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

DEC - 3 1998

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

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To: Norcom Communications Corporation *ALJ*

WIRELESS TELECOMMUNICATIONS BUREAU'S  
REQUEST FOR ADMISSIONS OF FACT FROM  
NORCOM COMMUNICATIONS CORPORATION

1. The Acting 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 calendar days of the date of this request, Norcom Communications Corporation ("Norcom") 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.

2. Each Request for Admissions which refers to "*the Associations*" has five (5) subparts, shown below, and shall be answered as it pertains to each of the following Associations:

- (a) Association For East End Land Mobile Coverage
- (b) LMR 900 Association of Suffolk
- (c) Metro NY LMR Association
- (d) NY LMR Association
- (e) Wireless Communications Association of Suffolk County

### Admissions

1. Norcom Communications Corp. ("Norcom") provided all or substantially all of the funds for the start-up of *the Associations*.

2. Norcom paid some of the start-up expenses of *the Associations*.

3. Norcom has paid some of the legal fees incurred by or on behalf of *the Associations* for any purpose.

4. Norcom has paid all or substantially all of the legal fees incurred by or on behalf of *the Associations* for any purpose.

5. Norcom has paid some of the legal fees incurred by or on behalf of *the Associations* in connection with: (a) the formation of *the Associations*; (b) applications for each station licensed to *the Associations* ("Station"); (c) construction of each Station of *the Associations*.

6. Norcom has paid all or substantially all of the legal fees incurred by or on behalf

of *the Associations* in connection with: (a) the formation of *the Associations*; (b) applications for each Station of *the Associations*; (c) construction of each Station of *the Associations*.

7. Robert Nopper, individually, participated in the formation of *the Associations*.
8. Robert Nopper, individually, prepared all documents relating to the formation of *the Associations*.
9. Robert Nopper, individually, assisted in the preparation of *the Associations'* FCC application(s) for its Station.
10. Robert Nopper, individually, prepared *the Associations'* FCC application(s) for its Station.
11. Robert Nopper was a principal of Norcom when he rendered the services to the Associations which are referenced in Request for Admissions numbered (7) through (10).
12. Robert Nopper was acting as an agent or representative of Norcom when he rendered the services to *the Associations* referenced in Request for Admissions numbered (7) through (10).
13. Robert Nopper, as a principal of Norcom, participated in the formation of *the Associations*.
14. Robert Nopper, as a principal of Norcom, prepared all documents relating to the formation of *the Associations*.
15. Robert Nopper, as a principal of Norcom, assisted in the preparation of *the Associations'* FCC application(s) for its Station.
16. Robert Nopper, as a principal of Norcom, prepared *the Associations'* FCC application(s) for its Station.
17. Norcom participated in the formation of *the Associations*.
18. Norcom prepared all documents relating to the formation of *the Associations*.
19. Norcom assisted in the preparation of *the Associations'* FCC application(s) for its Station.
20. Norcom prepared *the Associations'* FCC application(s) for each Station.
21. *The Associations* did not solicit offers or bids for the management of each Station from any entity prior to entering into a management agreement with Norcom.
22. *The Associations* did not receive offers or bids for the management of each Station from any entity prior to entering into a management agreement with Norcom.

23. *The Associations* did not consider offers or bids for the management of each Station from any entity other than Norcom prior to entering into a management agreement with Norcom.

24. *The Associations* and Norcom have utilized the same mailing address.

25. *The Associations* and Norcom have utilized the same office equipment.

26. *The Associations* and Norcom have utilized the same office personnel.

27. Norcom entered into resale agreements with intermediaries, resellers or independent sales agents ("resellers") allowing these resellers to resell air time over each Station licensed to *the Associations*.

28. The resellers referred to herein have resold air time over each Station licensed to *the Associations* only on a non-profit, cost shared basis.

29. The re-sellers referred to herein are not precluded by contract from reselling air time over each Station licensed to *the Associations* on a for-profit basis.

30. The re-sellers referred to herein have resold air time over stations licensed to *the Associations* on a for-profit basis.

31. Norcom has sold air time over stations licensed to *the Associations*.

32. Norcom has sold air time over stations licensed to *the Associations* only on a non-profit, cost shared basis.

33. Norcom has sold air time over stations licensed to *the Associations* on a for-profit basis.

34. Norcom has controlled the daily operations of *the Associations*.

35. Norcom has had unfettered use of all facilities and equipment of *the Associations*.

36. Norcom has determined and carried out policy decisions on behalf of *the Associations*.

37. Norcom has been in charge of the employment, supervision and dismissal of personnel on behalf of *the Associations*.

38. Norcom and the Associations have utilized the same: (a) attorney(s); (b) accountant(s); (c) engineer(s).

39. Norcom has been in charge of the payment of financial obligations, including expenses arising out of operation of each Station, on behalf of *the Associations*.

40. Norcom has paid all financial obligations, including expenses arising out of operation of each Station, on behalf of *the Associations*.

41. Norcom has received the monies and profits from the operation of facilities or equipment owned or leased by *the Associations*.

42. Norcom has retained for its benefit the monies and profits received from the operation of facilities or equipment owned or leased by *the Associations*.

43. Norcom has provided the funds to cover any financial losses resulting from the operation of each Station.

44. Each Station of *the Associations* was constructed and in operation within one year of the grant of the license for that station.

45. The terms contained in the sublease agreements between Norcom and the resellers are similar or identical to the terms contained in Norcom's contracts to provide commercial service over its Specialized Mobile Radio ("SMR") stations.

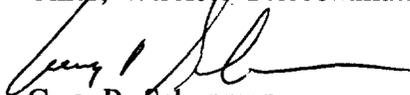
46. Norcom has provided for-profit private land mobile services over the stations licensed to *the Associations*.

47. Robert Nopper told Judah Mansbach that it "may have been stretching a point" to characterize the Wireless Communications Association of Suffolk County and the Association for East End Land Mobile Coverage as "non-profit" associations .

48. *The Associations* did not have seventy (70) mobiles in operation for each of it's authorized channels within (3) years of grant of each applicable license.

Respectfully submitted,

Daniel Phythyon  
Chief, Wireless Telecommunications Bureau

  
Gary P. Schonman  
Chief, Compliance and Litigation Branch

  
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Tom Fitz Gibbon  
Attorneys  
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Federal Communications Commission  
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December 3, 1998

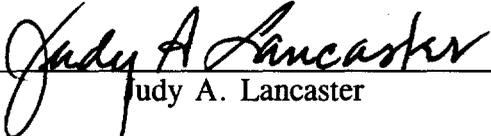
## CERTIFICATE OF SERVICE

I, Judy A. Lancaster, a staff 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 Norcom Communications Corporation" to:

Administrative Law Judge  
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Federal Communications Commission  
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Judy A. Lancaster