

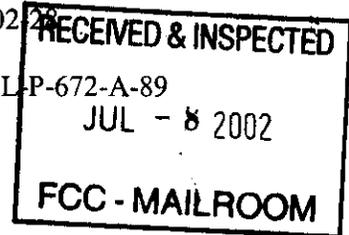
Before the  
**Federal Communications Commission**  
 Washington, D.C. 20554

FCC 02M-60  
 01288

In the Matter of )  
 )  
 Application of )  
 ALEE CELLULAR COMMUNICATIONS )  
 )  
 For Authorization To Construct )  
 Nonwireline Cellular System in )  
 Texas RSA 21 Market 672A )

WT Docket No. 02-248

File No. 11025-CLP-672-A-89



MEMORANDUM OPINION AND ORDER

Issued: July 2, 2002

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Released: July 5, 2002

Under consideration are a Motion to Compel Document Production, filed on June 18, 2002, by Ranger Cellular and Miller Communications, Inc. (“Petitioners”), and an Opposition to Ranger Cellular and Miller Communications, Inc.’s Motion to Compel Document Production, filed on June 26, 2002, by Alee Cellular Communications (“Alee”).

Petitioners seek the issuance of an order compelling Alee to produce the documents requested in a June 18, 2002, Request for Production of Documents that Petitioners served on Alee. Alee opposes the Motion to Compel, contending that the requested documents are not relevant to the issues designated for hearing, are cumulative, and/or are available from other sources. For the reasons that follow, the Motion to Compel will be granted in part and denied in part.

Document Request 1. Alee’s objection is sustained for the reasons stated in its Opposition. However, this ruling assumes that the information sought by Petitioners is already contained in the documents produced by Alee in response to Requests 1 and 2 of the Enforcement Bureau’s April 25, 2002, Request for Production of Documents. If the information differs, the documents requested by Petitioners must be produced. *See Memorandum Opinion and Order*, FCC 02M-41, released May 24, 2002 (ruling on Document Request 3).

Document Request 2. Alee’s objection is sustained for the reasons stated in its Opposition.

Document Request 3. Alee’s objection is overruled. The requested documents “appear[ ] reasonably calculated to lead to the discovery of admissible evidence.” Section 1.311(b) of the Commission’s Rules. Specifically, the documents sought may show whether the individuals responsible for Alee’s previous misconduct are still involved in the ownership or management of Alee, and such information is clearly relevant to the question of rehabilitation. Contrary to Alee’s argument, not all of the documents requested by Petitioners are encompassed within the Bureau’s Document Request 2. Thus, the Bureau requested documents with regard to individuals exercising “management control” of Alee<sup>1</sup> whereas Petitioners seek documents regarding Alee’s “ownership or management.”<sup>2</sup>

<sup>1</sup> Enforcement Bureau’s Request for Production of Documents, filed on April 25, 2002, at 4.

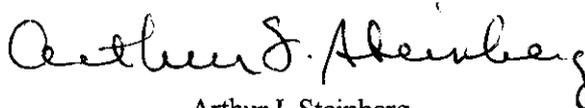
<sup>2</sup> Ranger Cellular and Miller Communications, Inc. Request for Production of Documents, filed on June 18, 2002, at 5 (*italics added*).

Document Request 4. Alee's objection is overruled to the extent that it will be required to produce all documents exchanged between the named individuals which relate to the above captioned Texas 21 application and/or the issues in this proceeding. Such documents "appear[] reasonably calculated to lead to the discovery of admissible evidence." Section 1.311(b) of the Rules. In all other respects, Alee's objection is sustained since the request is overly broad.

Accordingly, IT IS ORDERED that the Motion to Compel Production of Documents, filed by Petitioners on June 18, 2002, IS GRANTED to the extent discussed above, and IS DENIED in all other respects.

IT IS FURTHER ORDERED that Alee SHALL PRODUCE the documents requested by Petitioners within 10 days of the release of this order or within such other period of time as the parties may mutually agree.

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg  
Administrative Law Judge