

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

In the Matter of
ROGER WAHL
WQZS(FM), Meyersdale, PA
MB Docket No. 21-401
Facility ID No. 57424

ORDER

Issued: January 11, 2022

Released: January 11, 2022

1. On December 10, 2021, the Initial Case Order in this proceeding established January 13, 2022, as the date for a status conference in this matter. The parties were ordered to submit a proposed schedule of the case and other relevant materials in writing on or before January 11, 2022. The conference was to be conducted via an online platform accessible to all parties, and it was indicated that specific login instructions would be provided to the parties separately.

2. A week before the conference was to be held, a representative of the FCC’s Office of Administrative Law Judges contacted Roger Wahl at the email address that he previously gave the agency to make preliminary arrangements for his participation in the online conference. Mr. Wahl did not respond. Another employee of the Office of Administrative Law Judges emailed Mr. Wahl on January 10. It was then that Mr. Wahl responded for the first time that he will be unable to attend the January 13 conference due to a medical procedure.

3. This hearing proceeding was commenced by the FCC’s Media Bureau to determine whether Roger Wahl is qualified to remain a Commission licensee and whether his license for Station WQZS(FM), Meyersdale, Pennsylvania, should be revoked. As Mr. Wahl was put on notice in the Initial Case Order, this proceeding is to be conducted in a formalized manner pursuant to the rules concerning Practice and Procedure in Part 1 of the Commission’s rules, including the written hearing procedures codified at 47 CFR §§ 1.370 – 1.377. Dates and deadlines established throughout this proceeding are not suggestions. While the Commission’s rules include procedures for requesting extensions of time if circumstances warrant, a party who does not make such a request and simply ignores a deadline is in significant danger of being held in default. Mr. Wahl received notice of the January 13 conference over a month ago and in that time has not filed a motion or otherwise submitted anything into the record regarding his inability to appear on the appointed date. Further, he did not respond when initially contacted by this office. In so doing, he has wasted the time of the Presiding Judge and her staff, the Enforcement Bureau, and the court reporting service that was engaged to prepare a transcript of the conference.

4. The purpose of this order is to inform interested parties that the January 13, 2022, conference will not be held, and that the parties are relieved of the obligation to file proposed scheduling

1 In the Matter of Roger Wahl, Initial Case Order, MB Docket No. 21-401 (ALJ Dec. 10, 2021) (Initial Case Order).

2 In the Matter of Roger Wahl, Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing, MB Docket No. 21-401, DA 21-1305, 2021 WL 489633d2 (MB Oct. 19, 2021).

3 Id. at paras. 2 & 11; Initial Case Order at para. 3.

and discovery information by January 11. A decision regarding the ongoing consideration of this hearing proceeding will be issued at a later date.

5. Accordingly, **IT IS ORDERED** that the prehearing conference in the above-captioned matter scheduled for January 13, 2022, **IS CANCELLED**.

6. **IT IS FURTHER ORDERED** that the parties **ARE RELIEVED** of the obligation to submit the information required by paragraph 2 of the *Initial Case Order* in this proceeding until further notice.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge