

Federal Communications Commission

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

FCC 97M-131
71583

In the Matter of)
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)

WT Docket No. 97-56

DISPATCHED

JUL 29 8 25 AM '97

FCC MAIL SECTION

ORDER

Issued: July 24, 1997 ; Released: July 25, 1997

Under consideration is an Opposition to Wireless Telecommunications Bureau's ("Bureau") Motion to Compel Testimony of James A. Kay, Jr. ("Kay"), filed July 23, 1997, by Kay.

As the opposition notes, expedited action was taken on the Bureau's motion prior to the receipt of Kay's opposition to it. Because of this circumstance, Kay requests reconsideration or in the alternative that the opposition be deemed a Request for Permission to File Appeal under Section 1.301(b) of the Commission's Rules.

Both requests must be denied. Kay had requested and was granted party status in this proceeding. Kay did not need to have had party status accorded to him had he merely wanted to assist the Bureau in the resolution of the issues in this proceeding. Kay chose to be a party and a party he remains. His testimony is deemed necessary to the resolution of the issues designated in this proceeding. Any resulting inconvenience due to his appearance is regrettable, but does not alter the need for his oral testimony.

IT IS SO ORDERED.¹

FEDERAL COMMUNICATIONS COMMISSION

John M. Frysiak
John M. Frysiak
Administrative Law Judge

¹ Counsel in this proceeding have been telephonically advised of the contents of this Order.