

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994

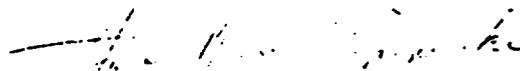
In Reply Refer To:

Dr. Michael Steppe
3417 Chino Avenue
Chino, California 91710

Dear Dr. Steppe:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,



Anne Marie Wypijewski
Attorney, Licensing Division

20-3

Kay
Document 56

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994

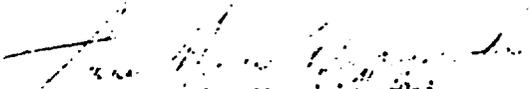
In Reply Refer To:

Mr. Edward Cooper
c/o Fullerton School District
1401 West Valencia Drive
Fullerton, California 92633

Dear Mr. Cooper:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,


Anne Marie Wypijewski
Attorney, Licensing Division

20-4
Kay
Document 57

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 3 1 1994

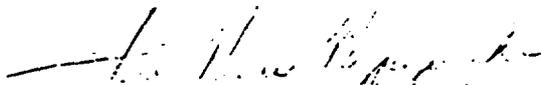
In Reply Refer To:

Harold Pick
c/o CCS
P.O. Box 3032
Santa Monica, California 90408

Dear Mr. Pick:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,



Anne Marie Wypijewski
- Attorney, Licensing Division

20-5

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994

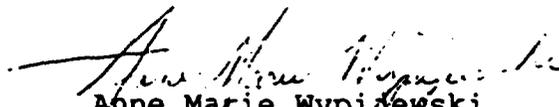
In Reply Refer To:

Christopher C. Killian
Carrier Communications
42326 North 10th Street West
Lancaster, California 93534

Dear Mr. Killian:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,


Anne Marie Wypisewski
Attorney, Licensing Division

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

DEC 27 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ralph Thompson dba
Thompson Tree Service
8661 Beechwood Drive
Alta Loma, CA 91701

Re: Call Sign WIH275
Compliance File No. 93L778

Dear Licensee:

The Commission has been informed that the above-captioned radio system may no longer be in operation. Our Rules require the licensee of a station which has permanently discontinued operation to forward the license to the Commission for cancellation. 47 CFR Sec. 90.157. Any station which has not operated for more than one year is considered to have been permanently discontinued.

Please inform us within twenty (20) days of the date of this letter as to whether you have permanently discontinued operation. If your system has ceased operation, please forward the station license to our office. Alternatively, you may notify the Commission by checking the appropriate box on FCC Form 405-A (enclosed), which states that your station has discontinued operation and that you request license cancellation. If you are using these facilities, please provide the dates that your facilities were constructed and operational. Licensees whose licenses are due for renewal and who have received an FCC Form 574-R in the mail may use the appropriate box on that form to notify the Commission that station operation has discontinued and that the license should be cancelled.

We are authorized to request this information pursuant to the Communications Act of 1934, as amended, 47 U.S.C. Sec. 308(b).

When responding to this office, please verify that the above-listed mailing address for your system is correct. If we do not hear from you within 20 days, your license for the above-captioned station will be cancelled without any other correspondence generated by this office. Please send your reply to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245, Attention: Compliance - Room 41. If you have any questions, you may telephone our legal staff at (717) 337-1311, extension 133.

Your attention should be directed to Title 18, U.S.C. Section 1001, in which Congress has determined that a wilful false reply to a letter of this type may result in fine or imprisonment.

Sincerely,



W. Riley Hollingsworth
Deputy Chief, Licensing Division

amw/thompson/rah

FEDERAL COMMUNICATIONS COMMISSION
Gettysburg, PA 17325-7245

March 29, 1994

Ralph Thompson dba
Thompson Tree Service
8661 Beechwood Drive
Alta Loma, CA 91701

Re: Call Sign WIH275
Compliance File No. 93L778

Dear Licensee:

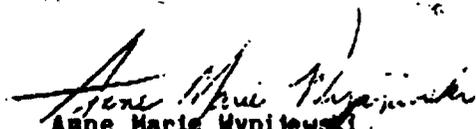
The Commission has been informed that the above-captioned radio system may no longer be in operation.

On December 27, 1993, we forwarded a letter to you by certified mail, requesting information about this radio system. To date, we have not received a response to this letter.

We have attached a copy of our December 27, 1993 information request. Please inform us within 20 days of the date of this letter (i.e., 20 days from March 29, 1994), as to whether you have permanently discontinued operation. Please provide the documentation requested in our attached letter when responding to us. Please remember that if you are using these facilities, you must provide us with the dates that your facilities were constructed and operational.

As stated in Mr. Hollingsworth's attached letter, if we do not hear from you within 20 days, your license will be cancelled without any other correspondence generated by this office.

Sincerely,


Anne Marie Wypijewski
Attorney, Licensing Division

Enclosures

ATTACHMENT No. 23

A F F I D A V I T

I, Gail Thompson, am the wife of Ralph Thompson. Ralph was licensed to operate Business Radio Service--Conventional station WIH275. One day in April, 1994, I received a telephone call from a woman who identified herself as Anne Marie Wypijewski of the Federal Communications Commission. Ms. Wypijewski called regarding my husband's station which was target of a Finder's Preference Request filed by James A. Kay, Jr. My husband had written a letter to the FCC on April 5, 1994, opposing the Finder's Preference Request.

Ms. Wypijewski said that the license for the station was going to be cancelled regardless of the Finder's Preference Request. She indicated that she was trying to help, and she wasn't cancelling the license just to take it away. She informed me that once the license cancelled, it would be "up for grabs" and anyone, including my husband, could apply for it. She made it sound like it would not be very long before all this happened.

Ms. Wypijewski called again on Friday, April 29, 1994 and left a message on our answering machine. I did not have an opportunity to return her call.

I declare, under penalty of perjury, that the foregoing statement is true and correct.


Gail Thompson

Dated: 12-12-94

ATTACHMENT NO. 24

James A. Kay, Jr.
P. O. Box 7890
Van Nuys, CA 91409
Ph. (818) 894-3566
FAX (818) 782-7101
12/14/95

Via Fax to: (310) 865-0736

Federal Communications Commission
18000 Studebaker Rd. Room 660
Cerritos, CA 90701

Attn.: Mr. Jim Zoulek

Re: Urgent request for inspection

Dear Sir:

Today while accessing conventional SMRS station call sign WNYR747, licensed to James A. Kay, Jr., it was discovered a user was operating on this repeater without our knowledge or authorization. While technically this user would be "authorized" under our license the user's radios had been programmed by a radio shop to use this station without our knowledge or consent. The user was contacted over the air and gave us their name, address, and phone number.

The user's information is:

Pro Roofing
3029 W. Pico Blvd.
Los Angeles, CA 90006
(213) 733-2411

The person we spoke with identified herself as "Young".

Young stated the radio company that programmed and installed her radios was:

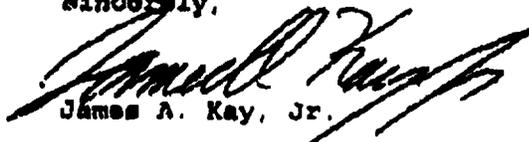
Century Communications
Harold Pick
5310 Century Blvd.
Los Angeles, CA

I respectfully request your office conduct an inspection of the radios being used by Pro Roofing at the earliest possible time. The act by Pick of programming the radios of Pro Roofing to use the services of my repeater constitutes a criminal act - theft of services. Since more than 1 person

was involved in this criminal act a charge of conspiracy also applies. While it is not within the scope of the FCC to pursue such legal actions an inspection by your offices, which would confirm the above information, would prove invaluable in a court of law for criminal and civil prosecution of Pick.

Your attention to this matter will be sincerely appreciated. If you require further information please contact me at your earliest convenience.

Sincerely,



James A. Kay, Jr.



FEDERAL COMMUNICATIONS COMMISSION Telefax Cover Sheet

Date 9-16-96

FROM:

Name: James LaFautier

Bureau/O: _____

Phone: _____

Fax Number: 310-865-0736

TO:

Name: James Kay Jr

Organization: _____

Office: _____

Fax Number: 818-782-7101

SPECIAL INSTRUCTIONS:

J.L.

Is this problem still

occurring

This Cover Sheet is Page 1 of 3 Pages

James A. Kay, Jr.
P. O. Box 7890
Van Nuys, CA 91409
Ph. (818) 894-3566
FAX (818) 782-7101
12/14/95

Via Fax to: (310) 865-0736

Federal Communications Commission
18000 Studebaker Rd. Room 660
Cerritos, CA 90701

Attn.: Mr. Jim Zoulek

Re: Urgent request for inspection

Dear Sir:

Today while accessing conventional SMRS station call sign WNYR747, licensed to James A. Kay, Jr., it was discovered a user was operating on this repeater without our knowledge or authorization. While technically this user would be "authorized" under our license the user's radios had been programmed by a radio shop to use this station without our knowledge or consent. The user was contacted over the air and gave us their name, address, and phone number.

The user's information is:

Pro Roofing
3029 W. Pico Blvd.
Los Angeles, CA 90006
(213) 733-2411

The person we spoke with identified herself as "Young".

Young stated the radio company that programmed and installed her radios was:

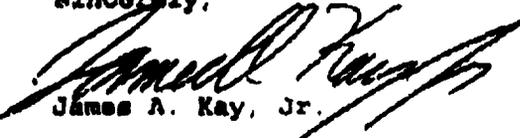
Century Communications
Harold Pick
5310 Century Blvd.
Los Angeles, CA

I respectfully request your office conduct an inspection of the radios being used by Pro Roofing at the earliest possible time. The act by Pick of programming the radios of Pro Roofing to use the services of my repeater constitutes a criminal act - theft of services. Since more than 1 person

was involved in this criminal act a charge of conspiracy also applies. While it is not within the scope of the FCC to pursue such legal actions an inspection by your offices, which would confirm the above information, would prove invaluable in a court of law for criminal and civil prosecution of Pick.

Your attention to this matter will be sincerely appreciated. If you require further information please contact me at your earliest convenience.

Sincerely,



James A. Kay, Jr.

AFFIDAVIT

1
2 I, MARC SOBEL, state and declare that the following is
3 true and correct.

4 1. If sworn as a witness, I can testify competently to
5 the facts herein.

6 2. I am the owner of AIRWAVE COMMUNICATIONS, a two-way
7 radio dealer. My business is located at 15705 Superior Street,
8 North Hills, California 91343.

9 3. I have been involved in the two-way radio
10 communication system business for twenty years. I am intimately
11 familiar with communications equipment. In the course of my work,
12 I have had extensive experience in the programming, tuning,
13 repairing, and licensing of two-way radio communication systems,
14 including Federal Communications Commission regulations regarding
15 the licensing, operation, and frequency assignment of two-way
16 radio communications systems.

17 4. On December 14, 1995, I was requested by JAMES A.
18 KAY, JR. of LUCKY'S TWO-WAY RADIOS to activate the radio
19 communications system for one of his customers. The customer was
20 to be activated on channel frequency 852.6875MHz. Frequency
21 852.6875MHz is a frequency upon which JAMES A. KAY, JR. is
22 licensed to operate two-way radio communications by the FCC under
23 call sign WNYR747. Each specific radio frequency used for two-way
24 radio communications is assigned both a frequency to communicate
25 upon and a call sign. A two-way radio communications system
26 usually requires a stationary base radio, mobile or portable
27 units, and a mountaintop repeater. The mountaintop repeater
28 equipment is usually owned by a commercial repeater service

1 provider. When a customer contracts for a two-way radio system,
2 they are essentially contracting to have their radios programmed
3 to operate on a specific frequency and access tone, and relay
4 their communications through the mountaintop repeater owned by the
5 commercial repeater service provider. Any use of a mountaintop
6 repeater without the consent of the commercial repeater service
7 provider is a theft of services. It is equivalent to receiving
8 television cable programming from a licensed cable operator
9 without consent.

10 5. Prior to programming the repeater to allow the
11 customer's radios to operate on frequency 852.6875MHz, I checked
12 the frequency to ascertain the amount of communications traffic
13 presently operating on the frequency. This is a routine procedure
14 when placing a new customer on a frequency to be sure that quality
15 service is provided. Immediately upon checking this frequency, I
16 noticed that the volume of communications traffic was unusually
17 heavy. I further noticed that the source of this traffic was a
18 Korean speaking company which appeared to be using KAY's repeater.

19 6. I activated LUCKY'S TWO-WAY RADIOS' customer onto
20 frequency 852.6875MHz. In order to allow for such activation, a
21 specific tone access code was selected and activated for the
22 customer's use. This access code would purportedly allow only
23 this customer to operate a two-way radio communications system on
24 this frequency using a specific mountaintop repeater.

25 7. Using the radio communication system available at
26 LUCKY'S TWO-WAY RADIOS, I investigated what access code was being
27 used by the Korean speaking company. I determined that the access
28 code so used was 203.5Hz. I determined that this 203.5Hz access

1 code was activated solely for use on LUCKY'S TWO-WAY RADIOS'
2 repeater located at Mount Lukens, California, as a spare or
3 serviceman access code. Such codes are used only for repair
4 services. To my knowledge, the 203.5Hz tone access code is not
5 active on any other repeater in the Greater Los Angeles Area.

6 8. I inquired of JAMES A. KAY, JR. who told me that he
7 had no customers assigned to this access code, and that if anyone
8 was using this code, such use was unauthorized.

9 9. Immediately thereafter, I used a LUCKY'S TWO-WAY
10 RADIOS' radio to contact the Korean company operating the KAY
11 repeater on frequency 852.6875MHz. The Korean company was
12 cooperative after I had contacted them and they identified
13 themselves as PRO ROOFING and provided a telephone number of (213)
14 733-2411.

15 10. On December 14, 1995, I called the telephone number
16 provided and spoke with a woman who identified herself as "YOUNG."
17 She provided a business address of 3029 West Pico Boulevard, Los
18 Angeles, California 90006. She told me that her radio
19 communication service and system was provided by HAROLD PICK.
20 She stated that her radios were "worked" on about a month before,
21 and that the work had been performed by HECTOR, a person she
22 identified as an employee of HAROLD PICK. She stated that she had
23 seven or eight radios.

24 11. On December 14, 1995, in order to further verify
25 that the KAY Mount Lukens repeater was indeed being used for
26 business communications by PRO ROOFING, I programmed the repeater
27 to activate on access tone 203.5Hz, but not to repeat voice
28 communications. This is a common testing mode procedure used to

1 verify use of a specific frequency in a radio communication
2 system. I caused the voice repeating to be blocked for ten
3 minutes. By instructing the Mount Lukens repeater to block any
4 voice communications, this inhibited PRO ROOFING from using the
5 repeater. I listened to communications on this frequency and PRO
6 ROOFING could not communicate. Immediately after I reestablished
7 the voice repeating system, I heard PRO ROOFING units asking why
8 their radios had ceased working. This led me to conclude that
9 their only access to the Mount Lukens repeater was through access
10 code 203.5Hz.

11 12. On December 15, 1995, I went to the PRO ROOFING
12 business address with JOEL WYENN. I found that a Motorola Maxtrac
13 Radio was operating as a base station at that location. "YOUNG,"
14 who I had spoken to earlier, was operating on Channel 3 as
15 indicated on the Maxtrac Radio. YOUNG allowed me to examine the
16 Maxtrac Radio, and using common test equipment, I determined that
17 the radio has been specifically programmed to activate the KAY
18 Mount Lukens repeater and to operate on frequency pair
19 807.6875/852.6875MHz with access tone 203.5Hz. While on the PRO
20 ROOFING premises, I also checked one hand held radio which was
21 also programmed to operate on the same frequency and access tone.
22 PRO ROOFING was very cooperative and concerned that they had been
23 misled.

24 13. On December 19, 1995, I returned to the PRO ROOFING
25 location with a computer programmed to download two-way radio
26 programming information. Using this equipment, I downloaded the
27 programming of the Motorola Maxtrac Base Station Radio. I then
28 immediately printed out the information discovered which confirmed

1 my conclusion on December 15, 1995, that the radio had been
2 specifically programmed to activate the KAY Mount Lukens repeater,
3 and to operate on frequency pair 807.6875/852.6875MHz with access
4 tone 203.5Hz.

5 14. In my many years of experience in the two-way radio
6 communication field, the programming of radios requires a
7 computer, manufacturer supplied software, and programming
8 knowledge of what information to program. Such programming could
9 not have been done in error. This field is sufficiently
10 complicated and the knowledge necessary requires that the
11 programmer specifically identify the target frequency and access
12 tone. The programmer cannot program a radio by mistake onto the
13 wrong frequency.

14 I declare under penalty of perjury under the laws of the
15 State of California, that the foregoing is true and correct and
16 that this Affidavit was executed on December 21, 1995.

17
18 
19 _____
20 MARC SOBEL
21
22
23
24
25
26
27
28

