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

In the Matter of)
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JAMES A. KAY, JR.)
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Licensee of one hundred fifty two)
Part 90 Licenses in the)
Los Angeles, California area)

WT DOCKET NO. 94-147

ORDER

Adopted: December 16, 1998

Released: December 21, 1998

By the Commission:

1. In this order we dismiss a petition by James A. Kay, Jr. (Kay) seeking reconsideration of a Commission memorandum opinion and order denying his petition for extraordinary relief. James A. Kay, Jr., FCC 98-207 (Aug. 24, 1998). In his earlier petition, Kay challenged the validity of the hearing designation order in this proceeding and accused the Wireless Telecommunications Bureau (Bureau) of misconduct in the prosecution of this proceeding. The Commission found that Kay had not made the stringent showing necessary to justify interlocutory relief. Specifically, the Commission found that Kay had not clearly demonstrated that he lacked notice of the issues in this proceeding or that this proceeding was improperly designated for hearing. Moreover, the Commission found that Kay had not clearly demonstrated that he has been prejudiced by any alleged bias on the part of the Bureau. In his petition for reconsideration, Kay takes issue with the Commission's rejection of the contentions made in his earlier petition.

2. Kay's petition for reconsideration is not authorized by the Commission's rules. The rules provide that, while the Commission will consider certain petitions for reconsideration of hearing designation orders, "Petitions for reconsideration of other interlocutory actions will not be entertained." 47 C.F.R. § 1.106(a)(1). Kay's petition is therefore dismissed. If Kay continues to believe that he is aggrieved based on the allegations that he presented to the Commission on an interlocutory basis, he may raise these arguments if and when he files exceptions to an initial decision.

2. ACCORDINGLY, IT IS ORDERED, That the Petition for Reconsideration, filed September 23, 1998, by James A. Kay, Jr. IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION
Magalie Roman Salas
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Secretary