

ORIGINAL

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

In re Applications of)	MM Docket No. 99-153
)	
READING BROADCASTING, INC.)	File No. BPCT-940407KF
)	
For Renewal of License of)	
Station WTVE (TV), Channel 51)	
Reading, Pennsylvania)	
)	
and)	
)	
ADAMS COMMUNICATIONS CORPORATION)	File No. BPCT-940630KG
)	
For Construction Permit for a New)	
Television Station to Operate on)	
Channel 51, Reading, Pennsylvania)	

To: Magalie Roman Salas, Secretary
for direction to
The Honorable Richard L. Sippel
Administrative Law Judge

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO REQUEST LEAVE TO APPEAL

1. Adams Communications Corporation ("Adams") hereby requests a five-business-day extension, to and including Monday, February 7, 2000, of the time within which to submit a Request for Leave to Appeal the Presiding Judge's Memorandum Opinion and Order ("MO&O"), FCC 00M-07, released January 20, 2000. In the MO&O the Presiding Judge added issues concerning whether Adams's application was filed for "speculative and/or other improper purposes". ^{1/}

^{1/} The initial deadline for filing a Request for Leave to Appeal the MO&O was January 27, 2000. However, the Commission was closed on January 25 and 26, which pushed the deadline back to January 31. See Sections 1.301(b) and 1.4 of the Commission's Rules.

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LIST A B C D E

2. The MO&O is based in significant part on the trial testimony of Adams principal Howard N. Gilbert. See, e.g., MO&O at 2-5, 9-11. However, the transcript of that testimony had not been made available to Adams as of the close of business on Friday, January 28.^{2/} As a result, Adams has not been able to review the transcript of Mr. Gilbert's testimony. Without that transcript, Adams is unable fully to assess the MO&O and determine whether to submit a request for leave to appeal the MO&O.

3. The Presiding Judge himself was mindful of the distinction between reliance on one's "trial notes and recollections", on the one hand, and on the other, the actual transcripts, which "control". MO&O at 4, n. 4. With all due respect, reliance on "trial notes and recollections" is plainly inappropriate. Such "notes and recollections" can prove to be inaccurate. For example, the point was made repeatedly in arguments to the Presiding Judge that STV Reading, Inc. had never been proposed to be a shareholder of Reading Broadcasting, Inc.

^{2/} This unavailability was not for lack of trying on Adams's part. Immediately after the Presiding Judge announced, at a January 19 hearing conference, that he was adding issues against Adams, Adams sought to obtain expedited delivery of the transcript of Mr. Gilbert's testimony. The transcript had not been delivered by close of business on Monday, January 24. Then, as the Presiding Judge is surely aware, a blizzard forced closure of most Washington businesses on January 25-26. We hoped and expected to receive the transcript on January 27, but it did not arrive. An administrative assistant at undersigned counsel's firm called the reporting company on Friday, January 28, and was advised that the transcript had been completed and would be ready for delivery shortly; however, it had not been delivered by close of business on that date.

("RBI") prior to October 15, 1991, the date on which it was issued stock in RBI. As a result, it was argued, STV Reading, Inc. could not and should not be deemed to have been a "previously approved party" as of October 15, 1991. During a colloquy on January 13, the Presiding Judge stated his understanding that somewhere in the Commission's files there was a long-form application, filed prior to October, 1991, in which STV Reading, Inc. was proposed to be a shareholder of RBI. Undersigned counsel then objected (as he had argued the day before) that that was not the case, and RBI's counsel confirmed the correctness of undersigned counsel's assertion.

4. While the Presiding Judge has chosen to issue his MO&O without the benefit of the transcript, that does not mean that Adams can, should or must similarly limit itself in determining whether leave to appeal the MO&O should be requested and, if so, the bases on which to make such a request.

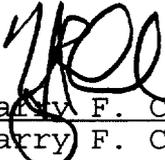
5. Under the circumstances presented here, Adams submits that a modest extension of time is clearly warranted in order to permit Adams to obtain and review the transcript prior to preparing any request for leave to appeal. As indicated above, Adams understands that the transcript has been prepared and we remain hopeful that it will be delivered today. The requested five days will permit Adams to review the transcript, and will also accommodate the fact that undersigned counsel is scheduled to be out of the office Wednesday afternoon and all day Thursday for the taking of public witness depositions in Reading.

6. The requested extension would not unduly delay this proceeding. To the contrary, the minimal extension would have the salutary effect of assuring that this matter is decided on an evidentiary basis which can be evaluated on appeal by reference to record citations.

7. Counsel for RBI and the Enforcement Bureau have both graciously consented to the requested extension.

WHEREFORE, for the reasons stated, Adams Communications Corporation requests that the time within which it may submit a Request for Leave to Appeal the Memorandum Opinion and Order, FCC 00M-07, released January 20, 2000, be extended five business days, to and including February 4, 2000.

Respectfully submitted,


/s/ Harry F. Cole
Harry F. Cole

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Corporation

January 31, 2000

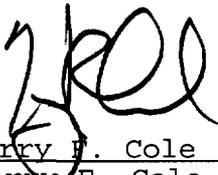
CERTIFICATE OF SERVICE

I hereby certify that, on this 31st day of January, 2000, I caused copies of the foregoing "Motion for Extension of Time Within Which to Request Leave to Appeal" to be hand delivered (as indicated below), addressed to the following:

The Honorable Richard L. Sippel
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/s/ Harry F. Cole
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