

BEFORE THE

**Federal Communications Commission**

WASHINGTON, DC 20554

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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 Authorizations and )
- Modifications ) 708777 (WNTT370)
- New York, New York ) 708778, 713296 (WNTM210)
- ) 708779 (WNTM385)
- ) 708780 (WNTT555)
- ) 708781, 709426, 711937 (WNTM212)
- ) 709332 (NEW)
- ) 712203 (WNTW782)
- ) 712218 (WNTY584)
- ) 712219 (WNTY605)
- ) 713295 (WNTX889)
- ) 713300 (NEW)
- ) 717325 (NEW)

**TIME WARNER CABLE OF NEW YORK CITY, PARAGON CABLE MANHATTAN AND CABLEVISION OF NEW YORK CITY'S FIRST AMENDED EXHIBIT LIST FOR HEARING COMMENCING JANUARY 13, 1997**

Time Warner Cable of New York City, Paragon Cable Manhattan, and Cablevision of New York City ("TWCNYC") hereby submit their first amended exhibit list to Liberty Cable Co., Inc. ("Liberty") and the Wireless Telecommunications Bureau ("the Bureau").

TWCNYC has amended the exhibit list to include one additional document, which was produced to TWCNYC by Liberty after four o'clock p.m. on January 6, 1997. The document bears production numbers FCC/CP 017078 through 017082.

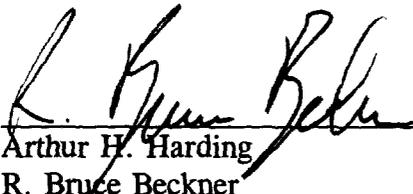
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List ABCDE

TWCNYC lists the following deposition transcripts and documents as exhibits:

<b><u>Exhibit Number</u></b>	<b><u>Document</u></b>
1	Michael Lehmkuhl Deposition Transcripts, May 22, 1996 and August 7, 1996
2	Howard Milstein Deposition Transcript, May 30, 1996
3	Behrooz Nourain Deposition Transcripts, May 29, 1996 and August 1, 1996
4	Anthony Ontiveros Deposition Transcript, May 21, 1996
5	Peter Price Deposition Transcripts, May 28, 1996, May 31, 1996, August 1, 1996 and August 2, 1996
6	Memorandum to B. McKinnon from P. Price re FCC Licenses and Procedures, February 26, 1992
7	Memorandum to B. Nourain from J. Stern re Information Transfer Meeting April 28, April 29, 1992
8	Memorandum to B. McKinnon from J. Richter re Inventory of 18 GHz Licenses Issued to Liberty Cable Co., Inc., April 6, 1993
9	Memorandum to P. Price from J. Richter re Inventory of 18 GHz Licenses Issued to Liberty Cable Co., Inc., December 1, 1993
10	Memorandum to B. Ceccarelli from B. Nourain re I Block Buildings 211 East 51st Street and 220 East 52nd Street, January 5, 1994
11	Memorandum to P. Price from J. Richter re Inventory of 18 GHz Licenses Issued to Liberty Cable Co., Inc., January 6, 1994
12	Memorandum to E. Milstein from B. Nourain re I Block Buildings 211 East 51st Street and 220 East 52nd Street, January 13, 1994
13	Memorandum to P. Price from B. Nourain re Rivertower Equipment Removal and Relocation, April 20, 1994
14	Memoranda to B. Nourain from B. Ceccarelli re 114 East 72nd Street, May 17, 1994
15	Memoranda between H. and E. Milstein and B. Ceccarelli re 114 East 72nd Street, June 3, 1994 and July 15, 1994
16	Technical Operations Report and various Installation Progress Reports, 1994-1996

- 17 Memorandum to E. Milstein from B. Ceccarelli re The Brittany, January 30, 1995
- 18 Affidavit of B. Nourain, submitted in Liberty Cable Co. v. City of New York, 94 Civ. 8886 (LAP) (S.D.N.Y.), February 21, 1995
- 19 Installation Progress Report, February 23, 1995
- 20 Memorandum to P. Price from M. Lehmkuhl re Inventory of 18 GHz Licenses Issued to Liberty Cable Co., Inc., February 24, 1995
- 21 Technical Operations Report and Installation Progress Report, March 2, 1995
- 22 Memorandum to H. Barr from M. Lehmkuhl re Liberty Paths; Inconsistencies with Steve Coran's Inventory, April 5, 1995
- 23 Requests for Special Temporary Authority, May 4, 1995
- 24 Surreply, including Declarations of B. Nourain and P. Price, May 17, 1995
- 25 Reply to Opposition to Requests for Special Temporary Authority, May 26, 1995
- 26 First section 308(b) request to M. Barr from M. Hayden re Liberty Cable Co. Requests for Special Temporary Authority, June 9, 1995
- 27a Declaration of B. Nourain, June 12, 1995
- 27b First section 308(b) response to M. Hayden from H. Barr, and attached exhibits, June 16, 1995
- 27c Letter to M. Hayden from P. Price re pending STA requests, June 16, 1995
- 28 Letter to D. Duong from B. Nourain re 10 day prior coordination path, June 30, 1995
- 29 Memorandum to J. Tenety from P. Price re FCC compliance, July 13, 1995
- 30 Tables re activated and non-activated buildings, July 1995
- 31 Liberty's license applications filed July 17, 1995
- 32 Memorandum re correspondence received on July 19, 1995
- 33 Requests for Special Temporary Authority, July 24, 1995

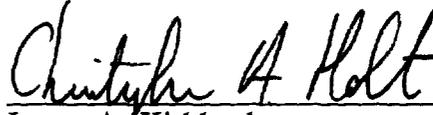
- 34 Second section 308(b) request to H. Barr from H. Davenport re Liberty Cable Co. Pending Requests for Special Temporary Authority, August 4, 1995
- 35 Affidavit of Lloyd Constantine, September 20, 1995
- 36 Appendices A and B of the Hearing Designation Order, March 5, 1996
- 37 Declaration of P. Price, July 18, 1996
- 38 Declaration of B. Nourain, July 22, 1996
- 39 Second section 308(b) response to R. Keeney from H. Rivera re Request for Confidentiality, August 14, 1995
- 40 Memorandum to B. Nourain from M. Lehmkuhl re Status of New and Pending Applications, April 28, 1995



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Dated: January 7, 1997

**CERTIFICATE OF SERVICE**

I, Debra A. McGuire, hereby certify that a copy of the foregoing "Time Warner Cable of New York City, Paragon Cable Manhattan and Cablevision of New York City's First Amended Exhibit List for Hearing Commencing January 13, 1997" was served this 7th day of January, 1997, via facsimile, upon the following:

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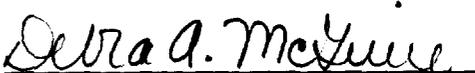
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The Honorable Richard L. Sippel\*\*  
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\*\* Served via hand delivery and facsimile

  
Debra A. McGuire

1808

**FILE COPY**

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**MEMORANDUM**

**TO:** BEHROOZ NOURAIN  
**CC:** PETER O. PRICE, ESQ.  
**FROM:** Michael J. Lehmkuhl, Esq. *MJL*  
**RE:** Status of New and Pending Applications  
**DATE:** April 28, 1995

You have asked me to prepare a summary of the status of Liberty's pending 18 GHz applications. Attached is a list of all Liberty Cable Co., Inc. ("Liberty") applications that are pending or that are subject to Time Warner's Petition to Deny. Time Warner has petitioned against all applications that have appeared on public notice as of January 9, 1995 except for those most recently filed on March 23, 1995.

All of the applications except those that have been conditionally granted or were filed after March must again appear on public notice because of the emission designator problem originated by Comsearch. On March 21, 1995, I amended all the applications that had the incorrect emission designator. Although Comsearch, in their accompanying letter, claimed that this was a minor amendment to the applications, Ted Ryder, Assistant Chief of the Microwave Branch, informed me that all the applications that were amended on March 21, 1995 must again appear on public notice. To date, only the following file numbers have again appeared on public notice: 712203, 712218, and 712219.

Howard Barr and I have inquired about the possibility of getting Special Temporary Authority ("STA") for all pending applications that have been filed more than two months ago. The Commission staff has indicated, however, that because these applications are the subject of a petition to deny, they would not be inclined to grant an STA request. Nevertheless, we feel that such a request should be made owing to the seriousness of the situation.

You have also asked me to set forth a processing time-table for future applications. An application, barring petitions to deny or other processing problems,

takes approximately 90 - 120 days to license. Comsearch takes approximately 45 days to complete its frequency coordination, which includes the 30 day coordination notice period. The Commission's current speed of processing for the applications is approximately 60 days, including the 30 day public notice period.

The Commission has indicated that it will not routinely grant requests for STA, in cases where an application has already been filed, except in the following circumstances: 1) where the application has appeared on public notice and has been pending for more than sixty days since; or 2) notwithstanding the public notice period, in emergency situations or where a delay would seriously prejudice the public interest. With regard to the latter, the Commission has indicated that more than mere economic loss is required.

In the past, I have filed applications as amendments where there was already a pending application. In light of the Time Warner petitions and because the processing of these applications has been slowed, I am not filing any applications as amendments. Time Warner has, however, indicated an intention to petition all Liberty applications, which will slow processing, at least until the first petition is resolved. Since the allegations are repetitive, resolution of that petition should be dispositive of the remainder.

If you have any further questions in this regard, please call me.

**Liberty Cable Co., Inc.  
Pending Application Status**

<u>File No.</u>	<u>Transmit Site</u>	<u>Date Filed</u>	<u>PN Accept</u>	<u>Path Name</u>	<u>Type</u>	<u>Status</u>	<u>PD Date</u>
708777	River Tower	11-7-94	12-9-94	220 East 52nd Street	M	P	1-9-95
708778	One Lincoln Plaza	11-7-94	12-9-94	55 Central Park West, NYC	M	P	1-9-95
708778	One Lincoln Plaza	11-7-94	12-9-94	170 West End Avenue, NYC	M	P	1-9-95
708778	One Lincoln Plaza	12-22-94		639 West End Avenue, NYC	A	P	1-9-95
708778	One Lincoln Plaza	12-22-94		35 West End Avenue, NYC	A	P	1-9-95
708779	Normandie Court	11-7-94	12-9-95	44 West 96th Street	M	P	1-9-95
708779	Normandie Court	11-7-94	12-9-94	120 East End, NYC	M	P	1-9-95
708779	Normandie Court	11-7-94	12-9-94	525 East 86th Street	M	P	1-9-95
708779	Normandie Court	11-7-94	12-9-94	567 Fifth Avenue	M	P	1-9-95
708779	Normandie Court	2-21-95		441 East 92nd Street	A	P	1-9-95
708780	Windsor Court	11-7-94	12-9-94	Resident Hall, NYU Campus	M	P	1-9-95
708780	Windsor Court	11-7-94	12-9-94	Greenburg Hall, NYU Campu	M	P	1-9-95
708780	Windsor Court	3-23-95		200 East 32nd Street	A	P	1-9-95
708781	Bristol Plaza	11-7-94	12-9-94	239 East 79th Street	M	P	1-9-95
708781	Bristol Plaza	11-7-94	12-9-94	524 East 72nd Street	M	P	1-9-95
708781	Bristol Plaza	11-7-94	12-9-94	425 East 58th Street	M	P	1-9-95
708781	Bristol Plaza	11-7-94	12-9-94	60 Sutton NYC	M	P	1-9-95
709332	767 Fifth Avenue	11-23-94	12-30-94	25 West 54th Street	N	P	1-9-95
709332	767 Fifth Avenue	2-21-95		335 Madison Avenue	A	P	1-9-95
709332	767 Fifth Avenue	3-23-95		1025 Fifth Avenue	A	P	1-9-95
709426	Bristol Plaza	11-23-94	12-30-94	114 East 72nd Street	M	P	1-9-95
711937	Bristol Plaza	1-31-95	3-17-95	433 East 56th Street	M	G	4-17-95
711937	Bristol Plaza	2-21-95	3-17-95	30 Waterside	M	G	4-17-95

**Liberty Cable Co., Inc.  
Pending Application Status**

<u>o.</u>	<u>Transmit Site</u>	<u>Date Filed</u>	<u>PN Accept</u>	<u>Path Name</u>	<u>Type</u>	<u>Status</u>	<u>PD Date</u>
13	99 Battery	2-21-95	3-31-95	61 Broadway	M	G	4-17-95
18	30 Waterside (from Bristol)	2-21-95	3-31-95	16 West 16th Street	N	G	4-10-95
19	335 Madison Avenue (from 767 5th Ave.)	2-21-95	3-31-95	6 East 44th Street	N	G	4-10-95
195	Century	3-24-95	4-14-95	2727 Palisades	M	P	
196	One Lincoln Plaza	3-24-95	4-14-95	11 Riverside, NY	M	P	
297	Milford Plaza	3-24-95	4-14-95	1585 Broadway	M	P	
300	Stonehenge	3-24-95	4-14-95	Riviera	N	P	

TRANSMIT CONFIRMATION REPORT

NO. : 013  
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DATE : APR 28 '95 17:32  
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PAGES : 05  
RESULT : OK