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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

JUN - 3 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
MARC SOBEL)	WT DOCKET NO. 97-56
)	
Applicant for Certain Part 90 Authorizations)	
in the Los Angeles Area and Requestor Of)	
Certain Finder's Preferences)	
)	
MARC SOBEL AND MARC SOBEL)	
D/B/A AIR WAVE COMMUNICATIONS)	
)	
Licensees of Certain Part 90 Stations in the)	
Los Angeles Area)	

To: The Commission

WIRELESS TELECOMMUNICATIONS BUREAU'S
COMMENTS ON MOTION FOR LEAVE TO FILE SUPPLEMENT TO
CONSOLIDATED BRIEF AND EXCEPTIONS

1. The Chief, Wireless Telecommunications Bureau, by his attorneys, now comments upon the "Motion for Leave to File Supplement to Consolidated Brief And Exceptions" filed by Marc D. Sobel (Sobel) on May 28, 1998.¹

¹ The Bureau would note that the certificate of service for Sobel's pleading does not indicate service upon Thompson, Hine & Flory, which is counsel of record for intervenor James A. Kay, Jr. (Kay) in this proceeding. The same law firm formerly represented Kay in WT Docket No. 94-147 but withdrew as counsel for Kay in that proceeding. Thompson, Hine & Flory has not withdrawn from its representation of Kay in this proceeding. Counsel for Sobel in this proceeding now represents Kay in the Kay proceeding. Although it is not clear whether Thompson, Hine & Flory still represents Kay in this proceeding, the Bureau will serve Thompson, Hine & Flory in the absence of a formal notice of withdrawal.

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2. Sobel seeks leave to file a supplement to his exceptions in this proceeding to discuss the Court of Appeals decision in Lutheran Church-Missouri Synod v. FCC, Case No. 97-1116 (D.C. Cir., April 14, 1998). In particular, Sobel apparently wishes to argue that the Court's action vacating a forfeiture for lack of candor supports his position that he should not be disqualified under the misrepresentation/lack of candor issue specified in this proceeding.

3. The Bureau has no objection to Sobel filing a *brief* supplement to his exceptions discussing the Lutheran case, so long as the Bureau is given an opportunity to respond to his supplement. For the record, the Bureau believes that the Initial Decision in this proceeding is totally consistent with the Lutheran decision. If the Commission believes it would benefit from having the parties give their views on the Lutheran decision, the Bureau has no objection. The Bureau believes, however, that Sobel's request to file a supplement of up to ten pages is excessive. Sobel has not explained why ten pages is needed to discuss a single case. Sobel has already filed exceptions which used all 25 pages allowed by the Commission's Rules, and he has also filed a "Revised Request for Inquiry and Investigation" which the Bureau believes is an untimely supplement to Sobel's exceptions. Under those circumstances, the Bureau believes that any supplement Sobel is authorized to file (and the Bureau's response) should be limited to five pages. The Bureau is also concerned that any supplements not unduly delay the resolution of this proceeding. In that regard, the Bureau would note that in the James A. Kay, Jr. proceeding (WT Docket No. 94-147), an issue has been specified to determine whether, based upon the findings and conclusions reached in this

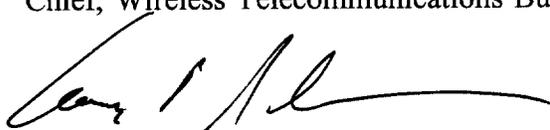
proceeding, Mr. Kay is qualified to remain a Commission licensee.² The Bureau believes it would be in the interest of both parties and the Administrative Law Judge in that proceeding for the Commission to issue a decision in this proceeding before the September hearing in the Kay proceeding. The Bureau therefore urges that if the Commission authorizes Sobel to file a supplement, that such supplement not materially delay the preparation of a decision in this proceeding.

4. Accordingly, the Bureau has no objection to Sobel filing a supplement to his exceptions limited to a discussion of the Lutheran case, so long as the supplement is limited

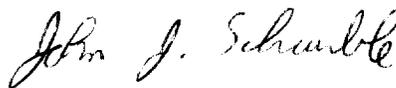
² Memorandum Opinion and Order, WT Docket No. 94-147, FCC 98M-15 (released February 2, 1998).

to five pages, the Bureau is given the opportunity to respond to Sobel's supplement, and the supplement does not materially delay the resolution of this proceeding.

Respectfully submitted,
Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau



Gary P. Schonman
Chief, Compliance and Litigation Branch
Enforcement and Consumer Information Division



William H. Knowles-Kellett
John J. Schauble
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June 3, 1998

CERTIFICATE OF SERVICE

I, John J. Schauble, an attorney in the Enforcement and Consumer Information Division, Wireless Telecommunications Bureau, certify that I have, on this 3rd day of June, 1998, sent by first-class mail, copies of the foregoing "Wireless Telecommunications Bureau's Comments on Motion for Leave to File Supplement to Consolidated Brief and Exceptions" to:

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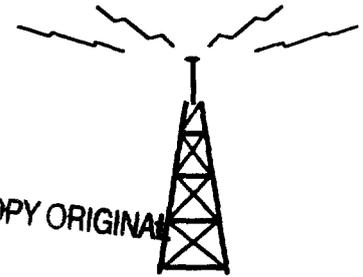


John J. Schauble



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BY HAND

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: WT Docket 96-86, and RM-9274

Dear Ms. Salas:

The National Public Safety Telecommunications Council (NPSTC) has submitted detailed comments and supplemental information in WT Docket 96-86, and has also submitted a Petition for Rulemaking in that docket which has been assigned RM-9274. Some of the NPSTC correspondence in WT docket 96-86 filed with Commission indicated that the charter members of NPSTC include the U.S. Department of Interior (USDI) and the U.S. Department of Agriculture (USDA). The list of current charter members set forth within the Petition for Rulemaking did not include USDI or USDA as charter members. This is to clarify that USDI and USDA did not participate in the consideration or preparation of the Petition for Rulemaking.

Please contact me at (407) 246-2446 should the Commission have any questions.

Respectfully submitted,

Marilyn Ward
Interim Chair

cc: Marvin T. Story

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