

REC'D - ELEC/REGISTRATION

FCC MAIL SECTION
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 97M-74
71177

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|---------------------------------|---|------------------------|---------|
| In re Applications of |) | WT DOCKET NO. 96-41 | |
| |) | | |
| LIBERTY CABLE CO., INC. |) | | |
| |) | | |
| For Private Operational Fixed |) | File Nos: | |
| Microwave Service Authorization |) | 708777 | WNTT370 |
| and 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) |

O R D E R

Issued: April 29, 1997 ; Released: May 1, 1997

On April 25, 1997, Time Warner Cable of New York City and Paragon Cable Manhattan ("TWCNYC") filed Additional Request For Production Of Documents. The Request was argued and discussed in a telephone conference that was conducted on April 28, 1997.

Liberty agreed to furnish the documents in Requests Nos. 1 through 5 which relate to the Richter Letter and Pepper & Corazzini billing records during the period July 1, 1992 - July 1, 1993.

Liberty objected to Requests Nos. 6, 7, and 8 on grounds of relevancy. The Bureau joined in Liberty's objections. The documents relate to microwave activations other than those cited in the designation order. Documents also were sought that should definitively establish activation dates. The Presiding Judge sustained Liberty's objections on grounds of relevance, burdensomeness and the substantial similar proof which was previously provided to TWCNYC.

The Presiding Judge will rule by telephone on privilege claims as needed.

Counsel advised the Presiding Judge of the following agreed dates for the production of the documents, depositions and for reopening the hearing:¹

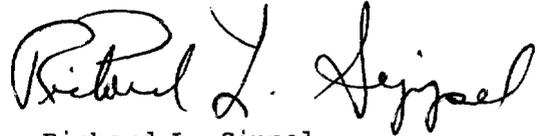
- May 9, 1997 - Copies of all documents responsive to the Request and an index of documents withheld under claims of privilege to be delivered in Washington, D.C. to the offices of counsel for TWCNYC and Bureau counsel.

¹ On April 29, 1997, an agreed schedule reflecting these dates was filed and submitted to the Presiding Judge.

- May 12, 1997 - Depositions to commence.²
- May 28, 1997 - Hearing on new matter in Commission courtroom at 9:30 a.m.³
- June 11, 1997 - Supplemental proposed findings of fact and conclusions of law.
- June 18, 1997 - Replies to supplemental proposed findings of fact and conclusions of law.

SO ORDERED.⁴

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel
Administrative Law Judge

² The depositions should conclude by May 21, 1997. The Presiding Judge will be available to rule on objections by telephone if needed.

³ The hearing date previously set for May 13, 1997 (FCC 97M-63) IS CANCELLED.

⁴ Copies of this Order were faxed or e-mailed to counsel on the date of issuance solely as a courtesy to counsel and the parties. An Order of the Presiding Judge can only be officially released when a copy is made available to the public. See 47 C.F.R. §1.4(b)(2).