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

FCC MAIL SECTION
FCC 96M-272
70393
Dec 18 8 20 AM '96

In re Applications of	)	WT DOCKET NO. 96-41	
)		
LIBERTY CABLE CO., INC.	)		DISPATCHED BY
)		
For Private Operational Fixed	)	File Nos:	
Microwave Service Authorization	)	708777	WNIT370
and Modifications	)	708778, 713296	WNIM210
	)	708779	WNIM385
New York, New York	)	708780	WNIT555
	)	708781, 709426, 711937	WNIM212
	)	709332	(NEW)
	)	712203	WNTW782
	)	712218	WNTY584
	)	712219	WNTY605
	)	713295	WNTX889
	)	713300	(NEW)
	)	717325	(NEW)

ORDER

Issued: December 12, 1996 ; Released: December 17, 1996

The following dates were established at the Prehearing Conference that was held on December 12, 1996:

- December 20, 1996 - Exchange of witness list¹ and list of exhibits.²
The hearing is public and it is expected that all exhibits used at the hearing will be placed on the public hearing record.
- January 6, 1997 - Exchange Exhibits that are premarked.³

¹ Only Liberty/Bureau have witnesses to be identified. Those four witnesses have been preliminarily identified in their Joint Prehearing Memorandum. Liberty/Bureau will list the order in which the witnesses are to be called to testify. There would only be consideration given to scheduling live testimony sponsored by Time Warner/Cablevision on motion seeking rebuttal or to reopen the record for newly discovered evidence that was not earlier available.

² Exhibits identified in the list (or lists) are to be specified, where applicable, as subject to a claim of confidentiality or privilege. That will indicate that the document requires a ruling before its receipt into evidence.

³ Since practically all of the documents will be taken from the universe of documents that were submitted in support of or in opposition to the Motion For Summary Decision, the documents and depositions to be used at the hearing are to be marked (or remarked) as hearing exhibits (e.g. Liberty/Bureau Hrg. Exh. - or Time Warner/Cablevision Hrg. Exh. -). The parties may chose other identifiers at their discretion. But it must be clear that the document or deposition transcript is intended to be used as a hearing exhibit.

- January 9, 1997 - Submit Bench Memorandums on anticipated objections to those portions of Mr. Lehmkuhl's deposition testimony where he was not permitted to testify on grounds of privilege. Both parties will submit simultaneous Memorandums on points of privilege. The Memorandums will be exchanged and submitted to the Presiding Judge by 12 noon. If any party anticipates any other objections (eg. work product) they should be raised in the Memorandum. There should be at least one Commission or federal or District of Columbia precedent cited by each side for each assertion of a privilege and for each objection to the assertion of a privilege. Argument and analysis should be complete but brief.
- January 10, 1997 - Admissions session to commence at 10:00 a.m. in a Commission courtroom in Washington, D.C.
- January 13, 1997 - Testimonial hearing to commence at 10:00 a.m. in a Commission courtroom in Washington, D.C. Direct testimony will be addressed live by counsel for the witness to be followed by cross-examination. Witnesses will be sequestered until after their testimony is completed.

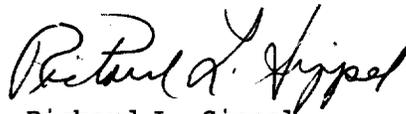
Proposed corrections of the transcript (preferably joint) shall be submitted on the 7th day following the receipt of the last hearing transcript.

Proposed Findings of Fact and Conclusions of Law on credibility/candor relating to the testimony (and as such testimony relates to Liberty's representations to the Commission on premature microwave activations) shall be filed and submitted on the 14th day following the receipt of the last hearing transcript.

Reply Proposed Findings of Fact and Conclusions of Law shall be filed and submitted on the 21st day following the receipt of the last hearing transcript.⁴

SO ORDERED.⁵

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel
Administrative Law Judge

⁴ If the 7th, 14th, or 21st day following receipt of transcript falls on a weekend or holiday, the filing shall be made on the next business day.

⁵ Copies of this Order were faxed/e-mailed to counsel on the date of issuance.