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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
JAMES A. KAY, JR.) WT DOCKET NO. 94-147
)
)
Licensee of 152 Part 90 Stations in the)
Los Angeles, California Area)

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To: Honorable Joseph Chachkin
Chief Administrative Law Judge

WIRELESS TELECOMMUNICATIONS BUREAU'S
COMMENTS ON MOTION TO SEAL CERTAIN EXHIBITS

1. The Chief, Wireless Telecommunications Bureau, by his attorneys, now comments upon the "Motion to Seal Certain Exhibits" filed by James A. Kay, Jr. (Kay) on January 26, 1999.¹

2. The Bureau supports Kay's request that access to the underlying exhibits be restricted, so long as it is understood the parties have the right to refer to these exhibits in their proposed findings and conclusions, and the Presiding Judge (and the Commission) have the right to cite and refer to the exhibits in their decisions. The Bureau agrees that Kay has a legitimate interest in maintaining the confidentiality of the exhibits he refers to in his motion. The Bureau would note that there are also deposition exhibits and other hearing exhibits

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¹ While the Bureau supports Kay's instant motion, Kay could have filed this motion considerably earlier.

which contain confidential information. For example, one of the exhibits of Marc Sobel's deposition in this proceeding (Marc Sobel Deposition Exhibit 4) is the same as WTB Exhibit 19. The DAD.ZIP file in Kay Exhibit 10 was contained in an exhibit to Vincent Cordaro's deposition. Also, while Kay seeks protection for WTB Exhibit 347, he does not seek protection for Bureau exhibits which are excerpts from WTB Exhibit 347. The Presiding Judge may wish to similarly restrict public access to deposition exhibits or additional hearing exhibits which also contain confidential information.

3. Accordingly, the Bureau supports a grant of Kay's motion.

Respectfully submitted,

Thomas Sugrue
Chief, Wireless Telecommunications Bureau



Gary P. Schonman
Chief, Compliance and Litigation Branch
Enforcement and Consumer Information Division



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February 1, 1999

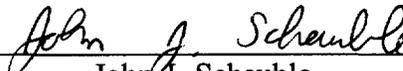
CERTIFICATE OF SERVICE

I, John J. Schauble, an attorney in the Enforcement and Consumer Information Division, Wireless Telecommunications Bureau, certify that I have, on this 1st day of February, 1999, sent by facsimile and first class mail, copies of the foregoing "Wireless Telecommunications Bureau's Comments on Motion to Seal Exhibits" to:

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