

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

**RECEIVED**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matters of )  
)  
**NORCOM COMMUNICATIONS** )  
**CORPORATION** )  
)  
Business Radio Station License WNQF836 )  
SMR Radio Stations WZA770, WNBW505, )  
WNAJ380, WNRU218 and WNJU965 )  
New York, New York/Long Island Area )  
)  
Application to Modify Business )  
Radio Station License WNQF836 )  
New York, New York/Long Island Area )  
)  
Application to Modify SMR )  
Radio Station License WZA770 )  
New York, New York/Long Island Area )  
)  
Application to Modify SMR )  
Radio Station License WNBW505 )  
New York, New York/Long Island Area )  
)  
**ASSOCIATION FOR EAST END** )  
**LAND MOBILE COVERAGE** )  
Business Radio Station License WPAT918 )  
New York, New York/Long Island Area )  
)  
**LMR 900 ASSOCIATION OF SUFFOLK** )  
Business Radio Station License WNXT323 )  
New York, New York/Long Island Area )  
)  
**METRO NY LMR ASSOCIATION** )  
Business Radio Station License WPAZ643 )  
New York, New York Area )  
)  
**NY LMR ASSOCIATION** )  
Business Radio Station License WPAP734 )  
New York, New York/Long Island Area )  
)  
**WIRELESS COMMUNICATIONS** )  
**ASSOCIATION OF SUFFOLK COUNTY** )  
Business Radio Station License WPAT910 )  
New York, New York/Long Island Area )

WTB DOCKET NO. 98-181

File Number A008053

File Number C002479

File Number C002480

To: LMR 900 Association of Suffolk *ALJ*

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List ABCDE

**WIRELESS TELECOMMUNICATIONS BUREAU'S**  
**REQUEST FOR ADMISSIONS OF FACT FROM**  
**LMR 900 ASSOCIATION OF SUFFOLK**

1. The Chief, Wireless Telecommunications Bureau, by his attorneys and pursuant to Section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, hereby requests that, within ten days of the date of this request, LMR 900 Association of Suffolk ("LMR 900") shall admit to the truth of the facts set forth below. Each response shall be identified by the same number as the subject admission request and shall be made under oath or affirmation by the person making the response.

### Admissions

1. LMR 900 does not hold any FCC authorizations permitting it to provide for-profit communications service.
2. Norcom Communications Corp. ("Norcom") provided some of the funds for the start-up of LMR 900.
3. Norcom provided all or substantially all of the funds for the start-up of LMR 900.
4. Norcom has paid some of the legal fees incurred by or on behalf of LMR 900 for any purpose.
5. Norcom has paid all or substantially all legal fees incurred by or on behalf of LMR 900 for any purpose.
6. Norcom has paid some of the legal fees incurred by or on behalf of LMR 900 in connection with: (a) the formation of LMR 900; (b) applications for Station WNXT323 ("Station"); (c) construction of the Station.
7. Norcom has paid all or substantially all legal fees incurred by or on behalf of LMR 900 in connection with: (a) the formation of LMR 900; (b) applications for the Station; (c) construction of the Station.
8. LMR 900 has no members.
9. LMR 900 has never had any members.
10. Robert Nopper, individually, participated in the formation of LMR 900.
11. Robert Nopper, individually, prepared all documents relating to the formation of LMR 900.

12. Robert Nopper, individually, assisted in the preparation of LMR 900's FCC application(s) for the Station.
13. Robert Nopper, individually, prepared LMR 900's FCC application(s) for the Station.
14. Robert Nopper, as a principal of Norcom, participated in the formation of LMR 900.
15. Robert Nopper, as a principal of Norcom, prepared all documents relating to the formation of LMR 900.
16. Robert Nopper, as a principal of Norcom, assisted in the preparation of LMR 900's FCC application(s) for the Station.
17. Robert Nopper, as a principal of Norcom, prepared LMR 900's FCC application(s) for the Station.
18. Norcom participated in the formation of LMR 900.
19. Norcom prepared all documents relating to the formation of LMR 900.
20. Norcom assisted in the preparation of LMR 900's FCC application(s) for the Station.
21. Norcom prepared LMR 900's FCC application(s) for the Station.
22. LMR 900 did not solicit offers or bids for the management of the Station from any entity prior to entering into a management agreement with Norcom.
23. LMR 900 did not receive offers or bids for the management of the Station from any entity prior to entering into a management agreement with Norcom.
24. LMR 900 did not consider offers or bids for the management of the Station from any entity other than Norcom prior to entering into a management agreement with Norcom.
25. LMR 900 and Norcom have the same mailing address.
26. Norcom has entered into resale agreements with intermediaries allowing these intermediaries to resell air time over the Station.
27. The intermediaries referred to in item (26) above may, pursuant to resale agreements with Norcom, resell air time over the Station on a for-profit basis.
28. The intermediaries referred to in item (26) above have, pursuant to resale agreements with Norcom, resold air time over the Station on a for-profit basis.

29. The Station was constructed and in operation within one year of the grant of the license to LMR 900.
30. The Station did not have 70 mobiles in operation for each of its authorized channels within three (3) years of grant of the license to LMR 900.
31. Norcom and LMR 900 have utilized the same: (a) accountant(s); (b) attorney(s); (c) engineer(s).
32. LMR 900 and Norcom have utilized the same office equipment.
33. LMR 900 and Norcom have utilized the same office personnel.
34. Norcom has sold air time over the Station.
35. Norcom has sold air time over the Station only on a non-profit, cost shared basis.
36. Norcom has sold air time over the Stations on a for-profit basis.
37. Norcom has controlled the daily operations of LMR 900.
38. Norcom has had unfettered use of all facilities and equipment of LMR 900.
39. Norcom has determined and carried out policy decisions on behalf of LMR 900.
40. Norcom has been in charge of the employment, supervision and dismissal of personnel on behalf of LMR 900.
41. Norcom has been in charge of the payment of financial obligations, including expenses arising out of operation of the Station.
42. Norcom has paid all financial obligations, including expenses arising out of operation of the Station.
43. Norcom has received all monies and profits from the operation of facilities or equipment owned or leased by LMR 900.
44. Norcom has retained for its benefit all monies and profits from the operation of facilities or equipment owned or leased by LMR 900.
45. In a telephone conversation with Thomas D. Fitz-Gibbon of the F.C.C., Lawrence Blass stated that he was no longer affiliated with LMR 900.
46. At the time of the aforementioned telephone conversation between Thomas D. Fitz-Gibbon and Lawrence Blass, Mr. Blass no longer actually performed any duties or functions on behalf of LMR 900 and received no income from LMR 900.

47. Lawrence Blass is no longer affiliated with LMR 900.

48. The status of Lawrence Blass's affiliation with LMR 900 has changed since the date of his telephone conversation with Thomas D. Fitz-Gibbon.

Respectfully submitted,

Dan Phythyon  
Chief, Wireless Telecommunications Bureau



Gary P. Schonman  
Chief, Compliance and Litigation Branch



Judy Lancaster  
Thomas Fitz-Gibbon  
Attorneys  
Wireless Telecommunications Bureau

Federal Communications Commission  
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Washington, D.C. 20554  
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December 3, 1998

## CERTIFICATE OF SERVICE

I, Judy A. Lancaster, an attorney in the Compliance and Litigation Branch, Enforcement and Consumer Information Division, Wireless Telecommunications Bureau, certify that I have, on this 3rd day of December 1998, caused to be sent by regular United States mail, copies of the foregoing, "Wireless Telecommunications Bureau's Request for Admissions of Fact From LMR 900 Association of Suffolk" to:

Administrative Law Judge  
John M. Frysiak  
Federal Communications Commission  
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Washington, D.C. 20554

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Judy A. Lancaster