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FCC MAIL SECTION

Federal Communications Commission

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Before the
Federal Communications Commission
Washington, D.C. 20554

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FCC 97M-65

In the Matter of	)	WT Docket No. 97-56
	)	
MARC SOBEL	)	
	)	
Applicant for Certain Part 90 Authorizations in the Los Angeles Area and Requestor Of Certain Finder's Preferences	)	
	)	
MARC SOBEL and MARC SOBEL d/b/a AIR WAVE COMMUNICATIONS	)	
	)	
Licensees of Certain Part 90 Stations in the Los Angeles Area	)	
	)	

ORDER

Issued: April 18, 1997 ; Released: April 22, 1997

Under consideration are:

First Set of Written Interrogatories to the Bureau, filed March 13, 1997, by Marc D. Sobel d/b/a Air Wave Communications ("Sobel");

Response to Sobel's First Set of Interrogatories, filed April 3, 1997, by the Wireless Telecommunications Bureau's ("Bureau"); and

Motion to Compel Answers to Sobel's First Set of Written Interrogatories to the Bureau, filed April 15, 1997, by Sobel.

Sobel seeks to have the Bureau compelled to answer its Interrogatories numbered 1-17, 14 and 15.

Interrogatory No. 1 seeks the identification of each and every complaint received by the Commission during the period from January 1, 1991 to present regarding Sobel's land mobile radio operations or activities.

The Bureau objects on the grounds that the interrogatory is overbroad, that the information sought is not confined to the designated issues. The Bureau adds that the request for written complaints is encompassed by Sobel's pending Freedom of Information Act ("FOIA") request.

The Bureau's objection IS SUSTAINED.

Interrogatory No. 2 seeks the identification of each person questioned by the Commission during the period January 1, 1991 to present in connection with any Commission investigation of Sobel and/or Kay's relationship to Sobel.

The Bureau objects on the grounds that the interrogatory is overly broad and vague. The Bureau, however, allows that it has questioned Sobel, Kay and their respective counsel about Kay's relationship to Sobel.

The Bureau's objection IS SUSTAINED.

Interrogatory No. 3 seeks the identification of each person who provided the Commission with information during the period January 1, 1991, to present in connection with any Commission investigation of Sobel and/or Kay's relationship to Sobel.

The Bureau objects on the grounds that the interrogatory is overly broad and vague. The Bureau, however, allows that it has received information in writing about Kay's relationship to Sobel from Kay, Sobel and their respective counsel.

The Bureau's objection IS SUSTAINED.

Interrogatory No. 4 seeks identification of each document prepared by the Commission during the period from January 1, 1991 to present in connection with any Commission investigation of Sobel and/or Kay's relationship to Sobel.

The Bureau objects on the grounds that the interrogatory seeks privileged information amassed by the Bureau during an investigation and that documents prepared by the Commission are not relevant to determining whether Sobel violated Section 3101(d) of the Communications Act of 1934, as amended.

The Bureau's objection IS SUSTAINED.

Interrogatory No. 5 seeks to have identified each document received by or provided to the Commission from an outside source, during the period January 1, 1991 to present, in connection with any Commission investigation of Sobel and/or Kay's relationship to Sobel.

The Bureau objects on the grounds that the interrogatory is overly broad, irrelevant and duplicative of Sobel's pending FOIA request.

The Bureau's objection IS SUSTAINED.

Interrogatories Nos. 6-11 generally seek facts known to the Bureau and their sources that would support a finding that Sobel has misrepresented facts to the Commission regarding Kay's relationship to Sobel; that Sobel has concealed any alleged transfer(s) of control from the Commission; and that Sobel has misrepresented information to or concealed information from the Commission in any other regard.

The Bureau objects to each interrogatory on the grounds of relevancy. It states that there is no candor or misrepresentation issue designated in this proceeding.

The Bureau's objections ARE SUSTAINED.

Interrogatories Nos. 14 and 15 seek facts known to the Bureau that would support a finding, other than an unauthorized transfer of control, that Sobel is not qualified to be and remain a Commission licensee.

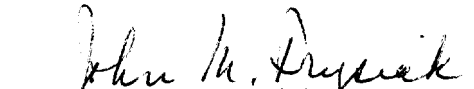
The Bureau states that the request is for information not relevant to the designated issues, to wit, transfer of control.

The Bureau's objections ARE SUSTAINED.

In light of the foregoing rulings, Sobel's Motion to Compel IS DENIED.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION



John M. Frysiak
Administrative Law Judge