

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 CLARIFYING DUE DATE

Issued: February 28, 2023

Released: February 28, 2023

1. On February 27, 2023, the FCC’s Enforcement Bureau filed a motion in the above-captioned proceeding seeking to compel licensee Arm & Rage, LLC, to provide more complete responses to its second set of document requests and second set of interrogatories, which were both filed on February 7, 2023.¹ Arm & Rage has filed a motion to clarify when its response to the motion to compel is due, and requests a deadline of March 6, 2023. It submits that the Enforcement Bureau does not oppose its motion.²

2. The Commission’s rules provide two different due dates for responding to motions to compel responses to interrogatories and motions to compel responses to document requests. Section 1.323(c) of the Commission’s rules, 47 CFR § 1.323(c), indicates that a response to a motion to compel answers to interrogatories is due within 7 days after the motion is filed. Section 1.325 of the Commission’s rules, 47 CFR § 1.325, which governs requests for document production, does not include a deadline for responding to motions to compel. Accordingly, the applicable due date is the general deadline for responses to requests for interlocutory action found at section 1.294(b) of the Commission’s rules, 47 CFR § 1.294(b), which is four days. Applying those rules to this case, Arm & Rage’s response to the section of the motion to compel regarding documents would be due on Friday, March 3, 2023, while its response to the section of the motion to compel regarding interrogatories would be due on the following Monday, March 6, 2023. The Presiding Judge agrees with Arm & Rage that it is appropriate to permit it to file a single response to the Enforcement Bureau’s motion to compel on March 6, 2023.

3. Accordingly, **IT IS ORDERED** that Arm & Rage’s Unopposed Motion to Clarify Time to Respond to Enforcement Bureau’s Motion to Compel, filed February 28, 2023, **IS GRANTED**.

4. **IT IS FURTHER ORDERED** that the consolidated response of Arm & Rage to the Enforcement Bureau’s Motion to Compel Complete Responses to its Second Set of Discovery Requests to Arm & Rage, LLC, filed February 27, 2023, **IS DUE ON OR BEFORE MARCH 6, 2023**.

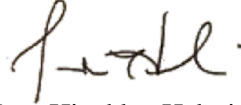
5. This action is taken pursuant to sections 1.243(i), 1.243(n), and 1.298(a) of the

¹ Enforcement Bureau’s Motion to Compel Complete Responses to its Second Set of Discovery Requests to Arm & Rage, LLC, MB Docket No. 22-122 (filed Feb. 27, 2023); Enforcement Bureau’s Second Set of Requests for the Production of Documents and Things to Arm & Rage, LLC, MB Docket No. 22-122 (filed Feb. 7, 2023); Enforcement Bureau’s Second Set of Interrogatories to Arm & Rage, LLC, MB Docket No. 22-122 (filed Feb. 7, 2023).

² Arm & Rage’s Unopposed Motion to Clarify Time to Respond to Enforcement Bureau’s Motion to Compel, MB Docket No. 22-122 (filed Feb. 28, 2023).

Commission's rules, 47 CFR §§ 1.243(i), 1.243(n), and 1.298(a).³

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge

³ Section 1.243(i) authorizes the presiding official in a hearing proceeding to dispose of procedural requests and ancillary matters. Section 1.243(n) authorizes the presiding official to conduct proceedings “as will best conduce to the proper dispatch of business and the ends of justice.” Section 1.298(a) allows the presiding official to rule on requests for extension of time without waiting for the filing of responsive pleadings.