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May 25, 1999

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Ms. Magalie Salas
Secretary
Federal Communications Commission
Portals II - 12th Street Lobby
Filing Counter - **TW-A325**
445 - 12th Street, S.W.
Washington, DC 20554

Re: MM Docket No. 97-234
GC Docket No. 92-52
GEN Docket No. 90-264
Motion for Leave to File Reply

Dear Ms. Salas:

Transmitted herewith, on behalf of Orion Communications Limited, is an original and fourteen (14) copies of its Motion for Leave to File Reply in the above-referenced rule making proceeding. Please contact the undersigned in the event the Commission has any questions with respect to this motion.

Sincerely,

Lee J. Peltzman
Counsel for
ORION COMMUNICATIONS LIMITED

Enclosure

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

In the Matter of	)	
	)	
Implementation of Section 309(j) of the Communications Act- Competitive Bidding for Commercial Broadcast Instructional Television Fixed Services	)	MM Docket 97-234
	)	
Reexamination of the Policy Statement on Comparative Broadcast Hearings	)	GC Docket 92-52
	)	
Proposals to Reform the Commission's Comparative Hearing Process to Expedite The Resolution Of Cases	)	GEN Docket 90-264

To: The Commission

MOTION FOR LEAVE TO FILE REPLY

Orion Communications Limited ("Orion"), by counsel, seeks leave to file its Reply to the Opposition to Orion's Motion for Stay *Pendente Lite* filed by Biltmore Forest Broadcasting FM, Inc. ("BFB"). In support of its position, Orion submits the following:

Orion has moved the Commission for a stay of its First Report and Order, released August 13, 1998, 13 FCC Rcd 15920, and its Memorandum Opinion and Order, FCC 99-74,

released April 20, 1999, insofar as they order the commencement of auctions to dispose of the Biltmore Forest frequency (and others similarly situated) pending judicial review by the United States Court of Appeals for the District of Columbia Circuit in Orion Communications, Ltd., et al. v. FCC, No. 98-1424 (D.C. Cir., filed September 15, 1998). Wilsyr has opposed that Motion for Stay. Section 1.45(b) of the Commission's rules states that replies to oppositions to stay requests will not be considered by the Commission. However, there are suitable grounds in this instance for waiving that rule and accepting this Reply.

Here, BFB's analysis of the law misapplies the relevant standards pertinent to stay requests. As such, it is mandatory that Orion be permitted to file a Reply to correct BFB's version of the law. Also, since it is possible that this issue may be heard in Court, it would be helpful to have it fully briefed at this time.

Accordingly, for good cause shown, Orion requests leave to file a Reply to the Opposition to Motion for Stay *Pendente Lite* filed by Biltmore Forest Broadcasting FM, Inc.

Respectfully submitted,
Orion Communications Limited

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May 25, 1999

Certificate of Service

I, Michael S. Goldstein, secretary at the law firm of Shainis & Peltzman, Chartered, do hereby certify that I sent copies of the foregoing this 25th day of May, 1999, via first class U.S. mail, postage prepaid, to the following:

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