

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

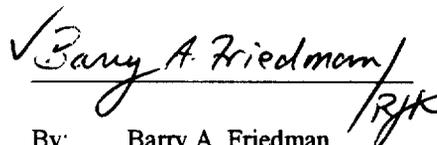
JOINT MOTION TO STRIKE

Marc D. Sobel d/b/a AirWave Communications ("Sobel") and James A. Kay, Jr. ("Kay"), by their respective attorneys, hereby move to strike as untimely the *Wireless Telecommunications Bureau's Reply Brief*. Both Sobel and James A. Kay, Jr., an intervenor, filed their exceptions in this matter on January 12, 1998, a date established by order of the Commission. Section 1.276(c) of the Commission's Rules and Regulations requires that reply briefs be filed "[w]ithin 10 days ... after the time for filing exceptions has expired." 47 C.F.R. § 1.276(c). Accordingly, reply briefs in this proceeding were due no later than Thursday, January 22, 1998. Nonetheless, without prior consultation with or consent from Sobel, without leave of the Commission, and without any showing whatsoever of good cause, the Bureau submitted its reply brief out of time on January 23, 1998. Moreover, although John J. Schauble, as counsel for the Bureau, executed a Certificate of Service averring that copies of the pleading had been served by mail on January 23, 1998, service was in fact not accomplished until January 26, 1998—three days later. A copy of the envelope showing the postmark is attached hereto. The Bureau's untimely pleading should be stricken.

Respectfully submitted this 29th day of January, 1998,

MARC D. SOBEL d/b/a
AIR WAVE COMMUNICATIONS

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CERTIFICATE OF SERVICE

I, Robert J. Keller, counsel for Marc D. Sobel d/b/a Air Wave Communications, hereby certify that on this 29th day of January, 1998, I caused copies of the foregoing *JOINT MOTION TO STRIKE* to be sent by first class United States mail, postage prepaid, except as otherwise indicated below, to the presiding officer and the parties in WT Docket No. 97-56, as follows:

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