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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the matter of)
)
JAMES A. KAY, JR.)
)
Licensee of one hundred fifty-)
two Part 90 licenses in the)
Los Angeles, California area.)

WT Docket No. 94-147

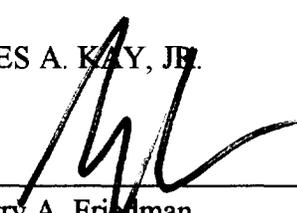
To: The Honorable Richard L. Sippel

ERRATUM

On November 28, 1997, Kay filed his November Status Report (a copy of which is attached hereto) pursuant to the Presiding Officer's Order, FCC 97M-170, released October 14, 1997. The November Status Report was submitted to the Presiding Officer in the form of a letter. At the request of the Presiding Officer, Kay submits his November Status Report to the Commission for filing.

Respectfully submitted,

JAMES A. KAY, JR.

By: 
Barry A. Friedman
Scott A. Fenske

Thompson Hine & Flory LLP
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 331-8800

Dated: December 5, 1997



THOMPSON
HINE & FLORY LLP

Attorneys at Law

DOCKET FILE COPY ORIGINAL

November 28, 1997

VIA HAND-DELIVERY

Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
2000 L Street
Suite 201, Room 218
Washington, D.C. 20554

Re: James A. Kay, Jr., Docket No. 94-147

Dear Judge Sippel:

Pursuant to your Order, FCC 97M-170, released October 14, 1997, James A. Kay, Jr., by counsel, submits his November status report.

Tentative Designation of Experts:

Jim Hanno
Route 2, Box 120A
LaCrescent, MN 55947
507-643-6675

John Bryant
6571 Maplegrove Street
Agoura, California
818-889-5649

Mr. Bryant's resume is attached hereto. Because of the Thanksgiving holiday, Mr. Hanno's resume will not be available until Monday, December 1, 1997. Counsel will hand-deliver a copy of Mr. Hanno's resume at that time.

Messrs. Hanno and Bryant will testify based on their experience and training in the communications and specialized mobile radio (SMR) industry; their education; their review of Mr. Kay's business records and record keeping practices; their review of the business records and record keeping practices of other SMR and Commission licensees; and their discussions with Mr. Kay and other SMR and Commission licensees.

It is anticipated that Messrs. Hanno and Bryant will offer an opinion on, inter alia: (a) the Commission's record keeping and loading rules and requirements and its enforcement thereof; (b) ordinary and customary record keeping and billing records practices by SMR and other Commission licensees; (c) Mr. Kay's record keeping and billing practices; and (d) such additional matters as are relevant to the Bureau's hearing against Kay.

Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
November 28, 1997
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Mr. Kay further reserves the right to amend and/or supplement this designation upon completion of further discovery.

Deposition Discovery

A copy of the original agreed-upon deposition schedule is attached hereto. However, the Bureau filed an objection to the depositions of Messrs. Nakeamiyo, Oei, and Lafontaine, three Commission employees. On November 19, 1997, you issued an Order, FCC 97M-191, released November 20, 1997, wherein you ruled that Kay had made a sufficient showing of relevance and need to take the depositions of the three Commission employees. Pursuant to your direction, Kay, on November 25, 1997, filed a Motion Requesting Depositions with the Commission. Regardless of the outcome of the Motion Requesting Depositions (and the timing of any order that the Commission may issue), the Wireless Telecommunications Bureau maintains the position that the deposition of Mr. LaFontaine is improper in Los Angeles. The Bureau claims that Mr. LaFontaine will only be deposed in Los Angeles if Mr. Kay pays for his air transportation from Oregon. The Bureau maintains this position despite the fact that (a) the inspection of Kay's stations (the primary subject of the deposition of the Commission employees) took place in Los Angeles; (b) the depositions of the other two Commission employees will take place, by agreement of counsel, in the Commission's field office in Cerritos, California; and (c) both counsel for Kay and counsel for the Bureau will be in Los Angeles on December 17, 1997, the date Mr. Lafontaine is scheduled to be deposed. Unless the Bureau changes its position, we expect to file a motion requesting that Mr. Lafontaine be ordered to appear for deposition in Los Angeles on December 17, 1997.

In addition, the addresses provided by the Bureau in their List of Contemplated Witnesses (filed on October 24, 1997) for both Roy Jensen and Cornelia Dray were incorrect. Consequently, neither Mr. Jensen nor Ms. Dray have been served with the subpoena duces tecum. Counsel for Kay advised the Bureau of these facts by letters dated November 25 and 26, 1997. In these letters, Kay indicated that it would seek an order precluding these witnesses from testifying if the Bureau is unable to provide Kay with a proper address for service.

Based on the aforesaid actions by the Bureau, Kay remains concerned that the initial round of Los Angeles depositions will not be as productive as initially contemplated.

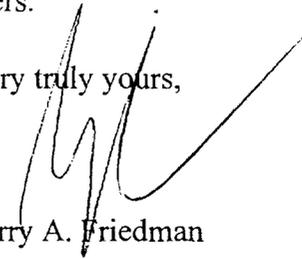
THOMPSON
HINE & FLORY LLP

Attorneys at Law

Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
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Thank you for your consideration of these matters.

Very truly yours,



Barry A. Friedman

Enclosures

cc: John Schauble, Esquire (via hand-delivery, w/ enclosures)
James A. Kay, Jr.
John Bryant
Jim Hanno

JIM HANNO

Rt 2 Box 120 A • LaCrescent, Mn 55947 • 507 643 6675 fax 643 6439

Profile:

For the last 18 years my work has been dedicated to Starting , and designing communications companies. For the last nine years 85% of my work has been dedicated to SMR's. I have experience in project management independently as well as company sponsored. I have been successful in company start up because I know what the public is willing to pay for. I have the ability to manage my time to achieve company goals.

Consultant:

JIM HANNO

1992 to **PRESENT**

- I have been assisting my clients in building Communications Companies in the US as well as the International Market. My duties have taken me from needs analysis, site visits, licensing, design, contracting & procurement, and installation of the systems. I normally assist my clients in developing the Business Plan, to assist them in company direction and financial needs. My concern for detail and follow through has been the basis for my success. This success has been the direct result of client referrals only. Over the last 4 years I have developed over \$38,000,000. worth of equipment sales for US. companies.

ERICSSON

Manufacture:

1990 to
1992

- As a Major Account Manager I took over an area that allowed me to assist SMR's, Utilities, and state and local governments with their communications needs. My project management duties dealt with Public Utilities in the electric and water. I was part of a project management teams that installed the first multi site, simulcast trunked systems that worked, was accepted and paid for by the customer.

FOUR SEPARATE COMPANIES

President:

1980 to
1989

- I started the company's from licensing, through design and construction of three Radio Common Carriers. I also bought one MSS which not only serviced my companies but 90% of all government entities in a 8 county area. I operated these four divisions for nine years until I sold them.

Education:

UNIVERSITY OF ILLINOIS
Degree Business Administration

I HAVE TAKEN SEVERAL INDUSTRY TRAINING COURSES RANGING FROM PROJECT MANAGEMENT. SMALL BUSINESS START UP AS WELL AS MANY SALES COURSES. I HAVE TAKEN TWO VERSIONS OF MANAGEMENT BY OBJECTIVES, AS WELL AS SEVERAL OTHER CLASSES.

Personal:

Over the years I have conducted several training classes, in numerous areas of Project Management, Sales, Marketing, and Business.

I believe in promoting team work through individual self improvement. Employee loyalty is achieved through open communications

This gives me 18 years of progressive experience in the communications industry!

References:

Carlos Madrazo present client 011 52 66 86 35 55
Jose Santana 305 448 6210 305 477 5360

Rick Covey past supervisor at EGE 602 840 6816
Steve Howard past employee at EGE 602 345 7055 305 777 0005

Jim Adamson friend 608 784 1600 hm
Pat Rielly " 507 643 6657 hm 608 787 2000 wk

JOHN BRYANT
6571 Maplegrove St.
Agoura, CA 91301 (818) 889-5649

CAREER SUMMARY:

Experienced two way radio technician with expertise in system design. Excellent troubleshooting skills. Over twenty years experience in sales, service and successfully operating my own business.

PROFESSIONAL EXPERIENCE:

ABLE COMMUNICATIONS, Encino, CA
Owner

Sales and service of two way radio, cellular phones, customized system design

- * Custom design radio control of mutual water company's system
Fabricated and supplied necessary equipment
- * Consultant with international microphone manufacture
Designing microphones to specific customer specifications
Designed a modular microphone system to interface with all manufacturer's radio equipment
- * Four years as consultant with international radio manufacturer developing a complete land mobile radio line for United States market which is now sold internationally
- * Consultant with major southern California communications site operator, facilities upgrade, tower construction, interference identification and prevention

STANDARD COMMUNICATIONS CORP, Carson, CA
National Service Manager

AUTOSCAN, INC, Los Angeles, CA
National Service Manager

- * Developed and wrote operation manual for automotive electrical systems test equipment

MOBILE-COMMUNICATION SERVICE (Motorola), San Jose CA
Communications Service Technician

DEPOSITION SCHEDULE

Federal Building, Downtown, Los Angeles

Marc Sobel Barbara Ashaur	-	December 9, 1997
Vincent Cordoro Christopher Killian	-	December 10, 1997
James A. Kay, Jr.	-	December 11-12, 1997

Law Offices of Joel S. Seidel, Encino, California

Roy Jensen (9:30 a.m.) Kevin Hessman (1:00 p.m.)	-	December 15, 1997
Carla Pfeifer (9:30 a.m.)	-	December 16, 1997

FCC Field Office, Cerritos, California

Ben Nakamiyo (10:00 a.m.) Paul Oei (1:00 p.m.) Jim Lafontaine (3:30 p.m.)	-	December 17, 1997
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Law Offices of Joel S. Seidel, Encino, California

Cornelia Dray (9:30 a.m.)	-	December 18, 1997
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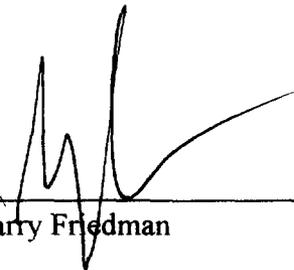
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Erratum was hand-delivered on this 5th day of December, 1997 to the following:

Gary P. Schonman, Esquire
Federal Communications Commission
Wireless Telecommunications Bureau
Enforcement Division
Suite 8308
2025 M Street, N.W.
Washington, D.C. 20554

and sent via first-class mail, postage prepaid on this 5th day of December, 1997 to:

William H. Knowles-Kellett, Esq.
Wireless Telecommunications Bureau
1270 Fairfield Rd.
Gettysburg, Pennsylvania 17325-7245



Barry Friedman