

FCC Received August 12, 1997 @ 2:55 p.m.  
Dona A. Bradshaw

ORIGINAL

**FEDERAL COMMUNICATIONS  
COMMISSION**

DOCKET FILE COPY ORIGINAL

In the Matter of: )  
)  
MARC SOBEL, APPLICANT )  
FOR CERTAIN PART 90 )  
AUTHORIZATIONS IN THE LOS )  
ANGELES AREA AND REQUESTOR OF )  
CERTAIN FINDERS PREFERENCES )  
)  
MARC SOBEL AND MARC SOBEL )  
D/B/A AIR WAVE COMMUNICATIONS )  
)  
LICENSEE OF CERTAIN PART 90 )  
STATIONS IN THE LOS ANGELES )  
AREA )

Docket No.: WT97-56

**RECEIVED**

AUG 18 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

C O R R E C T E D C O P Y

Volume: 2  
Pages: 14 through 209  
Place: Washington, D.C.  
Date: July 29, 1997

**HERITAGE REPORTING CORPORATION**

*Official Reporters*  
1220 L Street, NW, Suite 600  
Washington, D.C.  
(202) 628-4888

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of:	)	Docket No.:	WT97-56
	)		
MARC SOBEL, APPLICANT	)		
FOR CERTAIN PART 90	)		
AUTHORIZATIONS IN THE LOS	)		
ANGELES AREA AND REQUESTOR OF	)		
CERTAIN FINDERS PREFERENCES	)		
	)		
MARC SOBEL AND MARC SOBEL	)		
D/B/A AIR WAVE COMMUNICATIONS	)		
	)		
LICENSEE OF CERTAIN PART 90	)		
STATIONS IN THE LOS ANGELES	)		
AREA	)		

Room 2  
FCC Building  
2000 L Street, N.W.  
Washington, D.C.

Tuesday,  
July 29, 1997

The parties met, pursuant to the notice of the  
Administrative Law Judge, at 10:00 a.m.

BEFORE: HON. JOHN M. FRYSIAK  
Administrative Law Judge

## APPEARANCES:

On behalf of Marc Sobel:

ROBERT J. KELLER, ESQ.  
Federal Telecommunications Law  
4200 Wisconsin Avenue, N.W.  
Washington, D.C. 20016-2143  
(202) 416-1670

SCOTT A. FENSKE, ESQ.  
Thompson, Hine, and Flory, P.L.L.  
1920 N Street, N.W.  
Washington, D.C. 20036-1601  
(202) 331-8800

On behalf of Federal Communications Commission  
and Wireless Telecommunication Bureau:

JOHN J. SCHAUBLE, ESQ.  
WILLIAM H. KNOWLES-KELLET  
Federal Communications Commission  
Wireless Telecommunications Bureau  
1919 M Street, N.W.  
Washington, D.C. 20554  
(202) 418-0797

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Marc David Sobel	67 112	161	--	--	--

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Wireless Communications Bureau:</u>			
1	26	43	--
2	27	45	--
3	27	46	--
4	27	46	--
5	27	47	--
6	28	47	--
7	28	47	--
8	28	47	--
9	29	47	--
10	29	47	--
11	29	47	--
12	29	47	--
13	30	47	--
14	30	47	--
15	30	47	--

E X H I B I T SIDENTIFIEDRECEIVEDREJECTEDWireless Communications Bureau:

16	30	47	--
17	31	48	--
18	31	48	--
19	31	51	--
20	32	51	--
21	32	52	--
22	32	52	--
23	33	53	--
24	33	53	--
25	33	54	--
26	34	55	--
27	34	55	--
28	34	55	--
29	35	55	--
30	35	55	--
31	35	55	--
32	35	55	--
33	36	55	--
34	36	55	--
35	36	55	--
36	37	55	--
37	37	55	--

Heritage Reporting Corporation  
(202) 628-4888

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Wireless Communications Bureau:</u>			
38	37	55	--
39	38	56	--
40	38	56	--
41	38	56	--
42	39	57	--
43	39	58	--
44	39	58	--
45	40	--	--
46	40	58	--
47	41	59	--
 <u>Sobel:</u>			
1	63	64	--
2	63	64	--
3	63	65	--
4	63	65	--
5	63	65	--
6	63	66	--

Hearing Began:	10:00 a.m.	Hearing Ended:	3:57 p.m.
Recess Began:	12:16 p.m.	Recess Ended:	1:17 p.m.

Heritage Reporting Corporation  
(202) 628-4888

P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JUDGE FRYSIAK: Good morning. Please be seated.  
This is a hearing in WT docket number 97-56. May we note  
your appearances for the record?

MR. SCHAUBLE: Good morning, Your Honor. On  
behalf of the Wireless Telecommunications Bureau, John J.  
Schauble and William H. Knowles-Kellet.

JUDGE FRYSIAK: Good morning.

MR. KELLER: Your Honor, on behalf of Marc Sobel,  
AirWave Communications, I am Robert J. Keller.

MR. FENSKE: Good morning, Your Honor. On behalf  
of Plaintiff, Scott Fenske.

JUDGE FRYSIAK: Are there any preliminary matters  
to attend to?

MR. SCHAUBLE: Yes, Your Honor. I have several  
preliminary matters.

JUDGE FRYSIAK: Yes.

MR. SCHAUBLE: First, Your Honor, in reviewing the  
exhibits we exchanged, we noted that there was a duplication  
error on page four of WTB exhibit 39. The page was cut off.  
This morning we distributed a corrected page to counsel for  
Sobel and Kay, and at this time I would like to provide Your  
Honor with a corrected page.

JUDGE FRYSIAK: All right.

MR. SCHAUBLE: This is our WTB Exhibit 39. A

1 second preliminary matter, Your Honor, concerns the order in  
2 which we will take the testimony of Mr. Sobel. We have a  
3 situation here, Your Honor, where the Bureau has the burden  
4 in proceeding in proof with respect to the licenses of the  
5 transfer of control issue, and Mr. Sobel has the evidentiary  
6 burdens on those issues with respect to the pending  
7 applications. The Bureau has the sole evidentiary burden on  
8 the misrepresentation lack of candor issue.

9 Mr. Sobel has been notified as an adverse direct  
10 case witness from the Bureau, and he is also a direct case  
11 witness on his own behalf. The Bureau believes there is no  
12 need to have two separate presentations from Mr. Sobel, and  
13 the Bureau will propose the following order, that the Bureau  
14 take direct testimony from Mr. Sobel first, and then counsel  
15 for Sobel then examine Mr. Sobel both on his direct case and  
16 with respect to cross-examination on the Bureau's direct  
17 case. The Bureau will then have cross and redirect  
18 testimony and then Mr. Sobel's counsel would have the final  
19 opportunity to examine the witness in redirect or re-cross  
20 testimony, as the case may be.

21 JUDGE FRYSIK: Mr. Keller, is that agreeable with  
22 you?

23 MR. KELLER: We have no problem with that, Your  
24 Honor.

25 MR. SCHAUBLE: Third, Your Honor, we request that

1 sequestration be applied with respect to the witnesses in  
2 this proceeding.

3 JUDGE FRYSIAK: So ordered.

4 MR. FENSKE: Your Honor, we do not consider  
5 argument on that point.

6 JUDGE FRYSIAK: What is your thought?

7 MR. FENSKE: Your Honor is certainly aware of the  
8 fact -- actually let me make a preliminary statement with  
9 regard to Mr. Kay. He apparently spent three hours at  
10 George Washington Hospital last night, so he is touch and go  
11 with regard to his medical condition. I think that is why  
12 he stepped out right now. I just wanted everybody to know  
13 that that is his situation.

14 With regard to the sequestration, to the extent  
15 that Mr. Kay is physically able to be present during the  
16 testimony, Your Honor is more than perfectly aware that he  
17 is a party. We have been down that exercise a good portion  
18 of last week. I believe, given the fact that he is a party  
19 and not a witness, he is entitled to be present during these  
20 entire proceedings.

21 MR. SCHAUBLE: Your Honor, if I may respond. Are  
22 you finished?

23 MR. FENSKE: Yes. That's the sum and substance of  
24 it.

25 MR. SCHAUBLE: Your Honor, there is precedent,

1 specifically Black Television Workshop of Los Angeles and  
2 FCC record 4192. At footnote 20, the review board held that  
3 parties in administrative proceedings do not have an  
4 automatic right to be exempt from sequestration in FCC  
5 proceedings, and if the presiding Judge deems it appropriate  
6 in order to insure the best possible record in this  
7 proceeding to have sequestration, that sequestration can be  
8 applied regardless of the fact that a witness is a party to  
9 the proceeding.

10 MR. FENSKE: One additional point, if I may, Your  
11 Honor, briefly. The Bureau, for lack of a better word,  
12 attempted to have the same sequestration procedure applied  
13 during the depositions. It just so happened, I think the  
14 Bureau would agree, that we worked out an arrangement  
15 whereby Mr. Kay was present for Mr. Sobel's entire  
16 deposition, and there was not sequestration during that  
17 time.

18 There was a brief objection raised. Basically,  
19 Your Honor, he was on his lunch hour so we began and  
20 continued and finished the entire Sobel deposition with Mr.  
21 Kay present. I am suggesting that with Mr. Kay's attendance  
22 and review of the Sobel deposition, and they didn't seem to  
23 have a significant problem at that point in time, I don't  
24 know if there is a great difference here now since he has  
25 come all the way from California as a party to this action.

1 JUDGE FRYSIAK: Mr. Schauble, what do you say to  
2 that?

3 MR. SCHAUBLE: Your Honor, it was our intention to  
4 have sequestration at the depositions. When the point came  
5 up, Your Honor was not available. The Bureau decided that  
6 it was not worth stopping the deposition until Your Honor  
7 was available just to press the point of sequestration.  
8 However, that did not operate as a waiver in any way of our  
9 right to seek sequestration at the hearing. We think  
10 sequestration is appropriate here as it is implied in most  
11 Commission proceedings.

12 JUDGE FRYSIAK: If you had gone through with the  
13 deposition, what is the objection now? Is the testimony you  
14 are going to seek today different from the testimony that  
15 you sought and got in the deposition?

16 MR. SCHAUBLE: There will be some questions that  
17 will be different from what was at the deposition, Your  
18 Honor. By and large it will follow the deposition, but  
19 there will be questions asked at the hearing that were not  
20 asked at the deposition.

21 JUDGE FRYSIAK: Is there a special line of  
22 questioning?

23 MR. SCHAUBLE: It is largely questions on the same  
24 subject matter that did not have to be asked at the  
25 deposition that need to be asked at the hearing to --

1 JUDGE FRYSIAK: If it was a special line, I would  
2 make an exception and allow the sequestration for that line.  
3 Otherwise, in view of the fact that Mr. Kay was present at  
4 the deposition, I see no need for sequestration at the  
5 present time. Your request for sequestration is denied.

6 MR. SCHAUBLE: Very well, Your Honor.

7 MR. FENSKE: Your Honor, again. I apologize, just  
8 for the record. I want to make it clear that there is no  
9 disrespect meant by Mr. Kay's coming in and out of the room.  
10 It is --

11 JUDGE FRYSIAK: He is free to do so.

12 MR. FENSKE: I appreciate that. Thank you.

13 MR. SCHAUBLE: Another preliminary matter with  
14 respect to the exhibits, Your Honor. As we stated in our  
15 letter exchanging direct case, WTB Exhibits 19 through 24.  
16 These were letters that contain, among other things,  
17 customer names of the stations that are in issue here. The  
18 parties in this proceeding in the past expressed concern  
19 about making the names of customers of these stations public  
20 because of the concern that competitors could get this  
21 information and use it to harm their business interests.

22 Therefore, what the Bureau has done subject to  
23 Your Honor's approval is, the copies of the exhibits we  
24 submitted to Your Honor and the parties are unredacted,  
25 however, the copies we provided to the court reporter have

1 redacted information with respect to the name of the  
2 specific customers. It is the Bureau's position that the  
3 names of the specific customers in and of themselves don't  
4 have evidentiary value in this proceeding, and therefore, we  
5 think it is appropriate to keep this information out of the  
6 public record at this time.

7 JUDGE FRYSIAK: That is fine with me.

8 MR. KELLER: We don't have a problem with that,  
9 Your Honor. I just wanted to raise a question though. I  
10 know there are going to be an assessment of some sort on  
11 these exhibits this morning as a preliminary matter. I  
12 don't think we have any objections to the exhibits in  
13 general. There may be some objection to some questions as  
14 to an exhibit depending on what it is going to be offered  
15 for, and I am going to make sure I am clear that it would be  
16 all right to raise that at the time if it is necessary.

17 JUDGE FRYSIAK: Yes.

18 MR. SCHAUBLE: That's fine, Your Honor. Your  
19 Honor, that concludes the preliminary matters that I have.

20 JUDGE FRYSIAK: All right.

21 Mr. Keller, do you have anything to raise?

22 MR. KELLER: Nothing, Your Honor.

23 MR. FENSKE: Nothing, Your Honor.

24 JUDGE FRYSIAK: All right. If we are ready to  
25 proceed, we will proceed then with the procedure outlined by

1 the Bureau.

2 MR. SCHAUBLE: Thank you, Your Honor. Your Honor,  
3 do you want to take the exhibits initially?

4 JUDGE FRYSIAK: All right.

5 MR. SCHAUBLE: Your Honor, should we start with  
6 the Bureau's exhibits and then proceed on to Mr. Sobel's  
7 direct case exhibits?

8 JUDGE FRYSIAK: That sounds fine.

9 MR. SCHAUBLE: We exchanged with the parties, and  
10 Your Honor, on July 18, and I have handed to the court  
11 reporter two copies of Wireless Telecommunications Bureau's  
12 proposed exhibits in this proceeding.

13 Your Honor, do you wish me to identify one exhibit  
14 at a time or do you wish me to identify all the exhibits at  
15 once and then move them into evidence?

16 JUDGE FRYSIAK: That sounds better. The latter.

17 MR. SCHAUBLE: Your Honor, I ask be marked for  
18 identification as WTB Exhibit 1, a 30 page exhibit  
19 consisting of various applications for licenses filed in the  
20 name of Mark Sobel.

21 JUDGE FRYSIAK: It may be identified.

22 (The document referred to was  
23 marked for identification as  
24 WTB Exhibit 1.)

25 MR. SCHAUBLE: I ask WTB Exhibit 2, a nine page

1 exhibit consisting of various NABER supplemental forms  
2 submitted on behalf of Marc Sobel.

3 (The document referred to was  
4 marked for identification as  
5 WTB Exhibit 2.)

6 MR. SCHAUBLE: I ask it to be marked for  
7 identification as WTB Exhibit 3 an FCC Form 1046, Assignment  
8 of Authorization to Mark Sobel from Van Diest Brothers, Inc.  
9 That is a one page exhibit.

10 (The document referred to was  
11 marked for identification as  
12 WTB Exhibit 3.)

13 MR. SCHAUBLE: I ask to be marked for  
14 identification as WTB Exhibit 4, a one page exhibit, a  
15 letter dated May 2, 1994, from Marc Sobel to the Federal  
16 Communications Commission.

17 (The document referred to was  
18 marked for identification as  
19 WTB Exhibit 4.)

20 MR. SCHAUBLE: I ask to be marked for  
21 identification as WTB Exhibit 5, radio station license call  
22 sign KRU 576.

23 (The document referred to was  
24 marked for identification as  
25 WTB Exhibit 5.)

1 MR. SCHAUBLE: I ask to be marked for  
2 identification as WTB Exhibit 6, radio station license call  
3 sign KNBT 299, a two page exhibit.

4 JUDGE FRYSIAK: That may be marked.

5 (The document referred to was  
6 marked for identification as  
7 WTB Exhibit 6.)

8 MR. SCHAUBLE: I ask to be marked for  
9 identification as WTB Exhibit 7, radio station license call  
10 sign WPCA 891.

11 (The document referred to was  
12 marked for identification as  
13 WTB Exhibit 7.)

14 MR. SCHAUBLE: I ask to be marked for  
15 identification as WTB Exhibit 8, radio station license call  
16 sign WPDB 603.

17 JUDGE FRYSIAK: It may be marked.

18 (The document referred to was  
19 marked for identification as  
20 WTB Exhibit 8.)

21 MR. SCHAUBLE: I ask to be marked for  
22 identification as WTB Exhibit 9, radio station license call  
23 sign WNXL 471.

24 JUDGE FRYSIAK: It may be so marked.

25 //

1 (The document referred to was  
2 marked for identification as  
3 WTB Exhibit 9.)

4 MR. SCHAUBLE: I ask to be marked for  
5 identification as WTB Exhibit 10, radio station license call  
6 sign WNYR 424.

7 (The document referred to was  
8 marked for identification as  
9 WTB Exhibit 10.)

10 MR. SCHAUBLE: I ask to be marked for  
11 identification as WTB Exhibit 11, radio station license call  
12 sign WPCZ 354.

13 JUDGE FRYSIAK: It may be so marked.

14 (The document referred to was  
15 marked for identification as  
16 WTB Exhibit 11.)

17 MR. SCHAUBLE: I ask to be marked for  
18 identification as WTB Exhibit 12, radio station license call  
19 sign WPFH 460.

20 JUDGE FRYSIAK: It may be so marked.

21 (The document referred to was  
22 marked for identification as  
23 WTB Exhibit 12.)

24 MR. SCHAUBLE: I ask to be marked for  
25 identification as WTB Exhibit 13, radio station license call

1 sign WNPY 680.

2 JUDGE FRYSIAK: It may be so marked.

3 (The document referred to was  
4 marked for identification as  
5 WTB Exhibit 13.)

6 MR. SCHAUBLE: I ask to be marked for  
7 identification as WTB Exhibit 14, radio station license call  
8 sign WPAD 685.

9 JUDGE FRYSIAK: It may be so marked.

10 (The document referred to was  
11 marked for identification as  
12 WTB Exhibit 14.)

13 MR. SCHAUBLE: I ask to be marked for  
14 identification as WTB Exhibit 15, a radio station license  
15 call sign WNWB 334.

16 JUDGE FRYSIAK: It may be so marked.

17 (The document referred to was  
18 marked for identification as  
19 WTB Exhibit 15.)

20 MR. SCHAUBLE: I ask to be marked for  
21 identification as WTB Exhibit 16, a radio station license, a  
22 two page exhibit, call sign WPCG 780.

23 (The document referred to was  
24 marked for identification as  
25 WTB Exhibit 16.)

1 MR. SCHAUBLE: I ask to be marked for  
2 identification as WTB Exhibit 17, a radio station license,  
3 call sign WFFF 529.

4 JUDGE FRYSIAK: It may be so marked.

5 (The document referred to was  
6 marked for identification as  
7 WTB Exhibit 17.)

8 MR. SCHAUBLE: I ask to be marked for  
9 identification as WTB Exhibit 18, a one page exhibit, radio  
10 station license, call sign WNZS 492.

11 JUDGE FRYSIAK: It may be so marked.

12 (The document referred to was  
13 marked for identification as  
14 WTB Exhibit 18.)

15 MR. SCHAUBLE: I ask to be marked for  
16 identification as WTB Exhibit 19, a letter dated March 18,  
17 1993, a letter from Marc Sobel to the Federal Communications  
18 Commission, re: application notice and attachments.

19 JUDGE FRYSIAK: It may be so marked.

20 (The document referred to was  
21 marked for identification as  
22 WTB Exhibit 19.)

23 MR. SCHAUBLE: I ask to be marked as WTB Exhibit  
24 20, invoices from Lucky's Two-Way Radios, dated February 17,  
25 1993. This is a three page exhibit.

1 JUDGE FRYSIAK: It may be so marked.

2 (The document referred to was  
3 marked for identification as  
4 WTB Exhibit 20.)

5 MR. SCHAUBLE: I ask to be marked as WTB Exhibit  
6 21, a letter from Marc Sobel to the Federal Communications  
7 Commission, re second application return notice and  
8 attachments, a seven page exhibit.

9 JUDGE FRYSIAK: It may be so marked.

10 (The document referred to was  
11 marked for identification as  
12 WTB Exhibit 21.)

13 MR. SCHAUBLE: I ask to be marked for  
14 identification as WTB Exhibit 22, invoices from Lucky's Two-  
15 Way Radios dated February 17, 1993. This is a three page  
16 exhibit.

17 JUDGE FRYSIAK: It may be so marked.

18 (The document referred to was  
19 marked for identification as  
20 WTB Exhibit 22.)

21 MR. SCHAUBLE: I ask to be marked for  
22 identification as WTB Exhibit 23, a letter from Marc Sobel  
23 to the Federal Communications Commission re application  
24 return notice plus attachments. This is a seven page  
25 exhibit.

1 JUDGE FRYSIAK: It may be so marked.

2 (The document referred to was  
3 marked for identification as  
4 WTB Exhibit 23.)

5 MR. SCHAUBLE: I ask to be marked for  
6 identification as WTB Exhibit 24, invoices from Lucky's Two-  
7 Way Radio dated February 17, 1993. This is a four page  
8 exhibit.

9 JUDGE FRYSIAK: It may be so marked.

10 (The document referred to was  
11 marked for identification as  
12 WTB Exhibit 24.)

13 MR. SCHAUBLE: I ask to be marked for  
14 identification as WTB Exhibit 25, invoices submitted to  
15 Lucky's Two-Way Radios by Marc Sobel. This is an 80 page  
16 exhibit.

17 JUDGE FRYSIAK: It may be so marked.

18 (The document referred to was  
19 marked for identification as  
20 WTB Exhibit 25.)

21 MR. SCHAUBLE: I ask to be marked for  
22 identification as WTB Exhibit 26, a 1996 IRS Schedule C with  
23 Form 1040 of Marc D. Sobel. This is a one page exhibit.

24 JUDGE FRYSIAK: It may be so marked.

25 //

1 (The document referred to was  
2 marked for identification as  
3 WTB Exhibit 26.)

4 MR. SCHAUBLE: I ask to be marked for  
5 identification as WTB Exhibit 27, a 1996 Form 1099 prepared  
6 by Lucky's Two-Way Radios, James A. Kay, Jr. and addressed  
7 to AirWave Communications. This is a one page exhibit.

8 JUDGE FRYSIAK: It may be so marked.

9 (The document referred to was  
10 marked for identification as  
11 WTB Exhibit 27.)

12 MR. SCHAUBLE: I ask to be marked for  
13 identification as WTB Exhibit 28, a 1995 IRS Schedule C 1040  
14 of Marc D. Sobel.

15 JUDGE FRYSIAK: It may be so marked.

16 (The document referred to was  
17 marked for identification as  
18 WTB Exhibit 28.)

19 MR. SCHAUBLE: I ask to be marked for  
20 identification as WTB Exhibit 29, a 1995 Form 1099 prepared  
21 by Lucky's Two-Way Radios, James A. Kay, Jr. and addressed  
22 to AirWave Communication. A one page exhibit.

23 JUDGE FRYSIAK: It may be so marked.

24 //

25 //

1 (The document referred to was  
2 marked for identification as  
3 WTB Exhibit 29.)

4 MR. SCHAUBLE: I ask to be marked for  
5 identification as WTB Exhibit 30, a 1995 Form 1099 prepared  
6 by SMR Services, Inc. and addressed to AirWave  
7 Communications.

8 JUDGE FRYSIAK: It may be so marked.  
9 (The document referred to was  
10 marked for identification as  
11 WTB Exhibit 30.)

12 MR. SCHAUBLE: I ask to be marked for  
13 identification as WTB Exhibit 31, a 1994 IRS Schedule C 1040  
14 of Marc D. Sobel.

15 JUDGE FRYSIAK: It may be so marked.  
16 (The document referred to was  
17 marked for identification as  
18 WTB Exhibit 31.)

19 MR. SCHAUBLE: I ask to be marked for  
20 identification as WTB Exhibit 32, a 1993 IRS Schedule C Form  
21 1040 of Marc D. Sobel.

22 JUDGE FRYSIAK: It may be so marked.  
23 (The document referred to was  
24 marked for identification as  
25 WTB Exhibit 32.)

1 MR. SCHAUBLE: I ask to be marked for  
2 identification as WTB Exhibit 33, a 1993 Form 1099 prepared  
3 by James A. Kay, Jr., Lucky's Two-Way Radios, and addressed  
4 to AirWave Communications.

5 JUDGE FRYSIAK: It may be so marked.

6 (The document referred to was  
7 marked for identification as  
8 WTB Exhibit 33.)

9 MR. SCHAUBLE: I ask to be marked for  
10 identification as WTB Exhibit 34, a 1992 IRS Schedule C 1040  
11 of Marc D. Sobel.

12 JUDGE FRYSIAK: It may be so marked.

13 (The document referred to was  
14 marked for identification as  
15 WTB Exhibit 34.)

16 MR. SCHAUBLE: I ask to be marked for  
17 identification as WTB Exhibit 35, a 1992 Form 1099 prepared  
18 by James A. Kay, Jr., Lucky's Two-Way Radios and addressed  
19 to AirWave Communications.

20 JUDGE FRYSIAK: It may be so marked.

21 (The document referred to was  
22 marked for identification as  
23 WTB Exhibit 35.)

24 MR. SCHAUBLE: I ask to be marked for  
25 identification as WTB Exhibit 36, a 1991 IRS Schedule C Form

1 1040 of Marc Sobel.

2 JUDGE FRYSIAK: It may be so marked.

3 (The document referred to was  
4 marked for identification as  
5 WTB Exhibit 36.)

6 MR. SCHAUBLE: I ask to be marked for  
7 identification as WTB Exhibit 37, a 1991 Form 1099 prepared  
8 by Buddy Corporation, Southland Communications, and  
9 addressed to Marc Sobel, AirWave Communications.

10 JUDGE FRYSIAK: It may be so marked.

11 (The document referred to was  
12 marked for identification as  
13 WTB Exhibit 37.)

14 MR. SCHAUBLE: I ask to be marked for  
15 identification as WTB Exhibit 38, a Radio System Management  
16 and Marketing Agreement dated October 30, 1994. This is a  
17 nine page exhibit.

18 JUDGE FRYSIAK: It may be so marked.

19 (The document referred to was  
20 marked for identification as  
21 WTB Exhibit 38.)

22 MR. SCHAUBLE: I ask to be marked for  
23 identification as WTB Exhibit 39, a Radio System Management  
24 and Marketing Agreement dated December 30, 1994, a nine page  
25 exhibit.