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

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)

ORDER

Issued: June 17, 1997 ; Released: June 18, 1997

The United States Court of Appeals for the District of Columbia Circuit has denied the appeal of Bartholdi Cable Company, Inc. (formerly Liberty Cable Co., Inc. and referred to as "Liberty") from a final Order of the Commission which determined that confidential protection would not be granted to an internal audit report which Liberty had submitted to the Bureau (the "audit report"). The Court of Appeals affirmed that Liberty had failed to demonstrate that the audit report was entitled to confidential treatment. Bartholdi Cable Co., Inc. v. F.C.C., Slip Op. No. 96 - 1030 (D.C. Cir. June 3, 1997). See also Memorandum Opinion And Order, FCC 96-19, released January 26, 1996, 11 F.C.C. Rcd 2475 (1996).

In seeking to have the audit report available for consideration before an Initial Decision is issued in this case, Time Warner Cable of New York City and Paragon Communications ("Time Warner") filed with the Court of Appeals on June 9, 1997, a Motion To Expedite Filing Of Petition For Rehearing. It would assist in the adjudication of this case to consider the clearly relevant audit report if it becomes available before issuance of the Initial Decision. Therefore, after submission of Reply Proposed Findings of Facts and Conclusions of Law on June 18, 1997, the hearing record SHALL BE HELD OPEN for consideration of the audit report and an appropriate motion to receive it in evidence.

Liberty will be permitted to file a reply to such a motion within four business days. The Wireless Telecommunications Bureau also may file a Comment within four business days.¹

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION²



Richard L. Sippel
Administrative Law Judge

¹ There will be no delay of an Initial Decision. Should Liberty's appeal to the Court of Appeals become final after issuance of an Initial Decision, the Commission may decide to consider the audit report on its own motion and/or order a remand. 47 C.F.R. §1.276(b)(c).

² Copies of this Order were faxed or e-mailed to counsel on the date of issuance.