

FCC MAIL SECTION

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

FCC 00M-34
00165

In re applications of)	MM Docket No. 99-153
)	
READING BROADCASTING, INC.)	File No. BRCT-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 On)	
Channel 51, Reading, Pennsylvania)	

ORDER

Issued: May 24, 2000 : Released: May 26, 2000

On or about May 4, 2000, a subpoena duces tecum was issued to Telemundo Network Group, Inc. ("Telemundo"). Telemundo is a non-party believed to have information, including documents, relevant to an abuse of process issue that was added in this case against Adams Communications Corporation ("Adams"). See Memorandum Opinion and Order, FCC 00M-19, released March 6, 2000.

On May 19, 2000, counsel for Telemundo responded by letter addressed to counsel for Reading Broadcasting, Inc. ("Reading"), the party requesting the subpoena. Telemundo also filed a Response to the subpoena.¹

On May 23, 2000, counsel for Reading filed an Opposition to Objections by Telemundo. The items in contention are:

- (1) There is no log identifying documents that are withheld based on privilege.
- (2) There is no log identifying documents that were withheld as "confidential."
- (3) There have been no telephone records produced.

¹ Copies of the letter and the pleading were received in OALJ on May 23, 2000. Counsel for Telemundo should hereafter fax courtesy copies (without voluminous documents) to the Presiding Judge at (202) 418 – 0195 on the date of service.

- (4) Certain appraisals of Station WTVE(TV) were apparently withheld which do not relate to Adams.
- (5) Telemundo has withheld from production "confidential documents such as attorney notes, internal firm memoranda, personal schedules, calendars, [and] billing records."

Telemundo has also objected to the subpoena as "premature" compulsory process until Reading has exhausted its discovery of Adams. Telemundo further objects on grounds that the subpoena is "overbroad" and asks for documents that are unrelated to the issue added against Adams.

There is a hearing set to commence on June 12, 2000. Timely production of subpoenaed documents is of importance to obtaining full and complete answers from witnesses who will be under oath. Thus, there must be substantial minimal compliance with the Commission's policies on document discovery. See WWOR.TV, Inc. 5 F.C.C. Rcd 6261 (1990) and Tri-State Community, 4 F.C.C. Rcd 2402 (Rev. Bd. 1989), citing LNJ Communications, 3 F.C.C. Rcd 5046 (Rev. Bd. 1988). In the meantime counsel should continue to negotiate their differences with regard to the document production.

Accordingly, IT IS ORDERED that a Prehearing Conference will be held at 2:00 p.m. on Thursday, May 25, 2000, to hear argument, to rule on objections of Telemundo to production of withheld documents that are called for by the subpoena, and to set a schedule and procedures for in camera inspection.

IT IS FURTHER ORDERED that by 12 noon on May 25, 2000, Telemundo shall submit to the undersigned, and file and serve on the parties, a log of documents withheld on an assertion of privilege and identify each privilege claimed for each document or category of documents.²

IT IS FURTHER ORDERED that by 12 noon on May 25, 2000, Telemundo shall submit to the undersigned, and file and serve on the parties, a log of documents withheld on an assertion of confidentiality, with specification of the particular confidentiality claimed for each withheld document or category of document.

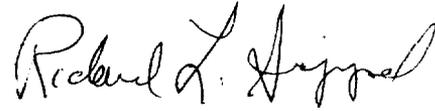
IT IS FURTHER ORDERED that by 12 noon on May 25, 2000, Telemundo shall, at its option, submit, and file and serve on the parties a pleading or other paper that is responsive to Reading's Objection.

IT IS FURTHER ORDERED that counsel for Telemundo shall utilize fax and or e-mail in serving copies of the foregoing on the parties, in addition to effecting service by mail or hand delivery as permitted under the Rules.³

² It is recognized that this Order provides short notice to Telemundo. It assumes, however, that counsel for Telemundo have internally accounted for withheld documents and that retrieving that information in usable form can be done on short notice. There may be some slippage from the noon deadlines which, under the circumstances, would be permissible.

³ Counsel are authorized to agree on any form of delivery that meets their needs for timely notice.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is written in a cursive style with a large initial 'R'.

Richard L. Sippel
Administrative Law Judge⁴

⁴ Copies of this Order were faxed or e-mailed to counsel for Telemundo and to counsel for the parties on the date of issuance.