

The July 1996 Letter claimed that CIC had constructed 54 sites between April 29, 1996 and June 4, 1996, and the other 280 sites between July 11, 1996 and July 22, 1996. On July 23, 1996, CIC filed construction certifications with the Commission concerning the call signs for the 280 sites constructed during that eleven day period in July. Each construction notice requested modification of the underlying license to specify different sites than those for which CIC was authorized to construct. In other words, virtually all of CIC's alleged July 1996 construction took place at sites that CIC had not requested when it filed its applications.

III. PSWF's Investigation of CIC's Alleged Construction.

PSWF engaged technical consultants in two selected metropolitan areas to spot check CIC's claims of construction. PSWF selected the South Florida (call signs KNNH868 and KPJK448) and Chicago, Illinois (call signs WPIQ212 and KNNU703) metropolitan areas. CIC had certified that KNNH868 was constructed on July 15, 1996, that KPJK448 was constructed on July 16, 1996 and that WPIQ212 and KNNU703 were both constructed on July 19, 1996.

Attached as Exhibits C and D respectively, are the Declarations of Doug Sinclair and Robert Barcal, the technical consultants engaged by PSWF. Sinclair monitored the frequency 929.8125 MHz at eight of the South Florida locations certified as constructed by CIC for several days during the week of December 9, 1996. Barcal monitored the same frequency during the week of February 10, 1997 at 6 locations in the Chicago metropolitan area that CIC certified as having constructed in the July 1996 Letter.

Sinclair monitored sporadic transmissions over portions of the day (i.e., transmissions less often than once every fifteen minutes) and during the long intervals between transmissions, not even the call signs of the stations were transmitted, a blatant violation of Section 90.425 of the Commission's Rules. Barcal observed no activity on the channel during the hours he monitored, which would also be in violation of Section 90.425 of the Rules.

For five of the eight sites Sinclair monitored, CIC identified Alternative Networking, Inc. ("ANI") as the site manager in Schedule E of CIC's FCC Forms 600. Sinclair visited ANI and was told that there were no leases at any of the five sites between ANI and a company called "Communication Innovations Corporation" or any similar name. Further, ANI told Sinclair that no lessee had been authorized to transmit on 929.8125 MHz at any of those five sites, and none of the lessees had leases specifying that frequency. The site manager did confirm that PageMart was a lessee at each of the five CIC sites, but that PageMart was licensed for a different 900 MHz frequency (i.e., a 900 MHz paging frequency other than 929.8125 MHz).³

Based on his monitoring and his discussions with the ANI, Sinclair concluded that the transmissions on 929.8125 MHz he monitored at CIC's South Florida sites were likely the retransmission of messages previously transmitted over a different

³ As for the other three CIC South Florida sites for which CIC reported different site managers, Sinclair was advised by those site managers that they were not in a position to confirm or deny the identity of the lessees or the frequencies licensed to any lessees.

frequency licensed to someone else, using a frequency-agile transmitter owned by someone else (e.g., PageMart), which transmitter was transmitting most of the day over some other frequency licensed to the transmitter's owner. That was why not even CIC's call signs were being transmitted.

Barcal's monitoring on 929.8125 MHz in Chicago not only revealed no traffic, there were no transmissions whatsoever, not even of call sign information. Barcal monitored for several hours on different days of the week, including Saturday. In addition to monitoring six locations where CIC certified that it had constructed stations in the Chicago metropolitan area, Barcal also visited three of the sites. The site owners at each of the three sites reported to Barcal that they had no lease agreements with a company named "Communication Innovations Corporation" or any other similar name. Further, those three site owners reported that none of their tenants were authorized or had leases to operate at 929.8125 MHz.

In short, although Sinclair and Barcal monitored the frequency, neither detected any traffic whatsoever in either South Florida or Chicago. They visited the sites where CIC claims to have constructed, and the site managers that responded stated that they did not have leases with CIC or anyone else at 929.8125 MHz. Contrary to its certification that stations in South Florida and Chicago were constructed and operational, the evidence strongly suggests that CIC has not constructed stations in either of these locations. And if CIC did not construct or operate in either of

the two metro areas randomly chosen by PSWF, the odds are that CIC did not construct or operate anywhere else either.

IV. CIC's "Piggy-Backing" on PageMart's or Someone Else's Transmitters at the South Florida Sites Does Not Constitute "Construction" Under FCC Rules.

The sites at which CIC claimed "construction" were not the sites at which CIC had been authorized to construct. CIC apparently did not enter into leases at any of the South Florida or Chicago sites where CIC claimed "construction." PSWF monitored no regular transmissions over CIC's assigned frequency (929.8125 MHz) at those sites where CIC claimed "construction", and none of the sporadic transmissions which PSWF monitored in South Florida included transmission of the call signs of CIC's stations.⁴ Significantly, on August 14, 1996, PageMart, with CIC's consent, filed a UCC-1 financing statement (i.e. PageMart recorded a lien) on all of CIC's assets.

There is only one conclusion. CIC must have entered into an agreement with PageMart whereby PageMart, which was licensed on a different 900 MHz paging channel, would utilize PageMart's pre-existing frequency-agile 900 MHz transmitters to transmit part-time over CIC's frequency, so that CIC could claim timely nationwide "construction" without CIC spending a dime on equipment and without CIC constructing anything.

This type of "piggy-back" operation does not constitute "construction" for Commission purposes unless prior approval to use

⁴ As noted, in the Chicago area, there were no transmissions on 929.8125 MHz at all!

another licensee's facilities is sought and received from the FCC. See, e.g., Letter Decision Re Susan Shyne, KNKM872, dated October 14, 1992 ("Shyne Decision").⁵ In that case, Shyne requested reinstatement of her authorization for KNKM872, claiming she had "constructed" using the pre-existing frequency-agile transmitters of Pactel for her operation on a shared basis with Pactel. The Commission concluded that authority to operate in such a manner would have required disclosure on a Form 574 application⁶ and prior FCC approval. Since the construction deadline had now passed, and Shyne had not properly constructed, her authorization for KNKM872 was terminated. See also, Letter Decision Re Celular Uno Limited Partnership, KNKQ343, dated July 7, 1994 ("Celular Uno Decision"). (Notice of completion of construction via dual licensing of two cells with another cellular licensee rejected on basis that such shared use requires prior FCC approval on Form 401, not notification on Form 489.)⁷

⁵ A copy of the Shyne Decision is attached as Exhibit E hereto for convenience.

⁶ Now Form 600.

⁷ Reconsideration granted in part, Letter Decision dated February 22, 1995 ("Celular Uno Reconsideration"), on basis put forth in Petition for Reconsideration, i.e., that Celular Uno lacked notice of requirement for prior FCC approval due to specific wording of another cellular-specific rule which seemed to expressly call for use of Form 489. Given the existence of the Shyne and Celular Uno decisions and given the absence of any similar ambiguous rule in Part 90, CIC, unlike Celular Uno, was on notice of the need for prior Commission approval before claiming completion of construction via use of another licensee's transmission facilities.

CIC's use of another licensee's transmission equipment required notice in CIC's Form 600 applications when filed, and prior approval of the Commission. The construction period allowed under those four Authorizations has expired, so it is now too late for CIC to obtain Commission consent to use another licensee's equipment for CIC's own operations on those four call signs. Therefore, CIC's authorizations for call signs KNNH868, KPJK448, WPIQ212 and KNNU703 have cancelled automatically by operation of Section 90.495(c) of the Rules.⁸

V. There Is Sufficient Evidence to Require the Commission to Investigate Whether the Remainder of CIC's Authorizations Should Be Cancelled for Failure to Construct.

According to CIC's July 30, 1996 letter, it constructed 280 sites between July 11, 1996 and July 22, 1996. Such an extraordinary installation pace would be implausible (if not impossible) unless CIC's "construction" consisted of using the equipment of already existing licensees to transmit traffic on CIC's frequency (929.8125 MHz), as it did for stations KNNH868, KPJK448, WPIQ212 and KNNU703.⁹ If CIC did in fact "construct" its

⁸ If the Commission cannot declare that these authorizations have cancelled automatically, then the Commission should immediately initiate a revocation proceeding or conduct an evidentiary hearing concerning these four call signs as well as all the other CIC Authorizations. See discussion at Part VI, *infra*.

⁹ The Commission conceded as much when it adopted rules allowing PCP authorization holders to utilize an extended implementation schedule of up to three years when the proposed system included more than 30 transmitter sites. See Section 90.496 of the Rules. In addition, the Commission presumed that each base station would cost \$20,000 to construct, so CIC would have needed approximately \$5.6 million in order to construct the 280 sites. The D&B Report, *infra*, does not show evidence of any loans to the company other than the loan, secured by all of CIC's assets, made by PageMart in August, 1996, after construction was completed.

other Authorizations by piggy-backing without prior notice to and approval of the Commission, then those Authorizations should cancel automatically as well. The evidence PSWF has presented suggests that the Authorizations have all been constructed, if at all, using someone else's (most likely PageMart's) equipment without the prior consent of the Commission.

PageMart has been confirmed as a lessee at most of the sites where PSWF's consultants were able to obtain information about the identity of other lessees. CIC's construction notification letters reported construction at different locations than the locations specified on CIC's authorizations, and PSWF believes that upon investigation, PageMart would be a lessee at most if not all of the locations CIC proposed in its modifications. PageMart has entered into an agreement with CIC where PageMart is the secured party with a recorded lien pursuant to a UCC-1 filing submitted to the Secretary of State in New York State on August 14, 1996. See Exhibit F, copy of Dun & Bradstreet report concerning CIC dated December 9, 1996 ("D&B Report").

At minimum, the Commission should immediately commence an investigation to determine if in fact CIC "constructed" its other Authorizations using PageMart's (or some other licensee's) equipment on a part-time, shared basis. Unless CIC can demonstrate otherwise, all of its Authorizations should cancel immediately pursuant to Section 90.495 of the Rules.

VI. If CIC's Authorizations Are Not Cancelled by Operation of Section 90.495 of the Rules, Then a Hearing on the Validity of the Construction of the Authorizations Must Be Held.

As an alternative to cancellation of the Authorizations under Section 90.495 of the Rules, the Commission could initiate a

revocation proceeding under Section 312 of the Communications Act of 1934 as amended ("Act"), to determine the facts. The Commission should also issue a cease and desist order in the interim until an inquiry into CIC's construction claims can be made.

Should the Commission decide that a revocation proceeding is not proper, PSWF has raised questions of fact concerning the nature of CIC's alleged construction that are substantial and material enough to warrant an evidentiary hearing under Section 309 of the Act. Such a hearing will allow a determination of whether CIC's construction is consistent with Commission rules and policies and whether the Authorizations should be cancelled or dismissed.

VII. In Any Event, The Authorizations Should Not Count Towards CIC's Exclusivity Eligibility.

If the Commission allows CIC to retain its Authorizations, even though they were "constructed" with someone else's equipment on a shared basis, then the Commission must issue a declaratory ruling stating that the Authorizations may not be counted in assessing CIC's eligibility for local, regional or nationwide frequency exclusivity, and must rescind CIC's recent grant of nationwide exclusivity. Section 90.495 states that in order to be eligible for frequency exclusivity an applicant must construct and operate a local, regional or nationwide paging system. If, as PSWF suspects, construction of CIC's system was undertaken and accomplished by PageMart and PageMart is responsible for the "operation" of CIC's system (*i.e.*, holding ownership and complete control of the equipment used to transmit on CIC's frequency) then CIC does not meet the eligibility requirement for a grant of exclusivity under Section 90.495. The Commission has always held

that, even for a single licensee holding licenses for two separate frequencies, each transmitter counts only once toward exclusivity, even if it transmits both frequencies. 929-930 MHz PCP Report and Order, 8 FCC Rcd. 8318, 8323 (1993), affirmed, Memorandum Opinion and Order, 11 FCC Rcd. 3091, 3095 (1996). This should be doubly so where the licenses are held by different licensees.

CONCLUSION

CIC certified to the Commission that it constructed 280 sites between July 11, 1996 and July 22, 1996. Using the Commission's own conservative estimate, construction of those sites would cost in the neighborhood of \$5.6 million. Further, none of CIC's "construction" took place at sites CIC had applied for. Each construction notice requested a modification of the underlying license to specify a new site for each station CIC "constructed." Given the improbability of construction occurring at that speed, the unlikelihood that CIC had the financial resources to undertake such a project, and the fact that most of the stations required site modifications, PSWF decided to spot check some of CIC's claims.

The two technical consultants PSWF engaged monitored locations in South Florida and Chicago where CIC claimed to have constructed. Neither of the consultants monitored any traffic, and neither monitored transmissions of CIC's call signs as required by the Commission's Rules. PSWF's consultants visited with many of the site managers at the sites where CIC allegedly constructed. None of the site managers confirmed CIC as a tenant at their site, and

none of the managers had authorized the use of 929.8125 MHz for any of their tenants.

PSWF submits that the Authorizations have expired for failure to construct within the twelve month construction period prescribed by Section 90.167 of the Rules. If the Commission believes that the evidence set forth herein is insufficient to reach that conclusion, then the Commission should, based on the allegations set forth herein, designate the Authorizations for an evidentiary hearing to determine whether or not they should be automatically cancelled or revoked. At the very least, PSWF submits that these Authorizations should not be counted in assessing CIC's eligibility for nationwide exclusivity until the outcome of an inquiry into CIC's alleged construction.

Respectfully submitted,

PSWF Corporation



David J. Kaufman



Scott C. Cinnamon

Brown Nietert & Kaufman, Chtd.
1920 N Street, N.W., Suite 660
Washington, D.C. 20036
(202) 887-0600

March 11, 1997

Their Attorneys

\scc\ami-2.pet

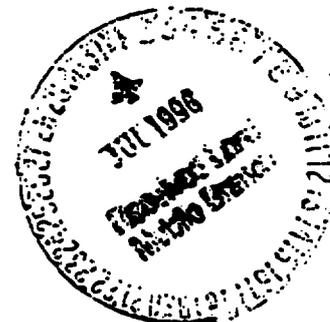
EXHIBIT A

WPHK 279	WDGR 665
WPHK 275	WPGT 571
WPHK 271	WPGT 570
WPHK 267	WPGT 576
WPHK 263	WPGT 575
WPHK 259	WPGT 577
WPHK 255	WPGT 572
WPHC 496	WPGT 573
WPHB 345	WPGT 574
WPHZ 981	WPGT 578
WPHZ 985	WPGT 598
WPHX 637	WPGW 870
WPHX 641	WPGW 869
WPHX 628	WPGW 868
WPHX 640	WPGW 875
WPHX 650	WPHB 349
WPHX 636	
WPHT 803	
WPIQ 212	
WPIQ 216	
WPHT 807	
WPIQ 220	
WPIZ 481	
WPIZ 477	
WPIZ 485	
WPIQ 219	
KNNH 856	
KNNH 874	
KNNH 862	
KNNH 861	
KNNH 860	
KNNH 868	
KNNJ 251	
KNNF 673	
KNNH 819	
KNNH 823	
KNNH 882	
KNNH 821	
KNNH 820	
KNNM 416	
KNNQ 315	
KNNU 703	
KNNU 705	
KNNU 704	
KNNU 706	
KPKJ 448	

STAMP & RETURN

Exhibit B

July 30, 1996

Federal Communications Commission
Gettysburg, PA 17326Attn: Terry L. Fishel, Chief
Land Mobile Branch, Licensing Division
Wireless Telecommunications Bureau
1270 Fairfield Road (Mail Stop 2000G)
Gettysburg, PA 17325-7245Re: Retention of Communication Innovations Corporation's Eligibility as a "Group B" Exclusive Nationwide Paging Licensee

Dear Mr. Fishel,

Please be advised that Communication Innovations Corporation ("CIC"), has completed construction of 334 transmitter sites (see enclosure) on Private Carrier Paging ("PCP") frequency 929.8125 MHz.

In addition, CIC has constructed 62 additional sites to these existing systems in accordance with your letter (No. 7110-02) of July 12, 1996.

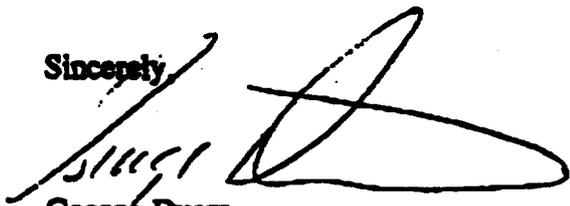
Notification of construction, of the above 396 sites, has been submitted to: Kathryn M. Garland, Chief, Consumer Assistance Branch. With these submissions, CIC believes it has met the construction criteria for a grant of Nationwide Exclusivity under current rule section 90.495.

Also, CIC has submitted 14 expansion applications for 77 sites, for coordination by PCIA, under the interim licensing rules.

Finally, enclosed is an extra "Stamp and Return" duplicate copy of this letter, please return in the "FedEx" envelope provided.

Please call if there are any questions concerning this letter.

Sincerely,


George Duca

Enclosure

COMMUNICATION INNOVATIONS CORPORATION

PAGE 1 OF 2

LISTING OF CONSTRUCTED AUTHORIZATIONS ON FREQUENCY 929.8125 MHz

CALL SIGN	CONSTRUCTION DATE	SITES
WPHK 279	4/29/96	6
WPHK 275	5/02/96	6
WPHK 271	6/04/96	6
WPHK 267	5/30/96	6
WPHK 263	5/21/96	6
WPHK 259	5/24/96	6
WPHK 255	5/22/96	6
WPHC 496	5/31/96	6
WPHB 345	5/17/96	6
WPHZ 981	7/22/96	6
WPHZ 985	7/16/96	6
WPHX 637	7/15/96	6
WPHX 641	7/22/96	6
WPHX 628	7/16/96	6
WPHX 640	7/22/96	5
WPHX 650	7/17/96	6
WPHX 636	7/17/96	4
WPHT 803	7/15/96	6
WPIQ 212	7/19/96	6
WPIQ 216	7/15/96	6
WPHT 807	7/15/96	6
WPIQ 220	7/22/96	6
WPIZ 481	7/18/96	6
WPIZ 477	7/22/96	6
WPIZ 485	7/18/96	6
WPIQ 219	7/18/96	4
KNNH 856	7/16/96	6
KNNH 874	7/22/96	3
KNNH 862	7/19/96	2
KNNH 861	7/11/96	5
KNNH 860	7/12/96	6
KNNH 868	7/15/96	6
KNNJ 251	7/18/96	6
KNNF 673	7/16/96	6
KNNH 819	7/12/96	6
KNNH 823	7/18/96	5
KNNH 882	7/17/96	6
KNNH 821	7/15/96	6
KNNH 820	7/12/96	6
KNNH 416	7/11/96	4
KNNQ 315	7/12/96	5
KNNU 703	7/19/96	6
KNNU 705	7/17/96	4
KNNU 704	7/12/96	4
KNNU 706	7/15/96	4
KPKJ 448	7/16/96	5

COMMUNICATION INNOVATIONS CORPORATION

PAGE 2 OF 2

LISTING OF CONSTRUCTED AUTHORIZATIONS ON FREQUENCY 929.8125 MHz

CALL SIGN	CONSTRUCTION DATE	SITES
WPGR 665	7/16/96	6
WPGT 571	7/22/96	5
WPGT 570	7/22/96	5
WPGT 576	7/15/96	6
WPGT 575	7/19/96	3
WPGT 577	7/19/96	3
WPGT 572	7/18/96	4
WPGT 573	7/15/96	6
WPGT 574	7/15/96	4
WPGT 578	7/18/96	5
WPGT 598	7/12/96	6
WPGW 870	7/17/96	5
WPGW 869	7/16/96	6
WPGW 868	7/15/96	6
WPGW 875	7/22/96	6
WPHB 349	7/11/96	6

SITES CONSTRUCTED 334

DECLARATION

1. My Name is Doug Sinclair. Through various corporations that I own or control, I am a licensee of various part 90 systems. I also hold General Radio Telephone certificate attesting to my technical expertise. My Background is technical in nature, and I have performed over the years the installation, maintenance and operation of literally hundreds of transmitters licensed to various licensees all over the states of Florida as well as several foreign countries. I have approximately twenty years experience in the wireless telecommunications industry.

2. I was retained by PSWF Corporation ("PSWF") to investigate the status of private carrier paging frequency 929.8125 MHz in the area of southern Florida. This declaration sets forth my findings and conclusions. I understand that this declaration may be submitted to the Federal Communications Commission by PSWF.

3. I monitored the status of this frequency on a continuance basis over several days during the week of December 9, 1996 with respect to each of the following locations:

<u>Site No.</u>	<u>Call Sign</u>	<u>Location</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
1.	KNNH868	Jupiter, FL.	26-56-32	80-04-19
2.	KNNH868	Delray Beach, FL.	26-25-54	80-05-38
3.	KNNH868	W. Palm Beach, FL.	26-40-54	80-11-52
4.	KNNH868	N. Miami Beach.	25-57-13	80-07-51
5.	KPJK448	Coral Springs FL.	26-16-25	80-16-11
6.	KPJK448	Miami, FL.	25-58-15	80-12-32
7.	KPJK448	Miami, FL.	25-41-06	80-18-51
8.	KPJK448	Miami, FL.	25-46-19	80-11-40

4. As to each of these locations, my monitoring revealed that the frequency transmitted at sporadic intervals over portions of the day, and that during the long portions of the day when the frequency was not transmitting traffic, it was not transmitting it's call sign. In other words, the frequency was transmitting less often than once every fifteen minutes, and when it did transmit, it did not transmit its call sign. Thus, the sporadic operation did not comply with section 90.425 of the FCC's rules.

5. Sites 1, 2, 3, 5, and 7 are managed by Alternative Networking, Inc ("ANI.") I spoke with the site manager for those sites, and visited sites 1, 3, and 5 personally. The site manager indicated that there was no site lease for any of these five ANI- managed locations with an entity named Communications Innovation Corporation or any other entity with any similar name.

6. I then asked the ANI site manager if he had any site lessees at any of these five locations licensed to use the frequency 929.8125 MHz. The site manager confirmed that there was no site lease for any person to use this frequency at any of those five ANI- managed locations. In fact, the site manager became quite upset about the fact that this frequency was apparently being piggy-backed part-time onto some other lessee's transmitter. It is the site manager's job, among other things, to avoid intermodulation problems at each site and all lessees are required under the terms of their leases to advise the site manager of each and every frequency which they transmit, to avoid inter-modulation problems. The site manager did confirm that Page-Mart, the large publicly traded paging company, was a 900 MHz lessee at sites 1, 2, 3, 5 and 7, although PageMart was licensed on a different 900 MHz paging frequency than the frequency (929.8125 Mhz) that I was investigating.

7. I contacted the site manager for the other three above-listed sites (sites 4, 6, and 8), but was advised that he site manager was not in a position to confirm or deny to me the identity or frequencies of any lessees. However, as I monitored those three locations, I found the same transmit pattern as for the ANI sites; that is, sporadic short intervals of transmission and long portions of the day where not even the station's call sign was transmitted.

8. It is my expert opinion that the frequency 929.8125 MHz is only being used at these eight locations part-time via a single, frequency-agile transmitter at each location, which transmitter spends the bulk of each day transmitting on a different 900 MHz paging frequency for a different licensee. It is my opinion that most likely the "traffic" that I detected part of each day on 929.8125 MHz was merely a transmission of messages earlier transmitted over that different licensee's frequency. PageMart is likely the "different licensee" that constructed these transmitters and uses them most of the time for it's own licensed frequency. In at least five of the above eight locations and possibly all eight locations, the part-of-the-day transmissions over 929.8125 MHz were being conducted without the knowledge or consent of the site owner.

Executed this 21st day of January, 1997. I declare under penalty of perjury that all statements of fact in the foregoing declaration are true and correct, and that all statements of opinion truly and correctly reflect my expert opinion.



Doug Sinclair



Veracon Corp.

Exhibit D

Phone: (708) 447-7066
Fax: (708) 447-5042

8913 W. Cermak Road
North Riverside, IL 60546

Brown Nietert and Kaufman
1920 N Street N.W.
Suite 660
Washington DC 20036

March 3, 1997

Attn: David Kaufman

Re: Operation of 929.8125 Mhz in Chicago area.

Dear David:

Veracon Corp. is a Illinois Corporation operating as a SMR service provider in several frequency bands and in multiple states. We have been in the radio communications business in excess of 30 years. Veracon has obtained almost all of our frequencies by application to the Commission after having thoroughly researched the channel loading and licensing in the geographical area of interest. We have become acquainted with many of the local site owners over the years and have consulted them for confirmation of system construction when in doubt. We have used a computerized method of monitoring a given channel of interest to indicate the channel usage, by total time per given period, total "hit" count, transmission protocol, and field strength in a given direction to confirm license coordinate position and activity.

We have monitored the frequency (929.8125 MHz) for three consecutive days between February 11 through February 13, 1997 and Saturday, February 15, 1997 between the hours of 9AM through 4:30PM each day. The communications receiver used, has a sensitivity of better then .5 microvolts and was tuned to the specific frequency stated above. The antenna used first, was a unity gain 900MHz antenna at a level of approximately 50 feet above ground. In subsequent attempts to monitor and log the channel we used a 9 Db gain directional yagi antenna pointed in the direction of the sites you requested we check.

Our monitoring location is approximately 13 miles due west of Lake Michigan and therefore in the heart of the land mass any radio service would choose to cover. Our monitoring attempts indicated no transmitted carrier, call signs, or identifiers as required by the part 90 rules.

I have also contacted several site owners to confirm the existence of the licensee or the operation of the above frequency at their site. The results are as follows::

Site A.) I have no access to the downtown IBM Plaza site and was not able to definitively confirm the operation at that site. However the elevation of that building, the licensed ERP, and the distance between the site and our equipment would certainly have recorded some traffic on our equipment if it were operational.

Site B.) The facility at Green Garden Place in Lockport Ill, was confirmed by the site owner as having no Tenant operating on that frequency. They also indicated that after monitoring that frequency at my request substantiated that no transmitter was operational by any of their existing tenants on that frequency

Site C.) The site at 5441 N.E. River Road is a site controlled by Motorola. Unfortunately Motorola as a general policy, does not provide any information about any tenants or frequencies, nor does it confirm the absence of any tenant or frequency. In any event, we were not able to hear any transmitted signal when a directional antenna is pointed at the specified coordinates. The distance between the site and our monitoring facility is only 9.59 miles.

Site D.) The site at 1603 Orrington Ave. in Evanston Ill. is controlled by Broadcast Services of Indianapolis Ind. Their records indicate no association with the license applicant and no authority for said frequency to be operational at their site. We had requested Pace Communications Co., a local two way radio dealer, to monitor the questioned frequency for us for a reasonable period of time. They indicated that had done so on February 13, 1997 during their normal daily business hours, Their report was " No signal was heard during our monitoring period".

Site E.) The site at Lemont Rd. in Darien Il. owned and operated by Stann & Associates. The owner of the business had indicated that neither the license applicant nor the specific frequency was listed to that site. He did however indicate that Pagemart was a current tenant. The distance between this site and our monitoring facilities is only 11.3 miles, which would have allowed us to hear a signal if it were transmitted.

Site F.) The site at 1450 American Ln. in Schaumburg Il. was not available for us to have access to, nor are we privy to anyone who may have been able to supply us with information. We did however monitor the frequency with our directional antenna pointed at the appropriate coordinates and recorded no transmitted carrier during the above stated monitoring period.

I am aware that this document will be submitted to the Federal Communications Commission, and therefore submit these findings and declare under penalty of perjury, that the information obtained and the observations and determinations so specified are accurate, true, and correct. It is therefore my assertion that the frequency 929.8125 MHz is not currently operational at or from the sites listed on the license application or from any other location in the Chicago metropolitan area.

Sincerely:



Robert Barcal
Veracon Corporation

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

October 14, 1992

In Reply Refer To:
1600D-JSG

Audrey P. Rasmussen, Esq.
O'Connor & Hannan
1919 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Re: Susan Shyne
Station KNKM872
File No. 28591-CD-P/L-89
Roundtop Peak
Oakland, CA

Dear Ms. Rasmussen:

On March 27, 1992 Susan Shyne (Shyne) filed FCC Form 489 to request reinstatement of facilities constructed at Oakland, CA.

Shyne's proposed use of the facilities of Pactel is not a permissive modification. The original Shyne application did not request authority to use the facilities of a different licensee. Authority to operate in the method Shyne requests would require disclosure and prior approval.

Since Shyne has not timely constructed in accordance with its authorization and the proposed modification can not be done by notification Shyne's request for reinstatement is denied and its authorization is terminated.

Sincerely



John Cimko
Chief, Mobile Services Division
Common Carrier Bureau

cc: Susan Shyne

Station 644

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

May 28, 1992

In reply refer to:
163500-JSC

Audrey P. Rasmussen, Esq.
O'Connor & Hannan
1919 Pennsylvania Ave., N.W.
Suite 800
Washington, D.C. 20006

Re: United Paging Group, Inc.
Station KNKM 836
File No. 27145-CD-P/L-89
San Diego
Running Springs
Mt. Vaca
New Almadan, CA

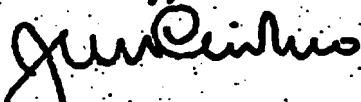
Dear Ms. Rasmussen:

On March 27, 1992 United Paging Group, Inc. (United) filed FCC Form 489 to request reinstatement of facilities constructed at the referenced locations. The Mt. Vaca facility appears to have been constructed at an unauthorized location from that authorized by File No. 27145-CD-P/L-89.

The change United has proposed to use the facilities of Pactel is not a permissive modification. The original United application did not request authority to use the facilities of a different licensee. Authority to operate in the method United requests would require disclosure and prior approval.

Since United has not timely constructed in accordance with its authorization and the proposed modifications can not be done by notification United's request for reinstatement is denied and its authorization is terminated.

Sincerely,



John Cinko
Chief, Mobile Services Division
Common Carrier Bureau

cc: United Paging Group, Inc.

COPYRIGHT 1996 D&B INC. - PROVIDED UNDER CONTRACT
FOR THE EXCLUSIVE USE OF SUBSCRIBER 016-003409L.

ATTN: HAWTHORNE GROUP

IN DATE

DUNS: 80-540-7509
COMMUNICATION INNOVATIONS CORP

DATE PRINTED
DEC 09 1996

RATING --

HUGUENOT ST
ROCHELLE NY 10801
TEL: 914 576-6622

BUSINESS
CONSULTING SERVICE
SIC NO.
87 48

STARTED 1991
EMPLOYS UNDETERMINED
HISTORY INCOMPLETE

EMP EXECUTIVE: UNDETERMINED

* * * CUSTOMER SERVICE * * *

If you need any additional information, would like a credit recommendation, or
have any questions, please call our Customer Service Center at (800) 234-3867
anywhere within the U.S. From outside the U.S., please call your local
office.

* * * SUMMARY ANALYSIS * * *

Summary Analysis section reflects information in D&B's file as of
number 9, 1996.

RATING SUMMARY

The absence of a Rating (--) indicates that the information available to
D&B does not permit us to assign a Rating to this business. In this
case, no Rating was assigned because D&B does not have sufficient
historical information about this company to assign a Rating.

Below is an overview of the company's D&B Rating(s) since 10/15/93:

RATING	DATE APPLIED
--	08/02/95
ERN	10/15/93

* * * PAYMENT SUMMARY * * *

Payment Summary section reflects payment information in D&B's file as of
date of this report.

has not received a sufficient sample of payment experiences to establish a

DEX score.

Below is an overview of the company's dollar-weighted payments, segmented by suppliers' primary industries:

	TOTAL RCV'D	TOTAL DOLLAR AMOUNTS	LARGEST HIGH CREDIT	% W/IN TERMS	DAYS SLOW			
	#	\$	\$	%	<31	31-60	61-90	91+
al in D&B's file	1	100	100					
ment By Industry:								
Air courier service	1	100	100	100	-	-	-	-
er Payment Categories:								
h experiences	0	0	0	0				
ent record unknown	0	0	0	0				
avorable comments	0	0	0	0				
aced for collection								
with D&B	0	0						
other	0	N/A						

highest "Now Owes" on file is \$50
 highest "Past Due" on file is \$ 0

receives over 220 million payment experiences each year. We enter these and updated experiences into D&B Reports as this information is received.

MENTS (Amounts may be rounded to nearest figure in prescribed ranges)

- antic - Anticipated (Payments received prior to date of invoice)
- disc - Discounted (Payments received within trade discount period)
- pt - Prompt (Payments received within terms granted)

ORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
96	Ppt	100	50	-0-	N15	1 Mo

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

03/96

On OCT 03 1996 Vincent Petty, ex vice president, declined all information.

UCC FILINGS

The following data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

*** UCC FILING(S) ***

CATEGORY: Specified Inventory - Specified Account(s) - Specified General
 intangibles(s) - Specified Chattel paper - and OTHERS
REG NO: R04352 **DATE FILED:** 04/29/1992
FILE: Original **LATEST INFO RECEIVED:** 05/18/1992
PARTY: CHEMICAL BANK, JERICHO, NY **FILED WITH:** SECRETARY OF
FOR: COMMUNICATION INNOVATIONS CORP **STATE/UCC DIVISION,**
OR

CATEGORY: Communications equipment including proceeds and products
REG NO: 96161792 **DATE FILED:** 08/14/1996
FILE: Original **LATEST INFO RECEIVED:** 08/30/1996
PARTY: PAGEMART WIRELESS, INC., DALLAS, TX **FILED WITH:** SECRETARY OF
FOR: COMMUNICATION INNOVATIONS CORPORATION **STATE/UCC DIVISION,**
NY

The public record items contained in this report may have been paid, terminated, vacated or released prior to the date this report was printed.

12/96

VINCENT PETTY , EXECUTIVE VICE
PRESIDENT
DIRECTOR(S) : THE OFFICER(S)

On October 3, 1996 management confirmed the existence of this corporation. Dun & Bradstreet makes a regular search for corporate details and will provide the information as it becomes available. Business started 1991. Actual starting date is undetermined, therefore the incorporation date is being used. Vincent Petty. Antecedents were declined by management.

12/96

Operates as a business consulting service (100%).
Terms are undetermined.
EMPLOYEES: Undetermined.
FACILITIES: Rents premises in a building.
LOCATION: Central business section on main street.

12-09(

CERTIFICATE OF SERVICE

I, Melissa L. Clement, a secretary at the law firm of Brown Nietert & Kaufman, Chartered, do hereby certify that I caused a copy of the foregoing "Petition For Declaratory Ruling That The 929 MHz Private Carrier Paging Licenses of Communication Innovations Corporation Have Expired " to be sent via first class U.S. mail, postage prepaid or hand delivered, this 11th day of March, 1997 to each of the following:

Dan Phythyon, Deputy Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5202
Washington, DC 20554

Riley W. Hollingsworth
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

Roslaind K. Allen, Deputy Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5202
Washington, DC 20554

Mika Savir*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 7130
Washington, DC 20554

Richard O. Pullen
Vice President and General Counsel
Communication Innovations Corporation
145 Huguenot Street
New Rochelle, NY 10801


Melissa L. Clement

* - Via Hand Delivery