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NOV 23 2010

Federal Communications Commission
Office of the Secretary

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	MM Docket No. 10-157
)	
EDDIE FLOYD)	NAL/Acct. No. 201041410018
)	
Licensee of FM Translator Station K273AF, Carson, City, Nevada)	FRN: 0011733425
)	Facility ID No. 13529
)	
EDDIE FLOYD)	
)	
and)	
)	
WILKS LICENSE COMPANY-RENO LLC)	File No. BALFT-20070904ACU
)	
For Assignment of License of FM Translator Station K273AF, Carson City, NV)	
)	
EDDIE FLOYD)	File No. BMLFT-20071218ABH
)	
For Modification of License of FM Translator Station K273AF, Carson City, NV)	

To: Office of the Secretary

Attn: Chief Administrative Law Judge
Richard L. Sippel

MOTION REQUESTING A PREHEARING CONFERENCE

Wilks License Company-Reno LLC (“Wilks-Reno”), by its attorneys and pursuant to Section 1.301 of the Commission’s rules, 47 C.F.R. § 1.301, hereby submits this Motion Requesting a Prehearing Conference to discuss the ramifications of the Order (FCC 10M-18) of the Chief Administrative Law Judge released on November 19, 2010 in the above-referenced proceeding (the “Order”). Wilks-Reno is concurrently filing a

Motion for Expedited Stay with the Chief Administrative Law Judge under separate cover.¹ In support of this Motion, Wilks-Reno states the following:

1. On November 3, 2010, Wilks-Reno submitted its “Response to the Enforcement Bureau’s Request for Admissions of Facts and Genuineness of Documents” (the “Response”). As Wilks-Reno demonstrated in its Response, a large number of the eighty-seven proposed admissions (the “Admissions”) the Enforcement Bureau posed to Wilks-Reno are nothing more than a thinly-veiled effort to conduct a fishing expedition looking for an evidentiary basis to seek enlargement of issues against Wilks-Reno. The Admissions ignored the Commission’s longstanding policy which prohibits “the use of discovery to ascertain whether grounds exist for enlargement of the issues.” *See Report and Order on Discovery Procedures*, 11 FCC 2d 185, 187 (1968).

2. The designated issues in this case are extremely narrow: for Eddie Floyd to show cause why his license for FM Translator Station K273F, Carson City, Nevada, should not be revoked, and to determine whether the captioned applications for assignment of license and modification of Station K273AF filed by Eddie Floyd should be granted. Wilks-Reno’s Response objected to forty of the proposed Admissions because they dealt with matters entirely irrelevant to the designated issues in this proceeding.

3. Wilks-Reno’s Response objected to forty-three Admissions because they violate the principles of attorney-client privilege and/or attorney work product.² The forty-three questions to which Wilks-Reno objected as a violation of the attorney-client privilege and attorney work product are unquestionably protected as confidential

¹ On November 22, 2010, Enforcement Bureau counsel and counsel for Eddie Floyd were notified by voicemail and email of Wilks-Reno’s intent to file the instant Motion.

² Five of the Admissions were objected to based on both relevancy and privilege grounds.

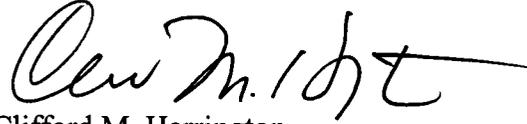
communications between Wilks-Reno and its legal counsel, or as a direct inquiry into the actions and thought processes of its counsel.

4. The Order requires Wilks-Reno to “review” the Admissions as to which it has raised an objection “with a view as to full and complete disclosure,” and states that there “will not be a favorable Ruling on the outstanding request of Wilks-Reno for dismissal” without “first providing the aforesaid information.” Order, p.2. The Order requiring Wilks-Reno to respond to such questions effectively denies Wilks-Reno’s privilege objections as well as its relevance objections. This presents Wilks-Reno with a quandary. Should it comply with the Order by responding to the Admissions, as instructed, in which case it will have been forced to waive its constitutionally protected attorney-client privilege rights, or should it file an immediate appeal of the Order as in effect having denied its privilege claim, as authorized by Section 1.301(a)(2) of the Commission’s Rules? Such an appeal is presently due no later than Monday, November 29. It is Wilks-Reno’s earnest desire to avoid either course of action, and believes a further hearing conference would help resolve this morass.

5. Consequently, Wilks-Reno hereby requests that a prehearing conference be called so as to permit the parties to attempt to resolve the concerns of the Chief Administrative Law Judge without the necessity of either a waiver of privilege rights or the need for Wilks-Reno to seek relief under Section 1.301(a)(2) of the Commission’s Rules.

WHEREFORE, Wilks-Reno respectfully requests the Presiding Judge grant this Motion and convene a prehearing conference as soon as practicable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clifford M. Harrington". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Clifford M. Harrington
Paul A. Cicelski
*Counsel for Wilks License Company-Reno
LLC*

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November 23, 2010

CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that copies of the foregoing “**Motion Requesting a Prehearing Conference**” were served on this 23rd day of November, 2010, to the following:

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Chief Administrative Law Judge
Federal Communications Commission
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Washington, D.C. 20554

Mary L. Gosse*
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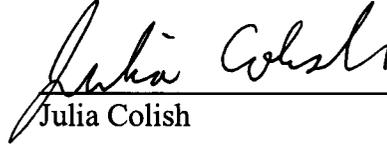
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Julia Colish

*Via hand delivery and email
**Via U.S. and certified mail
***Via U.S. mail and email