

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

In the Matter of )
ARM & RAGE, LLC ) MB Docket No. 22-122
WJBE(AM), Powell, TN ) Facility ID No. 59693

ORDER SUMMARIZING INITIAL STATUS CONFERENCE

Adopted: May 18, 2022

Released: May 18, 2022

Appearances: Andrew Ward, Esq., and Daniel Nelson, Esq., Institute for Justice, on behalf of Arm & Rage, LLC; Pamela S. Kane, Esq., and Jeffrey Gee, Esq., on behalf of the Enforcement Bureau, Federal Communications Commission

1. This Order summarizes the initial status conference in the above-captioned matter held on May 17, 2022. The purpose of the initial status conference was to establish a schedule for discovery and filing of pleadings in this proceeding.

2. The FCC’s Media Bureau initiated this hearing proceeding on March 21, 2022, by Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing.1 This hearing will be based on a written record pursuant to sections 1.371 through 1.377 of the Commission’s rules, 47 CFR §§ 1.371 – 1.377.2 The schedule established during the prehearing conference is as follows:

Table with 2 columns: Deadline to Submit Pre-Hearing Motions (June 15, 2022), Deadline for Completion of Discovery (November 18, 2022), Enforcement Bureau’s Affirmative Case Due (January 3, 2023), Arm & Rage’s Responsive Case Due (February 2, 2023), Enforcement Bureau’s Reply Case Due (February 17, 2023), Deadline to File Motion to Request Oral Hearing (March 3, 2023), Deadline to File Motion to Submit Additional Pleadings3 (March 3, 2023)

1 Arm & Rage, LLC, Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing, MB Docket No. 22-122, DA 22-285 (MB Mar. 21, 2022) (Arm & Rage HDO).

2 Arm & Rage HDO at para. 7.

3 Subsequent pleadings, including surreplies, briefs, and proposed findings of fact/conclusions of law, are not permitted by the Commission’s rules except at the discretion of the Presiding Officer. 47 CFR § 1.375.

3. In addition, the Presiding Judge granted Arm & Rage additional time to file requests for admission. Pursuant to section 1.246 of the Commission's rules, 47 CFR § 1.246, requests for admission are to be filed within 20 days after the time for filing a notice of appearance has expired.<sup>4</sup> As counsel for Arm & Rage were only recently engaged, the Presiding Judge finds good cause to afford them until Friday, **May 27, 2022**, to serve requests for admission on the Enforcement Bureau.

4. Finally, the Presiding Judge acknowledges the Enforcement Bureau's request that this order indicate that, "as a general rule, all documents or information requested during the discovery period must be produced before the deadline for completion of discovery to be used as evidentiary support for any party's written case submissions."<sup>5</sup> The Presiding Judge intends to address this suggestion at a later date in connection with establishing evidentiary procedures for this hearing.


5. Accordingly, **IT IS ORDERED** that the hearing schedule detailed above **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that all written submissions in this proceeding shall be filed using the Commission's Electronic Comment Filing System (ECFS) by 11:59 PM Eastern Time on the filing date.

7. **IT IS FURTHER ORDERED** that the parties shall serve all filings on each other via electronic mail.<sup>6</sup>

8. **IT IS FURTHER ORDERED** that the parties are reminded that they are expected to be fully cognizant of Part 1 of the Commission's rules concerning practice and procedure, 47 CFR Part 1, Subparts A and B.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin  
Administrative Law Judge

---

<sup>4</sup> The deadline to file a notice of appearance in this proceeding was April 11, 2022. See 47 CFR § 1.91(c).

<sup>5</sup> Enforcement Bureau's Response to *Initial Case Order*, FCC 22M-10, MB Docket No. 22-122 (filed May 13, 2022) at para. 4.

<sup>6</sup> Courtesy copies of motions, pleadings, and other submissions are to be emailed to the Presiding Judge ([Jane.Halprin@fcc.gov](mailto:Jane.Halprin@fcc.gov)) and Special Counsel John B. Adams ([JohnB.Adams@fcc.gov](mailto:JohnB.Adams@fcc.gov)).