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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
KEVIN DAVID MITNICK)	WT Docket No. 01-344
)	
Licensee of Station N6NHG in the)	
Amateur Radio Service for Renewal)	
of Station License)	
)	
KEVIN DAVID MITNICK)	File No. 00000-58498
)	
For Renewal of Amateur Radio)	
General Class Operator License)	
)	
TO: Honorable Richard L. Sippel)	
Administrative Law Judge)	

MOTION TO TAKE TESTIMONY BY SPEAKERPHONE

Kevin David Mitnick ("Mitnick"), by his attorney, hereby respectfully requests the Administrative Law Judge to make arrangements to take testimony by speakerphone, either at the June 18, 2002, hearing or at a subsequent scheduled session. In support thereof, it is alleged:

1. As the Administrative Law Judge knows, he previously denied a motion by Mitnick to reschedule the hearing in this proceeding. This has placed Mitnick in a very difficult position, because he is still writing the book for John Wiley & Sons with a May 31, 2002, deadline and has been unable to do very much in the way of preparing his hearing testimony or lining up witnesses. It is not that Mitnick was not aware that he had this deadline, it is simply that he had no idea how much work it would entail or how time consuming it would be.

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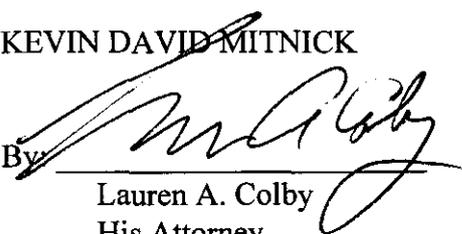
2. Commencing tomorrow, Mitnick plans to begin preparing his hearing testimony and hearing exhibits. Those exhibits will include a number of letters of commendation, testifying to his rehabilitation. There may, however, be hearsay objections to some of those letters. Accordingly, Mitnick respectfully requests the Administrative Law Judge to make arrangements to take testimony of these and other witnesses to be notified by Mitnick by speakerphone.

3. Mitnick recognizes under the rules the Enforcement Bureau could object to the taking of testimony by speakerphone. However, Mitnick believes that the Enforcement Bureau would accede to the wishes of the Administrative Law Judge and asks the Administrative Law Judge to urge the Enforcement Bureau to do so and to raise no objection to speakerphone testimony. After all, this proceeding involves a radio amateur license which, while it has great intrinsic value to Mitnick, has no monetary value to anybody. Thus, Mitnick cannot and should not be expected to pay to transport witnesses to Washington, D.C. when, with modern technology, such physical transportation is unnecessary.

Respectfully submitted,

KEVIN DAVID MITNICK

By


Lauren A. Colby
His Attorney

May 31, 2002

Law Office of
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CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via facsimile and Federal Express, this 31st day of May, 2002, to the offices of the following:

Honorable Richard L. Sippel
Administrative Law Judge
F.C.C.
445 12th Street, S.W.
Room 1-C864
Washington, D.C. 20554

Charles Kelley, Esq.
James Shook, Esq.
Enforcement Bureau
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Traci Maust