937	WNTM212
	)	709332	(NEW)
)	712203	WNTW782
)	712218	WNTY584
)	712219	WNTY605
)	713295	WNTX889
)	713300	(NEW)
)	717325	(NEW)
)		

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To: The Honorable Richard L. Sippel
Administrative Law Judge

**WIRELESS TELECOMMUNICATIONS BUREAU'S REPORT ON
STATUS OF SECTION 308(b) INQUIRY**

On July 11, 1996, the presiding administrative law judge in the captioned proceeding ruled that the Wireless Telecommunications Bureau (Bureau) may commence an inquiry pursuant to Section 308(b) of the Communications Act of 1936, as amended, into issues concerning whether Liberty Cable Co., Inc. (Liberty) had illegally transferred control of its facilities. *See Order*, FCC 96M-173 (released July 11, 1996). That *Order* further required that the Bureau submit a report on the status of the inquiry. The Bureau hereby tenders the following report.¹

¹ The *Order* requiring a submission of a status report specified that the Bureau's status report be filed by September 6, 1996. As the report details, however, the Bureau was waiting for a report from the Commission's Compliance and Information Bureau (CIB). The CIB report

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1. On July 26, 1996, the Bureau submitted upon Liberty and Freedom New York, L.L.C. (Freedom) a letter written pursuant to Section 308(b) of the Act requesting answers and supporting documents into areas regarding the control of the operational fixed microwave service (OFS) facilities licensed to Liberty. The 308(b) letter required a response from the parties by August 26, 1996. By agreement, the Bureau consented to a two-day extension, allowing the responses to be filed instead on August 28, 1996.

2. At the same time the Bureau was waiting for a response from Liberty and Freedom to the 308(b) letter, the Bureau was consulting with the Commission's Compliance and Information Bureau (CIB) to send investigators from the Commission's New York City office to Liberty's facilities for an unannounced inspection. It was decided that the inspection should take place after the submission of responses from Liberty and Freedom. CIB conducted its investigation on September 6, 1996.

3. As a part of its investigation, CIB sent investigators to Liberty's headend at 215 95th Street (Normandie Court Building) in New York, one of Liberty's transmitter locations at 20 West 64th Street (One Lincoln Plaza) in New York, and Liberty's corporate offices and one of its transmitter locations at 575 Madison Avenue in New York.

4. Additionally, the Bureau has planned to have counsel go to New York September 17-20 to conduct informal interviews of Liberty and Freedom personnel.

5. The Bureau's 308(b) letter also required Liberty and Freedom to submit copies of their responses to Time Warner Cable of New York City and Paragon Cable Manhattan (Time Warner)

was submitted to the Bureau late in the afternoon on September 6, 1996. The Bureau wanted to review that report before filing this one. According, this report is being filed the first business day after submission of the CIB report.

and Cablevision of New York City - Phase I (Cablevision). Time Warner and Cablevision were initially given 15 days to respond to Liberty's and Freedom's answers to the 308(b) letter. However, the Bureau consented to allowing the responses to be filed after the informal interviews.²

6. Because the Bureau has not yet completed its investigation, it is premature to express an opinion as to the facts. After the Bureau completes its interviews and reviews any responses Time Warner and Cablevision may submit, it will make a determination of whether or not Liberty has made any unauthorized transfer of control of its facilities to Freedom.

The foregoing summarizes the progress the Bureau has made in investigating whether Liberty has maintained control over its licensed facilities or whether it has abdicated control to Freedom.

Respectfully submitted,

Michele C. Farquhar
Chief, Wireless Telecommunications Bureau

September 9, 1996

By: 

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Trial Attorneys

Wireless Telecommunications Bureau

² The Bureau will allow Time Warner and Cablevision to be present during the interviews and to consult with Bureau counsel. However, because this is a Bureau investigation, the Bureau does not believe it is appropriate for Time Warner and Cablevision to actively participate in the interviews of Liberty and Freedom personnel.

CERTIFICATE OF SERVICE

I, Mark L. Keam, in the Enforcement Division, Wireless Telecommunications Bureau, certify that I have, on this 9th day of September, 1996, caused to be transmitted by facsimile and sent by regular First Class United States mail, copies of the foregoing "Wireless Telecommunications Bureau's Report on Status of Section 308(b) Inquiry," to:

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September 9, 1996



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