

1 MR. CROWELL: The 15th is fine
2 with me.

3 JUDGE STEINBERG: Okay, 15th. I
4 thought it would be. Let's make August 29th
5 the notification of witnesses desired for,
6 excuse me, September 29th. Notification of
7 witnesses desired for cross examination. Do
8 you know what that is, Mr. Crowell?

9 MR. CROWELL: I know what the
10 notice is, but I'm not sure rule it arises
11 under.

12 JUDGE STEINBERG: Oh, it doesn't
13 arise under any rule. Just standard practice.

14 MR. CROWELL: Okay.

15 JUDGE STEINBERG: Essentially,
16 after the exhibit exchange, in the exhibit
17 exchange, there is also going to be a witness
18 list, and the witness list contains a brief
19 summary of the prospective testimony of each
20 witness. If you want to cross examine that
21 witness, you tell the Bureau, you notify the
22 Bureau that you want to cross examine that

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1 witness.

2 MR. CROWELL: Very well.

3 JUDGE STEINBERG: If you don't
4 notify the Bureau that you are going to cross
5 examine that witness, then they don't have to
6 produce the witness for cross examination.
7 Usually it is a written direct case, so that
8 you got affidavits and declarations from the
9 witnesses, although if the witnesses are not,
10 within the Bureau's control, they would have
11 to put them up on -- if the witnesses don't
12 want to give an affidavit or a declaration,
13 then the Bureau would put the witness up on
14 the stand and then of course you would have
15 the right to cross examination. It's
16 basically if there's a written direct
17 testimony and you want the person there for
18 cross examination, you have to tell the
19 Bureau, otherwise they won't have to produce
20 the person and you can't object to the
21 admission of the exhibit on the grounds that
22 the person is not there.

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1 MR. CROWELL: I understand.

2 JUDGE STEINBERG: Okay, so we've
3 got September 29th for that. That's the first
4 day of Rosh Hashanah begins at sundown, and
5 since it begins at sundown, I don't anticipate
6 that's going to become a problem for anybody.
7 But if it is, you let me know and we'll move
8 that date.

9 Now we've got Columbus Day,
10 October 13th. I don't want to start the
11 hearing on the sixth or the seventh because
12 Yom Kippur is that week and it might present
13 a problem, and I want to avoid that. I don't
14 think I want to start it the day after
15 Columbus Day because that might encounter, you
16 know, premium prices for travel. You want to
17 do October 21 for the hearing?

18 MR. CROWELL: Okay by me.

19 MS. HIRSELJ: That's okay with me.

20 MR. CROWELL: Yes. But since
21 we're doing October 21, we can move some of
22 the other dates closer to October 21, if you

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1 want.

2 MS. HIRSELJ: Well, I'm
3 comfortable letting those dates stick, and if
4 we need extensions here along the way, we've
5 got a little wiggle room.

6 JUDGE STEINBERG: Cushion. Okay.
7 Is that okay with you, Mr. Crowell?

8 MR. CROWELL: Yes, Your Honor.

9 MS. HIRSELJ: And I presume the
10 hearing on the 21st will be here in
11 Washington, Your Honor?

12 JUDGE STEINBERG: No, we're going
13 to have this one in Kansas. In the middle.

14 (Laughter.)

15 MS. HIRSELJ: I hear it's lovely
16 in October.

17 JUDGE STEINBERG: No, it will be
18 in Washington. Okay, let me memorialize the
19 dates for the record. Okay, we've all agreed
20 on the following procedural dates. August
21 29th, 2008 is completion of all discovery, and
22 by completion I mean everything has be

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1 finished by then. It's not that you'll ask --
2 motion to do this or do that. It's filed by
3 then. Whatever you file has to allow
4 sufficient time for everything to get finished
5 by August 29th. I don't know if, does
6 everybody understand that sort of?

7 MR. CROWELL: Yes, Your Honor.

8 JUDGE STEINBERG: Okay, so we're
9 not filing the last thing on August 29th, but
10 we file it sufficiently ahead of August 29th
11 to be finished by August 29th.

12 MR. CROWELL: Right.

13 JUDGE STEINBERG: Okay, on
14 September 15, 2008, we'll have exchange of
15 direct case exhibits, stipulations if you can
16 work any out, which I doubt. Well, you might
17 be able to work out a few. And a list of
18 witnesses, if any, to be called for oral
19 testimony.

20 I have usually in the order that I
21 issue, I have a long footnote, and a footnote
22 is basically self explanatory. But the thing

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1 that I want to emphasize is that, except for
2 the cover sheet, I want there to be a number
3 on every page of every exhibit from, you know,
4 one to the end of the exhibit. Then the
5 second exhibit, one to the end of the exhibit.
6 And I don't care if the documents already have
7 page numbers on them, great.

8 But, you know, I don't want one
9 exhibit that's got three page ones. So if you
10 have an exhibit, an exhibit that's got four
11 documents and each starts with page one, just
12 number it from one to 16. Either use a Bates
13 stamp or number it by hand, but I want a
14 number on every page. Let me see.

15 And again, if official notice is
16 requested, then you should, they should be
17 assembled in written form, identified by
18 source, and given an exhibit number, a letter,
19 and exchanged on the date set. Then I want
20 there to be an index containing a descriptive
21 title of each exhibit, the number of pages in
22 each exhibit, and an identification of who is

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1 going to sponsor that exhibit. Again, if it
2 is official notice, try official notice or
3 judicial notice or whatever term it is.

4 And again, a witness list should
5 contain a brief summary of the prospective
6 testimony of each witness. This is if it's in
7 order, if the witness is going to give oral
8 testimony. Okay, then we've got, the next
9 date is September 29, 2008, which is
10 notification of witnesses desired for cross
11 examination. And you can do that by telephone
12 or fax, and if you do it by, or email, I guess
13 now. Or email. And if the notification is
14 given orally, just confirm it in writing or in
15 fax or email.

16 October 21, 2008, commencement of
17 the hearing at 9 a.m, in the Commission's
18 Washington, DC offices. Okay. Do you have
19 any problem with those dates, Mr. Crowell?

20 MR. CROWELL: No, I don't, Your
21 Honor. They're all clear on my calendar.

22 JUDGE STEINBERG: Okay, how about

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1 Ms. Hirselj?

2 MS. HIRSELJ: No, Your Honor,
3 those are fine.

4 JUDGE STEINBERG: Okay, is there
5 anything else we need to talk about this
6 morning while I'm here?

7 MS. HIRSELJ: I do have one point
8 I would like you to clarify. When we were
9 discussing Mr. Crowell's reason to file
10 request for judicial notice?

11 JUDGE STEINBERG: Yes?

12 MS. HIRSELJ: Is that going to be,
13 Mr. Crowell, are you going to withdraw that
14 until the exhibit exchange as we've discussed
15 or am I to respond to that by, you know, in
16 the next couple of days? I'm just not sure
17 how we left things.

18 MR. CROWELL: I guess, Your Honor,
19 I could serve that along with the exhibit
20 exchange.
21 That's the way it's done.

22 JUDGE STEINBERG: I think that

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1 would be better, but I'll read it. How about
2 that?

3 MR. CROWELL: Thank you.

4 JUDGE STEINBERG: But I won't --

5 MS. HIRSELJ: We'll respond in due
6 course when it is filed, if it is filed.

7 JUDGE STEINBERG: Okay, I think
8 that will be better. So that's considered
9 withdrawn.

10 MR. CROWELL: All right.

11 JUDGE STEINBERG: Okay, anything
12 further, Mr. Crowell?

13 MR. CROWELL: Nothing further,
14 Your Honor, at this time.

15 JUDGE STEINBERG: Okay. Ms.
16 Hirselj?

17 MS. HIRSELJ: No, Your Honor.

18 JUDGE STEINBERG: Okay, thank you
19 very much. And hopefully I won't see or hear
20 -- see or hear anything from either of you
21 until October, but I somehow doubt that.

22 MR. CROWELL: All right, Your

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1 Honor. Thank you for your time.

2 MS. HIRSELJ: Thank you.

3 JUDGE STEINBERG: Thank you.

4 MR. CROWELL: Bye-bye.

5 JUDGE STEINBERG: Bye.

6 (Whereupon, at 10:04 a.m., the
7 pre-hearing conference was concluded.)

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CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

William Crowell

Name of Hearing

WT DOCKET NO. 08-20

Docket No. (if applicable)

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Place of Hearing

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Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 9, inclusive, are the true, accurate and complete transcript prepared from the reporting by Kevin Connolly (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

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