

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

JAN 26 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

WT Docket No. 94-147

To: The Honorable Joseph Chachkin  
Chief Administrative Law Judge

MOTION TO SEAL CERTAIN EXHIBITS

James A. Kay, Jr. ("Kay"), by his attorneys, hereby respectfully requests that the presiding judge issue an order directing that certain exhibits admitted and/or identified during the course of the hearing in the above-captioned matter be sealed and withheld from routine public inspection in order to preserve the confidentiality of the information contained therein.

Specifically, this request is made as to the following exhibits:

- WTB Exhibit No. 19 (admitted)
- WTB Exhibit Nos. 281 through 285 (identified but not admitted)
- WTB Exhibit No. 290 (admitted)
- WTB Exhibit No. 347 (admitted)
- Kay Exhibit No. 10 (admitted)<sup>1</sup>

Each of these documents contains comprehensive information concerning the configuration of Mr. Kay's land mobile systems, his customers, and other confidential material that is sensitive for competitive, security, and other reasons, as testified to by Mr. Kay during the hearing. By this motion Kay respectfully asks that these materials be afforded confidential treatment, that they not be made available for public inspection without Kay being afforded prior

<sup>1</sup> This refers to Kay Exhibit No. 10 as identified and admitted during the hearing (i.e., the diskette identified and admitted during the testimony of Kay's computer expert rebuttal witness), and not to the document initially exchanged with the Bureau on June 29, 1998, as Kay Exhibit No. 10. The document initially exchanged as Kay Exhibit No. 10 was later renumbered and admitted as Kay Exhibit No. 62.

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notice and an opportunity to be heard, and that the court reporter and/or the Secretary of the Commission be directed to take steps necessary to seal these exhibits so that they are not routinely available as part of the public record of this proceeding.

Counsel for Kay has informally discussed this matter with counsel for the Bureau. It is Kay's understanding and expectation that the Bureau will not oppose this request insofar as the above-listed exhibits contain only material that the Bureau previously agreed to hold confidential during the pre-trial phases of this proceeding.

WHEREFORE, it is respectfully requested that the relief requested above be granted.

Respectfully submitted this 26th day of January, 1999

**JAMES A. KAY, JR.**

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**CERTIFICATE OF SERVICE**

I, Robert J. Keller, counsel for James A. Kay, Jr., hereby certify that on this 26<sup>th</sup> day of January, 1999, I caused copies of the foregoing **MOTION TO SEAL CERTAIN EXHIBITS** to served via facsimile with first class mail confirmation on the officials and parties in WT Docket No. 94-147, as follows:

HON JOSEPH CHACHKIN  
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