

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In re Applications of
Liberty Cable Co., Inc.

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WT Docket No. 96-41

For Private Operational Fixed
Microwave Service Authorization and
Modifications

New York, New York

)
)
) File Nos.:
) 708777 WNTT370
) 708778, 713296 WNTM210
) 708779 WNTM385
) 708780 WNTT555
) 708781, 709426, 711937 WNTM212
) 709332 (NEW)
) 712203 WNTW782
) 712218 WNTY584
) 712219 WNTY605
) 713295 WNTX889
) 713300 (NEW)
) 717325 (NEW)
)

To: The Honorable Richard L. Sippel
Administrative Law Judge

**WIRELESS TELECOMMUNICATIONS BUREAU PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW
FOR PHASE II OF HEARING TESTIMONY**

On March 3, 1997, Time Warner Cable of New York City and Paragon Cable Manhattan (collectively Time Warner) filed a Motion for Limited Discovery and the Taking of Additional Hearing Testimony, Or, in the Alternative, To Enlarge the Issues (Motion). On April 21, 1997, the presiding Administrative Law Judge granted Time Warner's Motion in part and allowed for additional discovery and reopening of the hearing.¹ On May 28-29, 1997, additional hearing testimony was taken from four witnesses. The Acting Chief, Wireless Telecommunications

¹ Liberty Cable Co., Inc., FCC 97M-63 (released April 21, 1997).

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Bureau (Bureau), hereby submits his Proposed Findings of Fact and Conclusions of Law as to the testimony taken during that second phase of the Liberty proceeding.

I. INTRODUCTION

1. Time Warner raised issues in its Motion that Bartholdi Cable Co., Inc., formerly Liberty Cable Co., Inc. (Liberty), may have been aware of unauthorized activation of private operational fixed microwave service (OFS) prior to the April 1995 date testified to by Liberty officials during earlier hearings in this proceeding. Time Warner based its Motion on an April 20, 1993, letter from Jennifer Richter, then an attorney with Liberty's communications counsel firm, to Bruce McKinnon, then vice-president of Liberty; and on the February 26, 1997, Motion to Correct Transcript filed by Liberty in which witness Howard Barr, another attorney with the firm providing communications counsel to Liberty, attempted to "clarify" certain aspects of his testimony given during the candor hearing. Time Warner argued that these two pieces of evidence, taken together, raise a substantial question of fact as to whether Liberty knew of its unlicensed operation of microwave facilities in 1993 rather than learning of it for the first time in 1995.

2. The presiding Judge ruled that the evidence raised by Time Warner is relevant to Liberty's candor and credibility.² The presiding Judge further concluded that "there are substantial questions of fact raised by the cumulative effect" of the evidence raised.³ Accordingly, additional discovery was allowed and further hearing testimony was taken. By its Proposed Findings of Fact and Conclusions of Law submitted herein, the Bureau will show that

² *Id.* at ¶ 8.

³ *Id.* at ¶ 10.

the evidence supports a finding that Liberty *did not know* about the premature operations in 1993, and that the Joint Motion for Summary Decision filed in this proceeding by Liberty and the Bureau should be granted.

II. PROPOSED FINDINGS OF FACT

3. Jennifer Richter started as an associate attorney with the law firm of Pepper & Corazzini in approximately April 1992. (Tr. at 2000) Ms. Richter commenced work for Liberty, a client of Pepper & Corazzini, shortly after she began at the firm. (Tr. at 2001) Ms. Richter took over this work from Todd Parriott, another attorney at the same firm. While Mr. Parriott was still with the firm, he supervised the work Ms. Richter did for Liberty. (Tr. at 2001) As a matter of course, however, no other Pepper & Corazzini attorney supervised Ms. Richter's work for Liberty. (Tr. at 2003) Although, Ms. Richter did occasionally seek advice from then Pepper & Corazzini associate Howard Barr and partner Robert Corazzini. (Tr. at 2003)

4. Ms. Richter's primary contact at Liberty was Behrooz Nourain. (Tr. at 2004) Mr. Nourain and Ms. Richter spoke on average about once a week. (Tr. at 2005) Ms. Richter knows she spoke to Peter Price, president of Liberty, on at least one occasion. (Tr. at 2004; TW/CV Ex. 55, pp.12-13) Ms. Richter does not believe that she had ever spoken with Bruce McKinnon, then vice-president of Liberty. (Tr. at 2004; TW/CV Ex. 55, p.11)

5. Preparation of OFS microwave applications to be filed with the Federal Communications Commission was the primary responsibility of Ms. Richter with regards to the Liberty file. Ms. Richter would either get a frequency coordination from Comsearch from which she would prepare an application, or she would get the information from Mr. Nourain directly and she would contact Comsearch to begin the frequency coordination. (Tr. at 2005-06)

6. Ms. Richter would inform Liberty of when the applications that she filed on Liberty's behalf were placed on a Commission Public Notice. (Tr. at 2010, 2211-12; TW/CV Exs. 56-57)

7. At some point, Ms. Richter decided the Liberty files were somewhat disorganized and that there was a need to compile an inventory of all of Liberty's licenses. (Tr. at 2014-15) The information Ms. Richter used to prepare the license inventory came from an inventory prepared by Stern Telecommunications, which handled the engineering related work for Liberty prior to the hiring of Mr. Nourain, and also from information provided by Mr. Nourain. (Tr. at 2016-18)

8. On March 16, 1993, Ms. Richter sent Mr. Nourain a draft of the license inventory. (Tr. at 2018) TW/CV Ex. 58 is a copy of the draft inventory sent by Ms. Richter to Mr. Nourain. (Tr. at 2018). The inventory was not sent to Mr. Nourain until approximately 7:45 p.m. (Tr. at 2083) Neither Ms. Richter nor Mr. Nourain can recall whether Mr. Nourain proposed any changes to the license inventory or made any corrections to it. (Tr. at 2019, 2225) The Pepper & Corazzini bills to Liberty show that the only documented telephone call between Ms. Richter and Mr. Nourain that occurred in this time frame was on March 30, 1993, more than two weeks after she sent the draft license inventory to Mr. Nourain for review. (TW/CV Ex. 60)

9. A month after Ms. Richter prepared the inventory and sent it to Mr. Nourain for review, she wrote a letter to detail to Liberty "the parameters within which construction and operation of new paths and new stations is permissible." (TW/CV Ex. 51, p.1) (Richter Letter) Ms. Richter believed, based upon her conversations with Mr. Nourain, that he did not have a full grasp of the Commission's Rules and that it was a part of her job to educate him as to what the Rules required. (Tr. at 2035) Ms. Richter had the concern that Mr. Nourain's confusion of the Rules could lead to an unauthorized activation of a microwave facility. (Tr. at 2042) However,

she never conveyed this concern to anyone else at Pepper & Corazzini. (Tr. at 2044) She believed that there was no need to convey this concern because the Richter Letter spoke for itself. She did not, however, have any concern that any unauthorized activations had already occurred, only that there existed the potential of a future unauthorized activation. (Tr. at 2044, 2060) When Mr. Barr read the Richter Letter for the first time, he believed that the letter was intended to inform Liberty of what they can or cannot do. (Tr. at 2117)

10. Although the Richter Letter is addressed to Bruce McKinnon, he never saw a copy of the letter. (TW/CV Ex. 53, p.21) The letter was sent to Mr. McKinnon's old office address (TW/CV Ex. 53, p.26), and he was in the process of leaving the company at the time. (TW/CV Ex. 53, p.21-22) Mr. McKinnon left the employ of Liberty on May 14, 1993. (TW/CV Ex. 53, p.5)

11. After sending the Richter Letter, Ms. Richter does not recall speaking to Mr. Nourain or anyone else at Liberty about the letter. (Tr. at 2061-62) The letter was a result of conversations between Ms. Richter and Mr. Nourain held prior to the date of the letter. (Tr. at 2264-65) Although Mr. Nourain had developed certain assumptions regarding the processing time of OFS microwave applications, he never conveyed his assumptions to Ms. Richter. (Tr. at 2077). Prior to starting at Liberty, Mr. Nourain had no previous experience working with OFS licensing matters. (Tr. at 2310-11)

12. Mr. Nourain forwarded the Richter Letter to Mr. Price for his review. (Tr. at 2272; TW/CV Ex. 51, p.1(handwriting notations)) Mr. Price does not recall seeing the Richter Letter but assumes it crossed his desk. (Tr. at 2167) Mr. Price believes the purpose of the Richter Letter was to outline the policy that should be followed for the commencement of service to new

buildings. (Tr. at 2173) It outlined a procedure for obtaining authorizations that Mr. Price believed was already in place at Liberty. (Tr. at 2192) The only follow-up Mr. Price pursued in response to the Richter Letter was to check on the status of Special Temporary Authority (STA) requests because that is all he believed the Richter Letter asked him to do. (Tr. at 2199)

13. Mr. Barr is uncertain as to when he first saw the Richter Letter. (Tr. at 2113) On June 22, 1995, Mr. Barr spoke with Lloyd Constantine, another attorney retained by Liberty, and made some handwritten notes during the telephone conversation. Those handwritten notes have been admitted into evidence as TW/CV Ex. 50. (Tr. at 2110) Towards the bottom of the handwritten notes, Mr. Barr wrote, "Send Lloyd a copy of Jennifer's April 20, 1993 letter." Mr. Barr believes this notation resulted from a request from Mr. Constantine to obtain a copy of the Richter Letter. (Tr. at 2111-12) Mr. Barr is unsure whether or not he had seen the Richter Letter prior to his June 22, 1995, telephone conversation with Mr. Constantine. (Tr. at 2113)

14. On January 28, 1997, Mr. Barr testified in the first phase (or the candor phase) of this hearing. At that time, Mr. Barr was asked, "Before [April 27, 1995,] did you have any idea that there was premature service being provided by Liberty Cable?" To this question, he answered, "No." (Tr. at 1796) As a follow-up question, Mr. Barr was asked, "Before [April 27, 1995,] had you heard anybody suggest that there was premature service?" Again, Mr. Barr answered, "No." (Tr. at 1796) On February 26, 1997, Liberty submitted a Motion to Correct Hearing Transcript in which Mr. Barr requests that the answer to the second question be "clarif[ied] that [he] was focusing on the January, 1995 - April, 1995 time frame." Liberty's Motion to Correct Hearing Transcript at 7. This was done to "assure that the response is placed in its appropriate context." *Id.* When Mr. Barr reviewed the transcript, he believed that the

question was broader than the time frame upon which he was focusing. (Tr. at 2121) The answer to the question, however, would not have been any different even under a broader time frame. (Tr. at 2121)

15. Moreover, not only did Mr. Barr not know of any instances of premature operation prior to April 27, 1995, he did not know of the possibility of any such unauthorized operations. (Tr. at 2119-20, 2128) In 1993, Mr. Barr did not have the same level of contact or dealings with Liberty personnel that Ms. Richter had. (Tr. at 1940)

III. PROPOSED CONCLUSIONS OF LAW

16. Despite the concerns raised by the Richter Letter and Mr. Barr's limitations of his testimony, there is absolutely no record evidence that Liberty or its counsel were aware of unauthorized operation of microwave paths by Liberty prior to April 1995.

17. Although Ms. Richter prepared a license inventory for Mr. Nourain to review in March 1993, based upon the testimony regarding that inventory, the only thing that *is* clear is that the inventory *is unclear* as to which paths are licensed and which are not. There is a colloquy between Mr. Beckner and Ms. Richter which runs roughly a dozen pages of hearing transcript which attempts to decipher which of the paths listed are fully licensed. (Tr. at 2022-34) This dialogue shows that although any path in the March 1993 license inventory (TW/CV Ex. 58) followed by a six digit number in the right-hand column is subject to a pending application (Tr. at 2023), it does not follow that the application is for a new path. Instead, the pending application could be one to modify an existing, fully licensed, path. (Tr. at 2024)

18. As it was demonstrated that even after a lengthy discussion concerning whether it could be determined if a path listed is licensed or not, no such determination could easily be

made, the only reasonable conclusion to draw from this exercise is that Liberty had no reason to learn from the March 1993 license inventory that any paths were being operated without a license.

19. Moreover, Mr. Nourain obviously did not closely scrutinize the license inventory. The facts show that despite Ms. Richter's request that he contact her if anything needed changing on the inventory (TW/CV Ex. 58, p.1), he did not speak with Ms. Richter again until more than two weeks later. (TW/CV Ex. 60, p.2) Mr. Nourain did not think that the inventories were for his use or benefit, but instead, were for Ms. Richter's use. (Tr. at 2225) Moreover, Mr. Nourain stated that as for the license inventories in general, they would be the type of things he would file away rather than review carefully because he already knew the information contained in them. (Tr. at 2252-53) He would not have reviewed any material in the inventories relating to pending applications. (Tr. at 2253)

20. Although Mr. Nourain's attitude towards the inventories may border on being cavalier, it dispels any notion that Mr. Nourain learned from the inventories about Liberty's premature operations. Moreover, because it was not until Michael Lehmkuhl prepared a license inventory on February 28, 1995, (Liberty/Bureau Ex. 1), that made it entirely clear from the face of the inventories whether any authorization existed for a path, it is not entirely accurate to state that Liberty *should have known* about the premature operations based on the earlier Richter-prepared inventories.

21. Likewise, the Richter Letter did not inform Liberty that it was operating microwave paths without a license. Nothing in the letter specifically states that Liberty is doing anything

illegal. Instead, Ms. Richter voices that she had a concern, and then describes what must be done to avoid any future problems.

22. Both Mr. Price and Mr. Nourain believed that the matters discussed in the Richter Letter were matters within Liberty's attorney's purview and for which they thought the attorneys were handling. Mr. Price testified that he thought what gave Ms. Richter "pause" was the time lag in getting licenses granted, and that the letter went on to explain that applying for STAs is what Ms. Richter thought Liberty should do to resolve this problem. (Tr. at 2193) Mr. Price testified that had he understood from the letter that there were problems of premature activation of paths, he would have taken immediate action to rectify the matter. (Tr. at 2194-95) This statement, although self-serving, is credible. Liberty's actions taken in April 1995 illustrate that Liberty was willing to take appropriate action to remedy violations made by its personnel. Mr. Nourain stated on several occasions that he considered himself a technical person, and that matters such as licensing were legal and were the responsibility of the lawyers. (Tr. at 2209-10, 2222-23, 2261, 2269) Accordingly, although the letter should have sent signals to Liberty of potential problems of early activation of microwave facilities, both Mr. Price and Mr. Nourain thought the lawyers had it under control.

23. Because Ms. Richter did not discuss her concerns regarding Liberty with anyone at Pepper & Corazzini, no one at the firm scrutinized Liberty's actions closely. Ms. Richter obviously assumed that Mr. Nourain heeded the advice about when it was appropriate to activate a microwave path. Although Ms. Richter was receiving copies of Liberty's licenses from Liberty (Tr. at 2013-14, 2212), she had no way of knowing when paths were being activated. She did

not ask for such activation dates. (Tr. at 2055)⁴ Therefore, she had no means from which to determine whether Liberty was activating paths without authorization.

24. Although Mr. Barr is uncertain of when he actually read the Richter Letter for the first time, it is apparent that Ms. Richter did not discuss the letter with him at the time it was sent in 1993. (Tr. at 2044-45) Furthermore, Mr. Barr did not know of any specific instances of unauthorized provision of service by Liberty, nor did he have any suspicions that such illegal provision of service was taking place. (Tr. at 2119-20) Therefore, he did not "clarify" his candor hearing testimony because he knew or suspected that Liberty was operating illegally before April 1995.

25. In March 1997, after Time Warner filed its Motion, counsel for Liberty, in an apparent attempt to persuade the Bureau to not support Time Warner's Motion, met with Bureau counsel about Mr. Barr's clarification of his testimony. During this meeting which was not attended by Mr. Barr or any party representing Time Warner, Liberty counsel conveyed that although Mr. Barr did not know of any actual instance of premature operation, he was aware of "issues" concerning Liberty's unauthorized operation of facilities.⁵ Therefore, Bureau counsel became troubled when Mr. Barr's testimony in Phase II of this proceeding did not reflect that he was aware of any such "issues." (Tr. at 2128-39) However, after further consultation with

⁴ Apparently, at one point in time, Ms. Richter did ask for activation dates under the mistaken assumption that such information was required by the Commission's Rules. (Tr. at 2056)

⁵ Liberty offered to make Mr. Barr available to the Bureau, outside the presence of other parties, in order for Bureau counsel to question him about his clarification of testimony. The Bureau declined on the basis that any such discussion would have been off the record and Bureau counsel believed that any discussion given by Mr. Barr regarding his clarification of testimony should be on the record. Therefore, Bureau counsel has never spoken directly with Mr. Barr about any knowledge of "issues" regarding premature service by Liberty.

Liberty counsel, the Bureau is now satisfied that Liberty's counsel misspoke or overstated to Bureau counsel about the extent of their conversations with Mr. Barr. Apparently, the correct understanding on Mr. Barr's awareness of "issues" relating to Liberty operating microwave paths without authorization is that, in June 1995, when Mr. Barr prepared the handwritten notes admitted into evidence as TW/CV Ex. 50, he became aware *at that time* that there may have been issues of possible unauthorized activation of OFS facilities by Liberty prior to April 1995. That *does not* mean that he himself was aware of any such issues prior to April 1995.

26. Furthering the Bureau's comfort in Mr. Barr's reliability is the fact that his testimony is fully consistent with Ms. Richter's. Ms. Richter is a highly credible witness. Having no current affiliation with either Liberty or Pepper & Corazzini, Ms. Richter would have no reason to dissemble or lack candor in this proceeding. Nothing in her testimony suggests that she made Mr. Barr aware of any of her concerns in 1993, or any time thereafter, or that she believed that the Richter Letter failed to solve the problem that led to her concerns. Accordingly, Mr. Barr's testimony, that prior to April 1995, he did not know of any concerns about Liberty operating without authorizations, is credible.

27. Therefore, the clarification of testimony by Mr. Barr, although unusual and unnecessary, did not signal that he knew of any problems regarding Liberty's operation of its microwave facilities prior to April 1995.

28. Based on the facts, there is no evidence that anyone at Liberty, or Liberty's counsel knew of premature operations prior to April 1995. The inventories did not demonstrate any unauthorized service to any party. The inventories were vague as to which systems had authorizations and they were not scrutinized by the one person (Mr. Nourain) who could have

potentially learned from them that a path was being operated without any authorization. Moreover, Liberty's counsel did not know when Liberty activated microwave paths so the inventories did not demonstrate to Liberty's counsel any illegal service.

29. Additionally, the Richter Letter did not make anyone aware of premature service by Liberty. Ms. Richter was clear that she was only concerned that the potential existed for paths to be operated without authorization and not that it had already occurred. The Liberty personnel were equally clear that they considered the Richter Letter to be something that was being handled by the attorneys, that not require additional action on their part.

30. Finally, the record is also clear that Mr. Barr did not change his candor hearing testimony because he knew of any premature operation of microwave facilities or suspected such unauthorized operations. Instead, he changed the testimony just for clarification purposes.

31. Again, it can certainly be argued that there was evidence from which Liberty *could have* or *should have* learned about unauthorized provision of service. However, even the latest record developed is fully consistent with the Joint Motion for Summary Decision. Liberty has consistently admitted that it had unknowingly violated the Rules by activating microwave paths without proper authorization. As the Commission stated in *David A. Bayer*, 7 FCC Rcd 5054, 5055 (1992), where the record does not show that management or owners "intended to violate the rules or to further any unlawful scheme," the proper sanction is "a forfeiture rather than revocation."

32. The violations committed by Liberty do not rise to the level of violations to be considered "so wanton, gross, and callous, and in total disregard of [Liberty's] obligations to the Commission, as to be equivalent to an affirmative and deliberate intent" and therefore

disqualifying.⁶ The violations considered herein occurred because the person responsible for activating the microwave paths, Mr. Nourain, was poorly supervised by his Liberty superiors, and he had mistaken assumptions concerning the amount of time it would take for the Commission to process and grant authority for the OFS path. This, coupled with the fact that Pepper & Corazzini was not routinely filing STA requests with the Commission for Liberty, although Mr. Nourain assumed that they were, led to the situation in which several microwave facilities were rendered operational despite the fact that no authorization had yet been granted. These problems, although severe and sanctionable, cannot be considered to be "wanton, gross, and callous." Accordingly, for reasons stated in the Joint Motion for Summary Decision, and because there is no record evidence that Liberty or its attorneys knew about the illegal operation of microwave facilities by Liberty prior to April 1995, the Bureau urges that the Joint Motion be adopted.

IV. NOURAIN'S APPARENT INCONSISTENT STATEMENTS

33. Liberty and the Bureau already addressed this issue in the Joint Motion; and the Bureau stands by the Joint Motion in this regard. Mr. Nourain's February 21, 1995, affidavit addressed only the petitions filed by Time Warner against applications filed by Liberty to back-up hardwired locations. Joint Motion at 54. The May 17, 1995, declaration of Mr. Nourain referred to a pleading discussing Time Warner petitions against Liberty applications for prematurely activating service. Taken in this context, there is no inconsistency. Moreover, Mr. Nourain's attitude must be taken into account when considering whether or not he was misrepresenting facts to the Commission. Mr. Nourain is not an attorney and he is someone, who during the course of this proceeding, has shown that he believes that legal matters should be left to the attorneys.

⁶ *Golden Broadcasting Systems, Inc.*, 68 FCC 2d 1099, 1106 (1978).

Mr. Nourain did not draft either of the affidavits himself. (Tr. at 2287-88, 2293) Mr. Nourain does not even remember if he reviewed a draft -- instead he believes it was sent to him, he signed it, and sent it back. (Tr. at 2315) The fact he sent it back with an incorrect abbreviation for "GigaHertz," a technical term of which Mr. Nourain was aware, shows that he did not review the affidavit closely. (Tr. at 2314-15). Accordingly, there is nothing to support that Mr. Nourain had the intention of misrepresenting facts to the Commission in his affidavits.

IV. BUREAU'S POSITION IN THIS PROCEEDING

34. At the conclusion of the initial round of discovery in this proceeding, the Bureau believed that the record evidence showed that while Liberty had committed serious violations of the Rules, there was nothing in the record which required that Liberty be found unqualified as a licensee. Nothing that has developed in this proceeding since then has changed that position of the Bureau. Since filing the Joint Motion for Summary Decision, the Bureau has twice filed comments in support of motions by Time Warner for further inquiry into whether Liberty personnel had been truthful and candid in their testimony. The first instance occurred after Liberty belatedly disclosed the February 28, 1995, inventory prepared by Michael Lehmkuhl. Because the Bureau believed that the inventory, if it had been reviewed by Liberty officials, could have indicated that Liberty was operating certain paths without a license, further inquiry was appropriate. Unlike both Liberty and Time Warner, the Bureau has no stake in the outcome of this proceeding. The Bureau's only mandate is to see that the public interest is served. Therefore, although the Bureau had joined Liberty in the Joint Motion for Summary Decision, if new evidence demonstrated that the basis for that Joint Motion was unfounded, then the public

interest would dictate that the Bureau withdraw its support for the Joint Motion. Accordingly, the Bureau supported Time Warner's first Motion for further inquiry.

35. The further inquiry into the Lehmkuhl inventories did not result in any evidence suggesting that the Joint Motion was unfounded. Accordingly, the Bureau maintained its position in favor of summary disposition of this proceeding.

36. After the candor hearing in this proceeding, Time Warner filed another motion seeking additional inquiry based on new evidence -- the Richter Letter, and Mr. Barr's "clarification" of his hearing testimony. Once again, because the Bureau believed that Time Warner had raised a substantial and material question of fact as to whether Liberty was aware of unauthorized provision of OFS service in 1993. In addition, the Bureau believed that Liberty's letter withdrawing support of portions of Mr. Nourain's direct hearing testimony was highly unusual. Therefore, the Bureau was compelled to support Time Warner's motion. The public interest could accept no less.

37. As demonstrated in these Proposed Findings of Fact and Conclusions of Law, however, once again, the further inquiry has shown nothing more than a dry well. The record evidence that Liberty did not learn about the illegal activation of microwave paths until April 1995 remains unaltered. Also unaltered is the evidence detailed in the Joint Motion as to how and why such violations occurred. For that reason, the Bureau remains in support of the Joint Motion.

For the foregoing reasons, the Bureau requests that the Proposed Findings of Fact and Conclusions of Law be adopted and that the pending Joint Motion for Summary Decision be granted.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Mark L. Keam, of the Enforcement Division, Wireless Telecommunications Bureau, certify that I have, on this 11th day of June, 1997, caused to be transmitted by facsimile or hand delivery and sent by regular First Class United States mail, copies of the foregoing "Wireless Telecommunications Bureau Proposed Findings of Fact and Conclusions of Law for Phase II of Hearing Testimony," to:

The Honorable Richard L. Sippel
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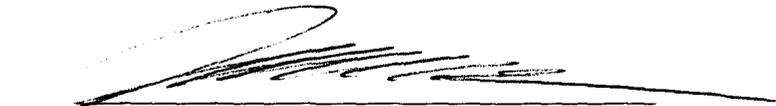
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