

FCC MAIL SECTION

JUN 18 10 09 AM '98

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C 20554

FCC 98M-79
81022

In re Applications of)	WT Docket No. 97-199
)	
WESTEL SAMOA, INC.)	File No. 00560-CW-L-96
)	
For Broadband Block C Personal)	
Communications Systems Facilities)	
)	
and)	
)	
WESTEL, L.P.)	File Nos. 00129-CW-L-97
)	00862-CW-L-97
For Broadband Block F Personal)	00863-CW-L-97
Communications Systems Facilities)	00864-CW-L-97
)	00865-CW-L-97
)	00866-CW-L-97

MEMORANDUM OPINION AND ORDER

Issued: June 16, 1998 ; Released: June 18, 1998

1. Under consideration are ClearComm's Motion, Based on Post-Hearing Events, for Expedited Reconsideration of Discovery Ruling Rendered in the Pezzaglia Deposition, filed on June 8, 1998, by ClearComm, L.P. ("ClearComm"); and an Opposition to Motion for Expedited Reconsideration, filed on June 11, 1998, by Anthony T. Easton ("Easton").

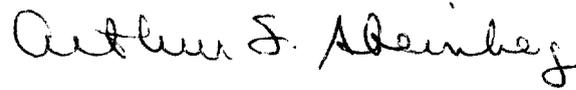
2. On June 4, 1998, during the course of the deposition of William Pezzaglia, the Presiding Judge sustained an objection made by Easton to a question asked of the witness "as to whether he had knowledge of cases other than the present one in which [Easton] was similarly *accused of wrongdoing or misrepresentation*, as well as the more specific follow-up questions that remained unasked . . ." Motion at 2 (*italics added*). ClearComm seeks reconsideration of that ruling. Easton opposes ClearComm's request.

3. ClearComm's Motion will be denied. It is well established that, with one exception not applicable here, "[p]etitions for reconsideration of . . . interlocutory actions will not be entertained." Section 1.106(a)(1) of the Commission's Rules.¹

¹ It is noted, however, that in *Memorandum Opinion and Order*, FCC 98M-74, released June 10, 1998, at para. 16, the ruling in question was modified to permit discovery into certain aspects of Easton's background as well as his reputation for truthfulness.

Accordingly, IT IS ORDERED that ClearComm's Motion, Based on Post-Hearing Events, for Expedited Reconsideration of Discovery Ruling Rendered in the Pezzaglia Deposition, filed on June 8, 1998, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script that reads "Arthur I. Steinberg".

Arthur I. Steinberg
Administrative Law Judge