

DOCKET FILE COPY ORIGINAL

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

In re Applications of)
READING BROADCASTING, INC.)
For Renewal of License of)
Station WTVE (TV), Channel 51)
Reading, Pennsylvania)
and)
ADAMS COMMUNICATIONS CORPORATION)
For Construction Permit for a New)
Television Station to Operate on)
Channel 51, Reading, Pennsylvania)

MM Docket No. 99-153
File No. BR940407KF
File No. BPCT-940630KG

RECEIVED
FEB - 4 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

MOTION FOR LEAVE TO FILE PLEADINGS

1. Adams Communications Corporation ("Adams") hereby moves for leave to file (a) an Opposition to the Motion by Reading Broadcasting, Inc. ("RBI") to Present Rebuttal Evidence, and (b) a Reply to RBI's Opposition to Adams's Motion for Leave to Present Rebuttal Testimony. Adams's pleadings are being tendered simultaneously herewith.

2. Opposition to RBI's Motion to Present Rebuttal Evidence. When he invited the parties to submit motions concerning possible rebuttal evidence, the Presiding Judge specifically provided for the filing of responses to such motions. See Order, FCC 00M-05, released January 14, 2000.

Motions were to be filed by January 21, and responses were to be

File of Responses OK
Date of Filing

filed by January 28. While RBI appears to have timely filed its Motion, Adams did not learn of that filing until the afternoon of February 1, when the Presiding Judge's administrative assistant called to inquire as whether Adams had filed a response. Undersigned counsel explained that we had not received a service copy and were, prior to that telephone inquiry, unaware that RBI had filed a motion. We immediately contacted RBI's counsel, who faxed a copy of RBI's motion to us on the afternoon of February 1. ^{1/}

3. Adams is tendering its Opposition to the RBI Motion today, three business days later. One of the three intervening days (i.e., Wednesday, February 2) was largely consumed in preparation for public witness depositions and travel to Reading in connection with those depositions, and a second of those intervening days (i.e., Thursday, February 3) was taken up entirely by those depositions (and then the return travel from Reading to Washington). Under these circumstances, Adams's Opposition is being tendered as promptly as possible, and Adams

^{1/} With respect to the apparent failure of service, Adams notes that on January 21 -- the day on which RBI filed its Motion to Present Rebuttal Evidence -- RBI also filed a "Reply to Adams' Appeal Request" which reflected, in its certificate of service, hand delivery of a copy of that pleading to Adams's counsel as of January 21, 2000. But Adams's service copy of that pleading was not in fact delivered until approximately 8:40 a.m. on January 24, 2000. Adams recognizes that service may occasionally be subject to unexpected problems which prevent absolutely timely service, and Adams does not intend to suggest that any intentional late-service occurred here. But the late service of "Reply to Adams' Appeal Request" demonstrates, at a minimum, the occasional fallibility of certificates of service and the processes designed to assure timely service.

submits that good cause exists for the acceptance of its Opposition.

4. Reply to RBI's Opposition to Adams's Motion for Leave to Present Rebuttal Testimony. The Presiding Judge's Order, supra, did not refer to the possibility of pleadings other than motions and oppositions. However, Adams believes that a response to RBI's Opposition is warranted. In its Opposition, RBI relies on clearly inapposite precedents. Adams's Response, which is limited in nature, addresses those precedents without injecting any additional authorities for consideration here. In its Opposition, RBI also addresses the evidence which Adams proposes to rebut and the evidence with which Adams proposes to effect that rebuttal. A further limited purpose of Adams's Response is to correct any misimpressions which RBI's Opposition may create in that regard.

5. Adams's Response is being tendered only five business days following receipt of RBI's Opposition. During those five days, undersigned counsel (Mr. Cole) has, as noted, been preoccupied with the previously scheduled depositions conducted on February 3, as well as other professional obligations (including duties as an adjunct professor at Marymount University). In addition, Mr. Bechtel was unavailable to assist in the meantime because of medical considerations (which kept him out of the office for a full day in connection with a continuing problem of high blood pressure) and previous professional commitments.

WHEREFORE, for the reasons stated, Adams Communications Corporation requests leave to submit the two above-described pleadings which are being tendered simultaneously herewith.

Respectfully submitted,


/s/ Gene A. Bechtel *NEC*

Gene A. Bechtel


/s/ Harry F. Cole

Harry F. Cole

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Counsel for Adams Communications Corporation

February 4, 2000

CERTIFICATE OF SERVICE

I hereby certify that, on this 4th day of February, 2000, I caused copies of the foregoing "Motion for Leave to File Pleadings" to be hand delivered (as indicated below), addressed to the following:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
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(BY HAND)

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Counsel for Reading Broadcasting, Inc.
(BY HAND)


/s/ Harry F. Cole
Harry F. Cole