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MAY 31 2001

Date: May 30, 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: John I. Riffer, Esquire
Company: Federal Communications Comm'n

Client/Matter No.: 10176.0001

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From: Eric T. Werner
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Re: MM Docket No. 99-153

Dear Mr. Riffer: I transmit herewith a facsimile service copy of our Request for Expedited Action on the Petition to Intervene as a Party filed by Micheal L. Parker on May 21, 2001. A clean original service copy will follow by hand delivery.

Please take note of the following clarification: On page 3, the Request recites that counsel for Adams had provided us no response concerning their client's position on the Request. Subsequent to the dispatch of the pleading for filing, however, counsel for Adams called to notify us that its client "do[es] not consent" to the request for expedited action.

Very truly yours,


Eric T. Werner

cc: Harry F. Cole, Esquire (202) 833-3084
James W. Shook, Esquire (202) 418-1124
Thomas J. Hutton, Esquire (202) 955-5564

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May 30, 2001

HAND-DELIVERED

Ms. Magalie Roman Salas
 Secretary
 FEDERAL COMMUNICATIONS COMMISSION
 445 12th Street, S.W., TW-A325
 Washington, D.C. 20554

ATTN: John L. Riffer, Esq., Office of General Counsel

Re: *In the Matter of Application 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 – Request for Expedited Action on Petition to Intervene as a Party*

Dear Madam Secretary:

Micheal L. Parker, by his undersigned attorneys, hereby requests that the Office of the General Counsel take expedited action on Mr. Parker's *Petition to Intervene as a Party* ("Petition"), which was filed on May 21, 2001, in the proceeding referenced above, and which remains pending. In the *Petition*, Mr. Parker seeks party status for the purpose of challenging the *Initial Decision* of the Presiding Judge in the proceeding, which held Mr. Parker personally non-qualified to be an FCC licensee, while finding Reading Broadcasting, Inc. ("RBI"), to be qualified only if it abandons its relationship with Mr. Parker.

In his *Petition*, Mr. Parker demonstrated the exigent circumstances created by Judge Sippel's decision – namely, the severance of his interests from those of RBI – that give rise to Mr. Parker's need to proceed on his own behalf at this stage in the proceeding. Specifically, Mr. Parker has shown how, in the absence of such party status, he can have no assurance that the *Initial Decision*'s erroneous findings and conclusions relative to his character and qualifications will be fully litigated going forward.¹ Concurrent with the filing of the *Petition*, and contingent

¹ See *Petition* at 4-5. Thus, for instance, should the Commission ultimately rule favorably on RBI's exceptions in all respects but those related to the findings concerning Mr. Parker – granting RBI's license renewal for WTVE(TV) but allowing Mr. Parker's disqualification to stand – RBI would have little

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on the disposition thereof, Mr. Parker also tendered on May 21, 2001, his *Consolidated Exceptions and Brief* setting forth the multiple errors of fact and law that infect Judge Sippel's analysis of Mr. Parker's qualifications and that require the reversal of his *Initial Decision*. As noted, Mr. Parker filed his *Petition* on May 21, 2001. Adams Communications Corporation and the Enforcement Bureau each filed pleadings challenging Mr. Parker's claims.² The pleading cycle closed on May 25, 2001,³ and the *Petition* is now ripe for decision. For the reasons that follow, expeditious action on the *Petition* would serve the public interest by resolving the question of Mr. Parker's status, thereby, in turn, enabling the Commission more expeditiously to complete and close the record and proceed with the disposition of the merits of the case.

Several sets of pleadings depend on the disposition of Parker's *Petition*: first is Parker's own contingent *Consolidated Exceptions and Brief*, already on file; second are the reply briefs that Adams, the Bureau, and RBI would be entitled to file in response thereto; and third is the reply brief that Parker would be entitled to file in response to Adams' brief in support of the ALJ's *Initial Decision*. While the Commission's preferred course might have been to receive all of these pleadings, contingent upon resolution of the *Petition*, and resolve all of the procedural and substantive issues at once, the positions taken by Adams and the Bureau in their respective oppositions to the *Petition* make this impossible.

Specifically, although, as noted, Mr. Parker has already filed his exceptions on a contingent basis, both Adams and the Bureau have stated that they do not intend to reply to Mr. Parker's exceptions until and unless the Commission grants the *Petition*.⁴ Moreover, both of these parties expressly reserve the right to respond at such time as the Commission ultimately grants the *Petition*.⁵ The necessary consequence of this position, is that the record will not definitively be closed until the Commission rules upon the *Petition*, and all parties have had the opportunity to submit their reply briefs.⁶ Thus, prompt action on the *Petition* will facilitate

incentive to seek reconsideration of the decision, or review by the Court of Appeals where Mr. Parker would certainly require party status in order to bring a petition for review in his own name. See 28 U.S.C. § 2344 ("Any party aggrieved by the final order may . . . file a petition to review . . .").

² See Opposition to Intervene as a Party, filed May 23, 2001, by Adams Communications Corporation ("Adams Opposition"); Enforcement Bureau's Opposition to Petition to Intervene as a Party, filed May 25, 2001 ("Bureau Opposition").

³ See 47 C.F.R. § 1.294(b) (2000).

⁴ See Adams Opposition at 7 n.7; Bureau Opposition at 1 n.1.

⁵ *Id.*

⁶ As the Commission is aware, the deadline for filing reply briefs to the exceptions filed thus far would normally be tomorrow, May 31, 2001. Mr. Parker had expected and intended to file his contingent

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completion of the exception-stage pleading cycle and permit the Commission to act on the exceptions themselves.

Undersigned counsel has advised counsel for the Bureau and RBI of its intention to file this instant request for expedited action, and neither has interposed any objection to it. Counsel for Adams have also been advised of the filing of this request; however, despite several inquiries by telephone, they have provided no response concerning Adams' position with respect to it.

Kindly stamp and return to this office the enclosed receipt copy of the filing designated for that purpose. You may direct any questions concerning this filing to the undersigned.

Respectfully submitted,



Erwin G. Krasnow
Eric T. Werner

cc: John I. Riffer, Esquire (FCC OGC) (by hand and facimile)
James W. Shook, Esquire (by hand)
Harry F. Cole, Esquire (by hand)
Thomas J. Hutton, Esquire (by hand)

reply to Adams' brief in support of the *Initial Decision* on that date. However, in light of the position adopted Adams and the Bureau, Parker now believes that it would be inappropriate to do so. Accordingly, consistent with the timing set forth in § 1.277(c) of the Commission's rules, Parker hereby respectfully requests that the Commission grant Parker and the other parties a period of 10 days from the release of the Commission's Order granting Parker's *Petition*, within which to prepare and file reply briefs.