

FCC MAIL SECTION

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

FCC 98M-104

DISPATCHED BY

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In Matter of)	WT DOCKET NO. 94-147
)	
JAMES A. KAY, JR.)	
)	
Licensee of one hundred fifty two)	
Part 90 licenses in the)	
Los Angeles, California area.)	

ORDER

Issued: August 7, 1998

Released: August 10, 1998

On July 28, 1998, a Supplement To Motion To Recuse Presiding Judge was filed by James A. Kay, Jr. ("Kay"). On July 30, 1998, the Wireless Telecommunications Bureau ("Bureau") filed an Opposition To Supplement To Motion To Recuse Presiding Judge. Sufficient time is needed to consider the question raised in the Supplement pleading. However, the Presiding Judge has already ruled on the Motion To Recuse and that ruling will not be revisited. See Memorandum Opinion and Order, FCC 98M-101, issued July 28, 1998.¹

There was a scheduled Admissions Session that commenced at 9:06 a.m. on August 4, 1998. Minutes before the session opened, counsel for Kay served Bureau Counsel and the Presiding Judge with copies of an Appeal that he had filed with the Commission Secretary. In view of the pending Supplement To Motion To Recuse Presiding Judge, it was confirmed on the record that the question raised in the Appeal of the first Motion To Recuse would not be certified to the Commission until the Presiding Judge rules on the question raised in the Supplement. (Tr. 435-437.) The intent is to submit to the Commission simultaneously the question certified under Memorandum Opinion And Order, FCC 98M-101, supra and the ruling, soon to be issued on the new matter raised in the Supplement.

It was also announced by the Presiding Judge that if a hearing is held in Los Angeles as presently scheduled, the starting date will be September 14, 1998, and the finishing date will be September 25, 1998, if needed. (Tr. 437.)

¹ A courtesy copy of the ruling (FCC 98M-101) was faxed to Kay's counsel in the early a.m. on July 29, 1998.

Therefore, aside from consideration and ruling on the pending Supplement To Motion To Recuse, the case is suspended and there is now a stand down as to all further procedures in this case until further Order from the Commission. If upon completion of his consideration of the pending Supplement the Presiding Judge should decide that he is qualified to remain in the case, he will certify both rulings to the Commission in accordance with 47 C.F.R. §1.245(b)(4).

SO ORDERED.²

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is written in a cursive, flowing style.

Richard L. Sippel
Administrative Law Judge

² The sole purpose of this Order is to account for the understanding that was reached at the opening of the Admissions Session with respect to the status of the proceeding. See 47 C.F.R. §1.298(b) (rulings made on the record may later be reduced to writing at the discretion of the Presiding Judge). The Transcript of August 4, 1998, will take precedence over this accounting if there is any significant variance noted. A courtesy copy of this Order was faxed and e-mailed to counsel on date of issuance.