

[Service Date November 2, 2004]

November 2, 2004

NOTICE SUSPENDING PROCEDURAL SCHEDULE AND DISCOVERY

RE: *WECA v. Marathon Communications, Inc.*,
Docket No. UT-041244

TO ALL PARTIES:

On October 29, 2004, Complainant filed its Motion To Dismiss All Claims and Close Docket and for Interim Relief from Discovery.¹ Under the Commission's procedural rules, Marathon is afforded by default ten days following service within which to answer this potentially dispositive motion. Thus, Marathon's answer is due on November 9, 2004. The current procedural schedule, however, requires Respondent Marathon Communications, Inc., to file its testimony in response to Complainant WECA and in support of its counterclaim on November 5, 2004. In addition, WECA is obligated to respond to certain discovery propounded by Marathon on or before November 8, 2004, according to WECA's Motion.

To promote an orderly process, and to provide Marathon an opportunity to consider without the distraction of a pressing procedural date what its answer should be considering the apparent cessation by all parties of such offending activities as apparently gave rise to this proceeding, the Commission determines that the parties' interests, the Commission's interests, and the public interest require suspension of the procedural schedule. It is reasonable, too, to suspend discovery under the circumstances and considering that Marathon may elect not to oppose WECA's Motion. Once we have Marathon's answer, we will determine whether, and if so, how to proceed. A prehearing conference may be required.

¹ We note that the Motion's concluding paragraph represents that it is a joint request with Staff. However, Staff counsel's signature is not on the Motion.

Notice is given that the procedural schedule in this proceeding is suspended. Marathon's answer to WECA's Motion is due on November 9, 2004. If Marathon opposes WECA's Motion To Dismiss All Claims, and the Commission denies WECA's Motion in part, then the Commission will establish a new procedural schedule following consultation with the parties.

Sincerely,

DENNIS J. MOSS
Administrative Law Judge