

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

IN THE MATTERS OF)

NORCOM COMMUNICATIONS CORPORATION)
ASS'N FOR EAST END LAND MOBILE COVERAGE)
LMR 900 ASSOCIATION OF SUFFOLK)
METRO NY LMR ASSOCIATION)
NY LMR ASSOCIATION)
WIRELESS COMM. ASSOCIATION OF SUFFOLK COUNTY)

WTB DOCKET No. 98-181

To: HON. ADMINISTRATIVE LAW JUDGE JOHN M. FRYSIAK

MOTION TO DELETE AND/OR CHANGE ISSUES

Norcom Communications Corp. ("Norcom"), by its attorneys and pursuant to section 1.229 of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.229 (1997), hereby moves¹ the Presiding Judge to delete and/or change the following issues specified in the Commission's October 14, 1998, Hearing Designation Order ("HDO") in the above-captioned proceeding.² As set forth more fully below, grant of this Motion is in the public interest.

¹ This Motion is supported by the sworn statement of Robert Nopper. See Exhibit A.

² Section 1.229 of the FCC's rules specifies that motions to enlarge, change or delete issues should be submitted within fifteen (15) days after the full text or a summary of the order designating a case for hearing has been published in the Federal Register. Federal Register publication has not occurred. Nevertheless, Norcom submits this Motion in advance of the regulatory deadline in the interests of facilitating more expeditious resolution of this matter. Norcom has simultaneously submitted herewith a Motion asking the Presiding Judge to extend the period of time by which Norcom is required to respond to the FCC's requests for admission until after the Presiding Judge disposes of the instant Motion. The submission of this Motion does not waive any of Norcom's rights to request further changes or deletions to the issues in this proceeding consistent with the time period established in section 1.229 of the regulations.

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**A. The Claim That Norcom Unlawfully Assumed Control
Of The Stations Licensed To The Above-Captioned Associations (“Associations”).**

The HDO accuses Norcom of violating FCC standards that do not apply to it or the Associations. In particular, the HDO states that the FCC assesses whether a transfer of control has occurred by employing the six-factor test first enunciated in *Intermountain Microwave*. 24 Rad. Reg. 983 (1963); HDO at ¶ 8. The *Intermountain Microwave* test, however, only applies to commercial mobile radio service (“CMRS”) providers and other common carriers. See *Public Notice* No. DA 96-1245 (1996); see also *CMRS Fourth Report and Order*, 9 FCC Rcd 7123, ¶ 20 (1994) (CMRS unauthorized transfer of control issues will be analyzed using six-factor *Intermountain Microwave* test). The test does not apply to non-CMRS licensees such as the Associations. *Id.* Thus, because of “unusual circumstances warranting deletion,” *American Broadcasting Companies, Inc.*, 20 FCC 2d 403, ¶ 13 (1969), namely the HDO’s specification of a legal wrong that does not apply to Norcom, the Presiding Judge should delete the issue.

The standard for determining whether a non-CMRS licensee has unlawfully transferred control to another entity is set forth at *Motorola, Inc.* (“*Motorola*”), as described in *Public Notice* No. 1932, released March 3, 1998 (“[T]he Bureau takes this opportunity to restate the guidelines....”). The tests are not comparable. The *Intermountain Microwave* standard involves the licensee’s relationship with others and evaluates such factors as unfettered access to facilities, employment decisions, and the payment of operating expenses, etc. The *Motorola, Inc.* standard, by contrast, focuses on such issues as how the licensee obtained its equipment and the licensee’s ultimate ability to terminate the management contract. The following table highlights the *significant* differences between the two standards:

Intermountain Microwave Standard for CMRS Stations	Motorola, Inc. Standard for Non-CMRS Stations
(a) Does the licensee have unfettered use of all facilities and equipment? (b) Who controls daily operations? (c) Who determines and carries out policy decisions, including preparing and filing applications with the Commission? (d) Who is in charge of employment, supervision and dismissal of personnel? (e) Who is in charge of the payment of financial obligations, including expenses arising out of operating? (f) Who receives the moneys and profits from the operation of the facilities?	(a) Licensee's financing for purchase of equipment obtained independent of Manager. (b) Equipment not sold to Licensee for reduced price in return for permitting the Manager to serve as Manager. (c) There is nothing to distinguish the Licensee's equipment purchase from the Manager from other entities' purchase of equipment from the Manager. (d) Licensee retains authority under the management contract to supervise and instruct the Manager. (e) Management contract permits Licensee to terminate the contract if the Manager fails to perform as instructed.

Accordingly, the HDO proceeding cannot logically or lawfully proceed with respect to this issue, especially if the sanction for non-compliance with the incorrectly identified standard is as severe as license revocation and the monetary forfeitures specified in the HDO.

Based on the foregoing, Norcom requests that the Presiding Judge delete the issue of unlawful transfer of control. The Presiding Judge should not allow the FCC to change the issue to incorporate the correct legal standard. The FCC has not performed an underlying investigation³ to uncover any of the facts necessary to apply that test. The Commission cannot amend its allegations to fit Norcom at this late date -- it must first perform an investigation that results a substantial and material question of fact. Thus, the issue should be deleted in its entirety.

B. The Claim That Norcom Likely Abused The FCC's Licensing Process

The HDO alleges that Norcom "set up and controlled the Associations for the purpose of acquiring such licenses." HDO at ¶ 13. The HDO further labels the Associations as

³ The FCC's investigation that resulted in the HDO took two years and cost Norcom time and legal fees.

“surrogates,” implying that Norcom and the Associations concealed their relationship. *Id.* The Presiding Judge should delete this issue. The FCC has stated that issues should be deleted when their initial specification was the result of the agency’s overlooking “material facts in specifying these issues,” or “other unusual circumstances warranting deletion.” *American Broadcasting Companies, Inc.*, 20 FCC 2d 403, ¶ 13 (1969). In this case, the FCC has overlooked key facts that prove that Norcom did not abuse the FCC’s processes – the existence of a 1992 negotiated agreement (“Agreement”) between the each of the Associations and the FCC which demonstrates that the FCC was fully aware of Norcom’s relationship with the Associations.

The Agreement and accompanying materials, attached as **Exhibit B**, demonstrate that:

- The Associations informed the FCC by correspondence dated May 23, 1991 (in response to the FCC’s April 10, 1991, return notice), that “the control point and mailing address is that of Norcom Communications Corporation. It is anticipated that Norcom will provide facilities for and will operate the control point of this association as a contractor. Norcom also helped organize this association.” *It is important to note that the relationship with Norcom was initially disclosed without any prompting by the FCC.*
- After receiving another application return notice, dated July 15, 1991, seeking additional information concerning their relationship with Norcom, the Associations responded with a letter dated August 26, 1991, describing the management and base station facilities that Norcom would provide the Associations.
- By correspondence dated September 17, 1992, the Associations proposed a detailed settlement agreement with the FCC.
- On October 28, 1992, the Chief of the Land Mobile Branch of the licensing division of the-then Private Radio Bureau informed counsel for the Associations by letter that the applications of the Associations would be granted based on “an agreement which was negotiated with the Compliance Branch.”
- The initial licenses granted to each Association state that they were “granted pursuant to agreement of October 28, 1992.”
- Each Association license was subsequently renewed by the Commission.

Counsel for Norcom and the Associations brought the existence of the prolonged 1991-92 negotiations and resulting Agreement to the Commission's attention in a conference dated September 28, 1998. Staff of the Wireless Telecommunications Bureau attending that meeting appeared surprised and unaware of the existence of the Agreement. One staff member even requested additional information, such as the names of the FCC employees involved. The HDO was immediately thereafter adopted by the full Commission – but not released to the public – on September 30, 1998. Thus, Norcom is confident that the HDO was adopted without the FCC's knowledge of material facts – the existence of a negotiated 1992 agreement between each of the Associations and the FCC which included ample evidence of the role that Norcom intended to take in managing the stations licensed to the Associations. It would indeed be remarkable, and likely a breach of the Agreement, for the Commission to charge Norcom with acts that the Commission itself sanctioned.

A finding of abuse of process requires “a specific finding, supported by the record, of abusive intent.” *Trinity Broadcasting of Florida, Inc.*, 10 FCC Rcd 12020, ¶ 324 (1995). The FCC's action overlooking the existence of the Agreement that resulted in the grant of the licenses to the Associations – key facts which negate the specific intent required by the FCC's precedent – should result in the deletion of the issue of abuse of process. Norcom's relationship with the Associations was not concealed; the FCC knew of the relationship from the start. Thus, because the FCC negotiated the Agreement with the Associations with knowledge of this role, granted the licenses, and renewed the licenses at their short-term renewal mark, Norcom's conduct cannot constitute a “serious threat” to the Commission licensing processes. HDO at ¶ 12.

Like Norcom's request to delete the unlawful transfer of control issue, the FCC cannot change the issue of abuse of process and sustain the allegations in the HDO in light of the facts established herein. Because the Commission's precedent is clear that abuse of process is implicated by concealed arrangements, the issue should be deleted in its entirety.

* * *

Based on the foregoing, Norcom respectfully requests that the Presiding Judge delete the issues of unlawful transfer of control and abuse of process.

Respectfully submitted,

NORCOM COMMUNICATIONS CORPORATION

By: *Russell H. Fox*
Russell H. Fox
Russ Taylor
GARDNER, CARTON & DOUGLAS
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
(202) 408-7100

Dated: December 9, 1998

CERTIFICATE OF SERVICE

I, Donna Fleming, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 9th day of December, 1998, caused to be sent by facsimile and overnight delivery, a copy of the foregoing Motion to the following:

Judy Lancaster
Federal Communications Commission
Wireless Telecommunications Bureau
2025 M Street, N.W.
Room 8308
Washington, D.C. 20554
Counsel for Wireless Telecommunications Bureau

George Petrutsas
Fletcher Heald & Hildreth, PLC
1300 North 17th Street
11th Floor
Rosslyn, VA 22209-3801


Donna Fleming

A

12/08/98 TUE 19:48 FAX

002

DECLARATION OF ROBERT NOPPER

My name is Robert Nopper. I am over 18 years of age and competent to testify to the matters set forth herein. I have reviewed the attached Motion and agree with the arguments and factual assertions contained therein.

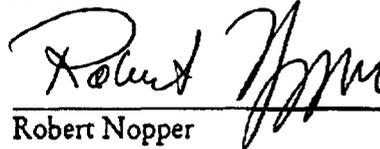
The licensing documents attached as Exhibit B to the Motion are true and correct copies of licensing records maintained by Norcom as manager for the Associations, or alternatively, licensing records obtained directly from the FCC's files.

I attended the September 28, 1998, meeting with the Wireless Telecommunications Bureau's staff referenced in the Motion. I observed that the Bureau's staff appeared surprised when our counsel mentioned the existence of a 1992 agreement between the Associations and the FCC.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 9, 1998. 47 C.F.R. § 1.16 (1997).

NORCOM COMMUNICATIONS CORP.

By:


Robert Nopper

B

AMENDMENT

**The Association for East End
Land Mobile Coverage
File No. 532866-YB**

The above-referenced application is amended as follows:

1. Item 3 line H and Item 12 are changed to read 500.
2. Copy of the Article of Association is attached.
3. Copy of the standard sharing agreement is attached.
4. Applicant certifies that a minimum of 70 mobiles per channel will be placed in operation within five (5) years of the grant of this application.
5. There is no relationship between this Association and the Central Suffolk Association of Land Mobile Users, Wireless Communications Association of Suffolk County, or Land Mobile Radio Association of Long Island. Each is an independent association. The control point and mailing address is that of Norcom Communications Corporation. It is anticipated that Norcom will provide facilities for and will operate the control point of this association as a contractor. Norcom also helped organize this association.

The Association for East
End Land Mobile Coverage

Date: 5-23-91

By: Timothy J. Mangan
Timothy J. Mangan

**Application Return Notice for the
Private Land Mobile Radio Service**

Fletcher, Heald & Hildreth
Suite 400, 1225 Connecticut Ave., N.W.
Washington, D.C. 20036-2679

Date April 10, 1991

File No. 532866-YB

RE: The Association for East End
Land Mobile Coverage

DKB

INSTRUCTIONS: Your application for station authorization is returned for the reason(s) checked below. Complete or correct your application, re-sign and date your application in the space provided on the reverse side. Return this and all enclosures to the above address. See "NOTICE TO APPLICANT" on the reverse of this form.

- Your eligibility is unclear. Please provide a more detailed description of your activities and how radio will be used in connection with them.
- If you are requesting authority to acquire a station presently licensed to another person or entity, you should check "Assignment of Authorization" in item 32. Complete the application giving all information pertaining to the new licensee (including eligibility showing) and include a completed FCC Form 1046, Assignment of Authorization, or a similar declaration signed by the present licensee, with your application.
- Please advise if the Control you show in item 18 is a Control Station or Control Point. For Control Stations, complete Items 1 through 11 (except 7), 14 through 17, and 26 through 29. If the Control Station complies with the 20 ft. criterion as defined in Rule Section 90.119(a)(2)(ii), complete only Items 1 through 5. Evidence of frequency coordination is required for stations not meeting the 20 ft. rule.

XXXXXX

- You **MUST** resubmit this application through your frequency coordinator if you are requesting the licensing of a new station, modifying an existing licensed station, or if you are making ANY CHANGE to information in Items 1 through 25 which has previously been coordinated. See Rule Sections 90.135 and 90.175. **FAILURE TO DO SO COULD RESULT IN DISMISSAL OF YOUR APPLICATION AND FORFEITURE OF ANY FEE(S) PAID.** Failure to re-submit your application in a timely manner as explained on the reverse of this form will also result in loss of any previously paid fee(s).
- Your application is being returned because it did not include frequency coordination as required by Rule Section 90.175. It is recommended that you contact the frequency coordinator in advance to determine if payment of a coordination fee is necessary. Such fees are separate and distinct from any fee charged by the Commission. Please include this Return Notice with your submission to the frequency coordinator to indicate that any necessary Commission fees have been paid. Failure to resubmit your application in a timely manner as explained on the reverse of this form will result in loss of any previously paid fee(s).
- Item(s) _____ should be completed or corrected.

XXXXXX

- OTHER:** Please submit a photocopy of your Articles of Association and a copy of the agreement among participants.
On the Attachment A, list of prospective shared users, you only show a total of 154 mobiles and no controls whereas you show 350 mobiles and 29 controls on your application. You must either amend your application to show the correct number of mobiles and controls or provide a list of all participants with addresses and phone numbers and a number of mobiles commensurate with the number of participants listed.

Your system does not meet the loading requirements as required by Rule 90.631(a). An anticipated loading of 379 units does not justify 5 channels. Rule 90.631(a) requires an anticipated loading of 100 units per channel.

Please clarify if there is any party of interest between Central Suffolk Association of Land Mobile Users and The Association for East End Land Mobile Coverage.

The Association For East
End Land Mobile Coverage
70-C Corbin Avenue
Bay Shore, NY 11706

Federal Communications Commission
800 MHz Services
P.O. Box 358235
Pittsburgh, PA 15251-5235

Re: Application for 800 MHz
Trunked system (YB)
File No. 532866-YB
Your Ref. DKB

Dear Madam/Sir:

This responds to your Application Return Notice of July 15,
1991:

1. Terms and Conditions of the Association.

The association has been organized as a vehicle for eligible business in the area to obtain the benefits of trunked land mobile communications efficiently and economically, as contemplated by the Commission's rules, especially Sections 90.61(b) and 90.603(b). The plan is for users to obtain the communications service they desire and to pay their proportionate share of the cost. This approach was recommended by counsel and we feel it is a practical and economical method for accommodating some of the land mobile communication needs of the business community in this area.

2. Relationship with Norcom Communications.

An agreement has been reached with Norcom Communications

Corporation under which Norcom will lease to the association the trunked mobile relay transmitters on a monthly rental basis. Norcom has also agreed to provide for the construction, management, and maintenance of the facility. The association will, however, as the FCC licensee, exercise overall licensee control and will be responsible to the Commission for proper operation of the system.

3. Will Norcom provide all the radio equipment.....?

In accordance with Paragraph 2 of the sharing agreement, a copy of which was provided to the Commission with our May 23, 1991 Amendment, users will be responsible to obtain their own mobile and control station equipment. Norcom will not provide nor sell such equipment to users.

4. Provide the names of the principles of Norcom.

Robert L. Nopper

5. Names, addresses, phone numbers of the principals of your association, names of their employers, and their relationship to Norcom and its principals.

The names and address were provided in the May 23, 1991 Amendment which requested a copy of the Articles Of Association additionally:

(a) Timothy J. Mangan. Mangan is employed by T & T Island Communications Management Corp., Inc., telephone 516-378-8299.

(b) Harry Rosenberg. Rosenberg is employed by Reliable Refrigeration Services and is a proposed member of the Board of Directors, telephone 516-595-2700.

(c) William Larkin. Larkin is employed by Suffolk County and is a proposed member of the Board of Directors, telephone 516-348-2826.

There is no business, financial, or family relationship among the three. Mangan is to be the administrator of the association.

6. Copy of signed membership agreement.

We have previously provided you with a copy of the standard sharing agreement we plan to use. However, since our application has not been granted, we have not yet entered into binding, signed agreements with interested potential users. The names and addresses of the entities who plan to use the system have been provided with the application.

7. Full explanation of the relationship between the principals of your association and the three other associations which would operate through Norcom.

As stated in our response of May 23, 1991, there is no financial, business, or family relationship among the principals of the four associations or their employees. The only common element is that Norcom will provide the equipment for the mobile

relay facility, will operate the control point of the association, and will be hired to manage the operation of the system.

Very truly yours,

THE ASSOCIATION FOR EAST
END LAND MOBILE COVERAGE

Date:

8/26/91

By:



Timothy J. Mangan

FEDERAL COMMUNICATIONS COMMISSION
1270 FAIRFIELD ROAD
GETTYSBURG, PA 17325-7245

APPLICATION RETURN NOTICE FOR THE PRIVATE LAND MOBILE RADIO SERVICES

Fletcher, Heald & Hildreth
Attn: George Petrutsas
1225 Connecticut Ave., N.W. Suite 400
Washington, DC 20036-2679

DATE July 15, 1991

FILE NO. 532866-YB

DKB

RE: The Association for East End Land Mobile Coverage

INSTRUCTIONS: Your application for station authorization is returned for the reason(s) checked below. Complete or correct your application, re-sign and date your application in the space provided on the reverse side. Return this and all enclosures to the above address. See "NOTICE TO APPLICANT" on the reverse of this form.

- Your eligibility is unclear. Please provide a more detailed description of your activities and how radio will be used in connection with them.
- If you are requesting authority to acquire a station presently licensed to another person or entity, you should check "Assignment of Authorization" in item 32. Complete the application giving all information pertaining to the new licensee (including eligibility showing) and include a completed FCC Form 1046, Assignment of Authorization, or a similar declaration signed by the present licensee, with your application.
- Please advise if the Control you show in item 18 is a Control Station or Control Point. For Control Stations, complete items 1 through 11 (except 7), 14 through 17, and 26 through 29. If the Control Station complies with the 20 ft. criterion as defined in Rule Section 90.119(a)(2)(ii), complete only items 1 through 5. Evidence of frequency coordination is required for stations not meeting the 20 ft. rule.
- You MUST resubmit this application through your frequency coordinator if you are requesting the licensing of a new station, modifying an existing licensed station, or if you are making ANY CHANGE to information in items 1 through 25 which has previously been coordinated. See Rule Sections 90.135 and 90.175. FAILURE TO DO SO COULD RESULT IN DISMISSAL OF YOUR APPLICATION AND FORFEITURE OF ANY FEE(S) PAID. Failure to resubmit your application in a timely manner as explained on the reverse of this form will also result in loss of any previously paid fee(s).
- Your application is being returned because it did not include frequency coordination as required by Rule Section 90.175. It is recommended that you contact the frequency coordinator in advance to determine if payment of a coordination fee is necessary. Such fees are separate and distinct from any fee charged by the Commission. Please include this Return Notice with your submission to the frequency coordinator to indicate that any necessary Commission fees have been paid. Failure to resubmit your application in a timely manner as explained on the reverse of this form will result in loss of any previously paid fee(s).
- Item(s) _____ should be completed or corrected.
- OTHER:** Additional information is required to process your application. Please provide a more detailed description of the terms and conditions of your association and its relationship with Norcom Communications. Will Norcom provide all the radio equipment or will members be able to obtain their own mobile and control stations? Provide the names of the principals of Norcom. Provide the names, addresses, telephone numbers, of the principals of your association as well as the name of each of their employers, and their relationship to Norcom and its principals. Provide a copy of the signed membership agreements of the present members of your association. Provide a full explanation of the relationship between the principals of your association and the three other associations which operate through Norcom and have pending applications for trunked radio systems. Be specific; provide full information on any business/financial interests.

SEE REVERSE

5729

September 17, 1992

Mr. Terry L. Fishel
Chief, Land Mobile Branch
Federal Communications Commission
1270 Fairfield Road
Gettysburg, Pennsylvania 17325-7245

Re: Applications of

- (a) Metro New York Assoc.
File No. 571588
Stamford, Connecticut
- (b) The Association for East End
Land Mobile Coverage
File No. 532866
Sag Harbor, New York
- (c) Wireless Association of Suffolk County
File No. 534390
Manorville, New York
- (d) Central Suffolk Association of
Land Mobile Users
File No. 532865
Riverhead, New York
- (e) New York LMR Association
File No. 566318
Plainview, New York
- (f) Land Mobile Association of Long Island
File No. 534391
Manorville, New York

Dear Mr. Fishel:

I represent the above-listed non-profit associations. Their applications are before the Commission on reconsideration. To resolve the issues raised by the staff and by the applicants in their respective reconsideration petition, I have had discussions looking towards reaching settlements with the staff of the

Mr. Terry L. Fishel
September 17, 1992
Page 2

Compliance Branch, Land Mobile and Microwave Division. There have been no objections filed by any third party and there are no competing applicants. Therefore, there are no ex parte issues raised by these discussions and by this letter. Based on the tentative agreement with the Compliance Branch, I am making the following proposal for settlement.

(1) First, the Association for East End Land Mobile Coverage (Sag Harbor) and Central Suffolk Association of Land Mobile Users (Riverhead) would reach an agreement under which Central Suffolk would withdraw its application and the Association for East End Land Mobile Coverage would agree to make its facilities available for use by those now planning to use Central Suffolk's proposed system;

(2) Wireless Association of Suffolk County (Manorville) and Land Mobile Association of Long Island (also, Manorville) would reach a similar agreement, so that the application of the Land Mobile Association of Long Island would also be withdrawn;

(3) The surviving applicants would accept grants with a requirement that their respective systems would achieve a loading of 70 units per channel by the third anniversary of their respective licenses;

(4) Each of the associations, including those who would withdraw their applications, and their principals would agree not to file any applications or seek additional frequencies directly or indirectly unless the channels assigned to it have met the current loading requirements; and

(5) Each association and its principals to receive a grant would agree not to assign its station license, directly or indirectly, to any other entity during the first term of the license.

(6) All remaining applicants would assure the Commission that service would be provided only to entities eligible in the Business Radio Service and only on a cost-sharing non-profit basis.

It is respectfully submitted that the agreed to settlement summarized above would be in the public interest. Associations, are, of course, eligible entities for trunked systems under Section

Mr. Terry L. Fishel
September 17, 1992
Page 3

90.603(b) of the Commission's Rules. Each applicant association has requested the minimum number of frequencies needed for a reasonable trunked operation in the area involved. The frequencies requested were "discovered" after extensive and expensive research; and they were "cleared" following engineering studies and after coordination by two coordinating entities (SIRSA and NABER). It should be noted that the co-channel licensees were notified during the coordination process and that they have voiced no objection. Because the applications were in effect "engineered-in", it is doubtful that the frequencies involved would be readily available to others. Therefore, grant of the applications would allow use of frequencies which might otherwise remain fallow.

The applicants are not speculators. Each application is the result of genuine efforts to meet communications requirements in areas where, because of the dominance of the New York City metropolitan area, very few frequencies have been made available. Because each application is a plan to meet genuine needs, each applicant association would agree to load its system in three rather than the customary five years and would agree not to assign its license before it is loaded. Two applications would be withdrawn as a result of system sharing agreements. Therefore, the Commission would be assured that the frequencies would be put to good use and without delay.

In summary, although some of the terms of the proposed settlement would be harsh, the applicants would be willing to accept them as the "price" for bringing this matter to a close and provide some frequency relief in their respective areas.

Mr. Terry L. Fishel
September 17, 1992
Page 4

Letters from each of the applicants agreeing to accept grants with the conditions agreed to for settlement are attached. Attached also is a joint letter from the principals of all applicant associations as requested by the Compliance.

Very truly yours,

FLETCHER, HEALD & HILDRETH

George Petrutsas
Counsel for Metro New York Assoc.,
The Association for East End Land
Mobile Coverage, Wireless
Association of Suffolk County,
Central Suffolk Association of
Land Mobile Users, New York LMR
Association, Land Mobile
Association of Long Island

GP:cej
Attachments

cc: Carol F. Foelak, Esquire (w/attachments)
Peter Daronco, Esquire (w/attachments)

bc: Mr. Robert Nopper (w/attachments)

FILE: Norcom Communications #1 (w/attachments)

September 17, 1992

VIA FEDERAL EXPRESS

Mr. Terry L. Fishel
Chief, Land Mobile Branch
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17226

Re: Applications of

- (a) Metro New York Assoc.
File No. 571588
Stamford, Connecticut
- (b) The Association for East End
Land Mobile Coverage
File No. 532866
Sag Harbor, New York
- (c) Wireless Association of Suffolk County
File No. 534390
Manorville, New York
- (d) Central Suffolk Association of
Land Mobile Users
File No. 532865
Riverhead, New York
- (e) New York LMR Association
File No. 566318
Plainview, New York
- (f) Land Mobile Associate of Long Island
File No. 534391
Manorville, New York

Dear Mr. Fishel:

We the undersigned are each a principal in one of the above-referenced applications. We are represented by the same counsel. Counsel, at our request, is engaged in negotiations with the staff of the Commission's Private Radio Bureau looking towards reaching a settlement which might result in the grant of all or

Mr. Terry L. Fishel

Page 2

some of the above-referenced applications and towards resolving the concerns of the Commission's staff.

For the purpose of facilitating a settlement and for that purpose only, the undersigned would agree not to file any applications for additional systems in any of the markets involved in the above-referenced applications, through any non-profit association which they may control or in which they may have any direct or indirect interest, before the system or systems to be authorized as a result of the settlement to serve the relevant market has achieved a loading of at least seventy (70) mobile or ~~ac~~ control units per channel. Each of the undersigned certifies that he is authorized to bind the association.

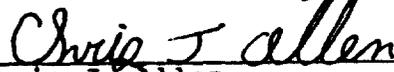
Respectfully submitted,



Gary Nicmandy
Metro New York Association



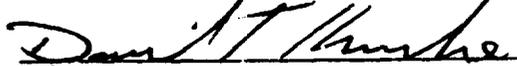
Timothy J. Mangan
The Association for East End
Land Mobile Coverage



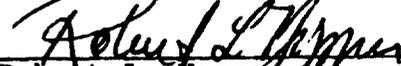
Chris J. Allen
Wireless Association of Suffolk
County



Augustine Medina
Central Suffolk Association of
Land Mobile Users



Daniel T. Kunniecke
New York LMR Association



Robert L. Nopper
Land Mobile Association of Long
Island and for Norcom Communications
Corporation

cc: Carol F. Foelak, Esquire
Peter Daronco, Esquire
bc: Mr. Robert Nopper

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245
OCT 28 1992

In Reply Refer To:
7110-16

George Petrutsas
Fletcher, Heald & Hildreth
1225 Connecticut Ave., NW, Suite 400
Washington, DC 20036

Dear Mr. Petrutsas:

This concerns the six applications filed by non-profit associations to operate trunked radio systems. The applicants are Metro New York Association, file number 571588; The Association for East End Land Mobile Coverage, file number 532866; Wireless Communications Association of Suffolk County, file number 534390; Central Suffolk Association of Land Mobile Users, file number 532865; New York LMR Association, file number 566318; and Land Mobile Radio Association of Long Island, file number 534391. Four of these applications were dismissed for failure to satisfy the provisions of Rule 90.631(a), while two remain pending. Petitions for reconsideration have been filed for the four applications which were dismissed.

The applicants have submitted for review by the Land Mobile Branch an agreement which was negotiated with the Compliance Branch. The agreement indicates:

- 1) Two of the applications, file numbers 532865 and 534391 will be withdrawn.
- 2) The four remaining applications would be granted with a loading requirement of 70 units per channel at the end of the first three years of the license term.
- 3) All the applicants involved, including those which withdrew their applications, agree not to file any applications or seek additional frequencies either directly or indirectly until the present channels are loaded to 70 units per channel.
- 4) Each entity receiving an authorization would not assign the authorization either directly or indirectly to any other entity during the first license term.
- 5) All remaining applicants would assure the Commission that service would only be provided to eligible parties and only on a non-profit cost shared basis.

George Petrutsas

In light of Compliance Branch's support for this agreement, the Land Mobile Branch will grant the applications bearing file numbers 571588, 532866, 534390, and 566318 for a three year term to allow it to assess loading at the end of that period as agreed in item 2 above. Applications bearing file numbers 532865 and 534391, which were previously dismissed, will not be reinstated and no further petitions will be filed. The petitions on file are granted to the extent described in this agreement and otherwise denied. Further, it is understood that acceptance of this agreement does not modify Rule 90.631(a) which requires that trunked systems be assigned based on a loading requirement of 100 units per channel.

Sincerely,



for Terry L. Fishel
Chief, Land Mobile Branch

cc: Peter Daronco

REFERENCE COPY THIS IS NOT A LICENSE

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: METRO NY LMR ASSOCIATION

Radio Service: YU TRUNKED BUSINESS

License Issue Date: 921029

Call Sign: WPAZ643

File Number: 9201571588

License Expiration Date: 951029

Frequency Advisory No: 912950047

Number of Mobiles by Category: Vehicular - *300** Portable -*****Aircraft -*****Marine - *****Pagers*****

921102N 420 1 1Z

METRO NY LMR ASSOCIATION
GARY WICHANDY
121 WESTWOOD DR
BRENTWOOD NY 11717

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	938.40000	FB7	1	13K6F3E	75.000	200.000	105	145	41-02-17	073-33-15
							HAAT	97		
	938.45000	FB7	1	13K6F3E	75.000	200.000				
	938.50000	FB7	1	13K6F3E	75.000	200.000				
	899.40000	MO	300	13K6F3E	30.000	41.000				
	899.45000	MO	300	13K6F3E	30.000	41.000				
	899.50000	MO	300	13K6F3E	30.000	41.000				
2:	899.40000	FX1	35	13K6F3E	30.000	99.000				
	899.45000	FX1	35	13K6F3E	30.000	99.000				
	899.50000	FX1	35	13K6F3E	30.000	99.000				

TRANSMITTER STREET ADDRESS

CITY

COUNTY

STATE

1: 370 W MAIN ST

STAMFORD

FAIRFIELD

CT

2:

NY

AREA OF OPERATION

SITE 1: 35 MIRA 41-02-17N 073-33-15W STAMFORD FAIRFIELD CT

CONTROL POINTS: 121 WESTWOOD DR BRENTWOOD NY

CONTROL POINT PHONE: 516-435-2931

SPECIAL COND: GRANTED PURSUANT TO AGREEMENT OF OCT. 28, 1992. LICENSEE MUST MEET A LOADING REQUIREMENT OF 70 MOBILES PER CHANNEL AT THE END OF THREE YEARS.

EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)
SET OUT IN PART 2 OF THE COMMISSION'S RULES.

PAGE 1 OF 1

**FEDERAL
COMMUNICATIONS
COMMISSION**

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

RADIO STATION LICENSE

Licensee Name: WIRELESS COMMUNICATIONS ASSOCIATION OF SUFFOLK COUNTY

Radio Service: YB TRUNKED BUSINESS

License Issue Date: 11/16/1992

Call Sign: WPAT910

File Number: 9103534390

License Expiration Date: 11/16/1995

Frequency Advisory No./Service Area: 910370041

Pagers - *****

N 2 3Z

WIRELESS COMMUNICATIONS ASSOCIATION OF S
 CHRIS J ALLEN
 70C CORBIN AVE
 BAY SHORE NY 11706

REGULATORY STATUS: PMRS

Station Technical Specifications										
FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	856.78750	FB2	1	20K0F3E	75.000	126.000	73	91	40-51-18	072-46-12
							HAAT	76		
	857.78750	FB2	1	20K0F3E	75.000	126.000		91		
	858.78750	FB2	1	20K0F3E	75.000	126.000		91		
	859.78750	FB2	1	20K0F3E	75.000	126.000		91		
2:	860.91250	FB2	1	20K0F3E	75.000	126.000		91		
	811.78750	FX1	20	20K0F3E	30.000	99.000				
	812.78750	FX1	20	20K0F3E	30.000	99.000				
	813.78750	FX1	20	20K0F3E	30.000	99.000				
	814.78750	FX1	20	20K0F3E	30.000	99.000				
3:	815.91250	FX1	20	20K0F3E	30.000	99.000				
	811.78750	MO	500	20K0F3E	30.000	41.000				
	812.78750	MO	500	20K0F3E	30.000	41.000				
	813.78750	MO	500	20K0F3E	30.000	41.000				
	814.78750	MO	500	20K0F3E	30.000	41.000				
	815.91250	MO	500	20K0F3E	30.000	41.000				
TRANSMITTER STREET ADDRESS							CITY	COUNTY	STATE	
1:	1 MI W OF MANORVILLE RD						MANORVILLE	SUFFOLK	NY	
2:									NY	
AREA OF OPERATION										
SITE 3: NY COUNTYWIDE: SUFFOLK										
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: 1 3 4 13 21										
CONTROL POINTS: 70C CORBIN AVE BAY SHORE NY										
CONTROL POINT PHONE: 516-595-2555										
SPECIAL COND: GRANTED PURSUANT TO AGREEMENT OF 10-28-92. LICENSEE MUST MEET A LOADING REQUIREMENT OF 70 MOBILES PER CHANNEL AT THE END OF 3 YEARS.										

PAGE 2 OF 3



FEDERAL COMMUNICATIONS COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTIONS: 1) 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within 1 year 2) IVDS authorizations automatically cancel if service is not made available in accordance with Section 95.833(a) of the Commission's Rules 3) There are no time limitations for placing GMRS stations in operation.



FOR
FCC
USE
ONLY

APPLICATION FOR RENEWAL OF PRIVATE RADIO STATION LICENSE

WIRELESS COMMUNICATIONS ASSOCIATION OF S
Attn: CHRIS J ALLEN
70C CORBIN AVE
BAY SHORE, NY 11706

64H 1 3

1. Call Sign	2. Fee Type Code	3. Fee Multiple	4. Fee Due	5. FCC Use Only	
WPAT910	PALS	1	*\$125.00		YB (A) 921119 N

6. PURPOSE OF APPLICATION: Place an "X" in applicable box(es)

- RENEWAL
 CHANGE OF MAILING ADDRESS
 CHANGE OF LICENSEE NAME (Without change of ownership, corporate structure or control)
 CHANGE IN MOBILE UNITS (Land Mobile only)
 CANCELLATION OF LICENSE (No fee required)

7. Does the undersigned certify (by responding "YES" to this question), that neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 USC, Section 882, because of a conviction for possession or distribution of a controlled substance?
 * See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

DOES APPLICANT SO CERTIFY? YES NO Failure to check "YES" may cause dismissal of your application.

YOUR APPLICATION FOR RENEWAL MUST BE ACCOMPANIED BY A CHECK OR MONEY ORDER FOR *\$125.00 MADE PAYABLE TO FCC. DO NOT SEND CASH. MAIL YOUR COMPLETED APPLICATION WITH PAYMENT TO:

FEDERAL COMMUNICATIONS COMMISSION
574R LAND MOBILE RENEWAL
P.O. BOX 358245
PITTSBURGH, PA 15251-5245

* NOTE: Effective with receipts of 9/18/95 the new fee is \$75.00

INSTRUCTIONS

The radio station represented on this form will expire as indicated on the reverse side. This form may be used to file for renewal, change of name (without change of legal entity), change of mailing address, or change in the number and categories of mobile units for Land Mobile licensees. You may make these changes on the reverse of this form. This form may also be used to request license cancellation.

Check the information on the reverse side, you may correct misspelled or incomplete data, and modify as noted above. If any other changes are necessary, do not file this form. You must apply for modification of your license by filing FCC Form 574. GENERAL MOBILE RADIO SERVICE LICENSEES: Effective January 1, 1989, a non-individual may not make a major modification to their license. It is suggested that you contact a radio equipment dealer for assistance and if eligible, apply for a license in one of the Land Mobile Radio Services.

If all the technical information on this form is correct, place an "X" in the appropriate box(es) in item 6, complete item 7, and have the application signed and dated by an authorized person.

If the station is no longer in operation, you may file for CANCELLATION of the license in item 6. No fee required. Mail your signed application to Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

- CERTIFICATION:**
- 1) Applicant certifies to possession of current FCC Rules for the requested radio service, if required.
 - 2) Applicant waives any claim to the use of any particular frequency regardless of prior use by license or otherwise.
 - 3) Applicant will have unlimited access to the radio equipment and will control access to exclude unauthorized persons.
 - 4) Neither applicant nor any member thereof is a foreign government or representative thereof.
 - 5) Applicant certifies that all statements made in this application are true, complete and made in good faith.

Willful false statements made on this form are punishable by fine and/or imprisonment (U.S.C. Title 18, Sec. 1001), and/or revocation of any station license or construction permit (U.S.C., Title 47, Sec. 312(a)(1)), and/or forfeiture (U.S.C., Title 47, Sec. 503).

TYPED/PRINTED NAME: _____

TELEPHONE: () _____

SIGNATURE ✓

DATE

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID

APPLICANT CLASSIFICATION (Select one)

- Authorized Employee of Applicant Corporation
 General Partner of Applicant Partnership
 Individual Applicant
 Officer who is also a Member of Applicant Association
 Official of Governmental Entity

SEE REVERSE

RADIO STATION LICENSE

Licensee Name: **WIRELESS COMMUNICATIONS ASSOCIATION OF SUFFOLK COUNTY**

Radio Service: **YB TRUNKED BUSINESS**

License Issue Date: **11/16/1992**

Call Sign: **WPAT910**

File Number: **9103534390**

License Expiration Date: **11/16/1995**

Frequency Advisory No./Service Area: **910370041**

Pages: *********

N 3 3Z

**WIRELESS COMMUNICATIONS ASSOCIATION OF S
 CHRIS J ALLEN
 70C CORBIN AVE
 BAY SHORE NY 11706**

REGULATORY STATUS: PMRS

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
<p>The latitude/longitude are authorized in North American Datum 1927 (NAD27). Additionally, the antenna height to tip, ground elevation, AAT and area of operation units are authorized in metric.</p>										
<p>EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.</p>										



FEDERAL COMMUNICATIONS COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTIONS: 1) 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within 1 year 2) IVDS authorizations automatically cancel if service is not made available in accordance with Section 95.833(a) of the Commission's Rules 3) There are no time limitations for placing GMRS stations in operation.

REFERENCE COPY , THIS IS NOT A LICENSE

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: NY LMR ASSOCIATION

Radio Service: YU TRUNKED BUSINESS

License Issue Date: 921029

Call Sign: WPAP734

File Number: 9112566318

License Expiration Date: 951029

Frequency Advisory No: 912620066

Number of Mobiles by Category: Vehicular - *500** Portable -*****Aircraft - *****Marine - *****Pagers*****

940321S 8 1 2A

NY LMR ASSOCIATION
DANIEL T KUNNECKE
70-C CORBIN AVE
BAY SHORE NY 11706

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	938.38750	FB7	1	13K6F3E	75.000	140.000	230	270	40-47-45	073-27-46
							HAAT	391		
	938.41250	FB7	1	13K6F3E	75.000	140.000				
	938.43750	FB7	1	13K6F3E	75.000	140.000				
	938.46250	FB7	1	13K6F3E	75.000	140.000				
	938.48750	FB7	1	13K6F3E	75.000	140.000				
	899.38750	MO	500	13K6F3E	30.000	41.000				
	899.41250	MO	500	13K6F3E	30.000	41.000				
	899.43750	MO	500	13K6F3E	30.000	41.000				
	899.46250	MO	500	13K6F3E	30.000	41.000				
	899.48750	MO	500	13K6F3E	30.000	41.000				
2:	899.38750	FX1	35	13K6F3E	30.000	99.000				
	899.41250	FX1	35	13K6F3E	30.000	99.000				
	899.43750	FX1	35	13K6F3E	30.000	99.000				
	899.46250	FX1	35	13K6F3E	30.000	99.000				
	899.48750	FX1	35	13K6F3E	30.000	99.000				

TRANSMITTER	STREET ADDRESS	CITY	COUNTY	STATE
1:	1 FAIRCHILD AVE	PLAINVIEW	NASSAU	NY
2:				NY

AREA OF OPERATION

SITE 1: 35 MIRA 40-47-45N 073-27-46W PLAINVIEW NASSAU NY

PAINTING AND LIGHTING SPECIFICATIONS

SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: 1 3 11 21 22

CONTROL POINTS: 189 TWIN LAWNS AVE BRENTWOOD NY

CONTROL POINT PHONE: 516-434-9193

SPECIAL COND: SEE ATTACHED #13 SP: GRANTED PURSUANT TO AGREEMENT OF OCTOBER 28 1992. LICENSEE MUST MEET A LOADING REQUIREMENT OF 70 MOBILES PER CHANNEL AT THE END OF THREE YEARS.

FEDERAL
COMMUNICATIONS
COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

REFERENCE COPY, THIS IS NOT A LICENSE

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: NY LMR ASSOCIATION

Radio Service: YU TRUNKED BUSINESS

License Issue Date: 921029

Call Sign: WPAP734

File Number: 9112566318

License Expiration Date: 951029

Frequency Advisory No: 912620066

Number of Mobiles by Category: Vehicular - *500** Portable - *****Aircraft - *****Marine - *****Pagers*****

940321S 8 2 2A

NY LMR ASSOCIATION
DANIEL T KUNNECKE
70-C CORBIN AVE
BAY SHORE

NY 11706

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Elev	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
ADMIN NOTE: SUP: THIS LICENSE SUPERSEDES AND REPLACES PREVIOUS AUTHORIZATION OF SAME DATE AND FILE NUMBER TO CORRECT COORDINATES AND P/L SPECS PER ASB NOTIFICATION. MKH 3/21/94										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 2 OF 2

FEDERAL
COMMUNICATIONS
COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

RADIO STATION LICENSE

Licensee Name: ASSOCIATION FOR EAST END LAND MOBILE COVERAGE

Radio Service: YB TRUNKED BUSINESS

License Issue Date: 11/16/1992

Call Sign: WPAT918

File Number: 9102532866

License Expiration Date: 11/16/1995

Frequency Advisory No./Service Area: 910420162

Pagers - *****

S 2 3Z

ASSOCIATION FOR EAST END LAND MOBILE COV
 TIMOTHY J MANGAN
 70C CORBIN AVE
 BAY SHORE NY 11706

REGULATORY STATUS: PMRS

Station Technical Specifications										
FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	856.91250	FB2	1	20K0F3E	75.000	190.000	89	14	40-58-26	072-20-15
							HAAT	92		
	857.91250	FB2	1	20K0F3E	75.000	190.000		14		
	858.81250	FB2	1	20K0F3E	75.000	190.000		14		
	859.86250	FB2	1	20K0F3E	75.000	190.000		14		
	860.78750	FB2	1	20K0F3E	75.000	190.000		14		
	811.91250	MO	500	20K0F3E	30.000	45.000				
	812.91250	MO	500	20K0F3E	30.000	45.000				
	813.81250	MO	500	20K0F3E	30.000	45.000				
	814.86250	MO	500	20K0F3E	30.000	45.000				
815.78750	MO	500	20K0F3E	30.000	45.000					
2:	811.91250	FX1	29	20K0F3E	30.000	82.000				
	812.91250	FX1	29	20K0F3E	30.000	82.000				
	813.81250	FX1	29	20K0F3E	30.000	82.000				
	814.86250	FX1	29	20K0F3E	30.000	82.000				
	815.78750	FX1	29	20K0F3E	30.000	82.000				
TRANSMITTER		STREET ADDRESS				CITY		COUNTY		STATE
1:	FERRARA TWR						SAG HARBOR		SUFFOLK	NY
2:										NY
AREA OF OPERATION										
SITE 1: 48 KMRA 40-58-26N 072-20-15W SAG HARBOR SUFFOLK NY										
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: A H I 3 4 13 21 22										
CONTROL POINTS: 70C CORBIN AVE BAY SHORE NY										
CONTROL POINT PHONE: 516-595-2555										

PAGE 2 OF 3



FEDERAL COMMUNICATIONS COMMISSION

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APPLICATION FOR RENEWAL OF PRIVATE RADIO STATION LICENSE

ASSOCIATION FOR EAST END LAND MOBILE COV
Attn: TIMOTHY J MANGAN
70C CORBIN AVE
BAY SHORE, NY 11706

63M 1 3

1. Call Sign	2. Fee Type Code	3. Fee Multiple	4. Fee Due	5. FCC Use Only
WPAT918	PALS	1	*\$125.00	YB (A) 940420 S

6. PURPOSE OF APPLICATION: Place an "X" in applicable box(es)

- RENEWAL
 CHANGE OF MAILING ADDRESS
 CHANGE OF LICENSEE NAME
(Without change of ownership, corporate structure or control)
 CHANGE IN MOBILE UNITS
(Land Mobile only)
 CANCELLATION OF LICENSE
(No fee required)

7. Does the undersigned certify (by responding "YES" to this question), that neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 8301 of the Anti-Drug Abuse Act of 1988, 21 USC, Section 862, because of a conviction for possession or distribution of a controlled substance?
- See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

DOES APPLICANT SO CERTIFY? YES NO Failure to check "YES" may cause dismissal of your application.

YOUR APPLICATION FOR RENEWAL MUST BE ACCOMPANIED BY A CHECK OR MONEY ORDER FOR \$125.00 MADE PAYABLE TO FCC. DO NOT SEND CASH. MAIL YOUR COMPLETED APPLICATION WITH PAYMENT TO:

FEDERAL COMMUNICATIONS COMMISSION
574R LAND MOBILE RENEWAL
P.O. BOX 358245
PITTSBURGH, PA 15251-5245

* NOTE: Effective with receipts of 9/18/95 the new fee is \$75.00

INSTRUCTIONS

The radio station represented on this form will expire as indicated on the reverse side. This form may be used to file for renewal, change of name (without change of legal entity), change of mailing address, or change in the number and categories of mobile units for Land Mobile licensees. You may make these changes on the reverse of this form. This form may also be used to request license cancellation.

Check the information on the reverse side, you may correct misspelled or incomplete data, and modify as noted above. If any other changes are necessary, do not file this form. You must apply for modification of your license by filing FCC Form 574, GENERAL MOBILE RADIO SERVICE LICENSEES. Effective January 1, 1989, a non-individual may not make a major modification to their license. It is suggested that you contact a radio equipment dealer for assistance and if eligible, apply for a license in one of the Land Mobile Radio Services.

If all the technical information on this form is correct, place an "X" in the appropriate box(es) in item 6, complete item 7, and have the application signed and dated by an authorized person.

If the station is no longer in operation, you may file for CANCELLATION of the license in item 6. No fee required. Mail your signed application to Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

- CERTIFICATION:**
- 1) Applicant certifies to possession of current FCC Rules for the requested radio service, if required.
 - 2) Applicant waives any claim to the use of any particular frequency regardless of prior use by license or otherwise.
 - 3) Applicant will have unlimited access to the radio equipment and will control access to exclude unauthorized persons.
 - 4) Neither applicant nor any member thereof is a foreign government or representative thereof.
 - 5) Applicant certifies that all statements made in this application are true, complete and made in good faith.

Willful false statements made on this form are punishable by fine and/or imprisonment (U.S.C. Title 18, Sec. 1001), and/or revocation of any station license or construction permit (U.S.C., Title 47, Sec. 312(a)(1)), and/or forfeiture (U.S.C., Title 47, Sec. 503).

TYPED/PRINTED NAME:

TELEPHONE: ()

SIGNATURE _____ **DATE** _____

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID

APPLICANT CLASSIFICATION (Select one)

- Authorized Employee of Applicant Corporation
 General Partner of Applicant Partnership
 Individual Applicant
 Officer who is also a Member of Applicant Association
 Official of Governmental Entity

SEE REVERSE

RADIO STATION LICENSE

Licensee Name: **ASSOCIATION FOR EAST END LAND MOBILE COVERAGE**

Radio Service: **YB TRUNKED BUSINESS**

License Issue Date: **11/16/1992**

Call Sign: **WPAT918**

File Number: **9102532866**

License Expiration Date: **11/16/1995**

Frequency Advisory No./Service Area: **910420162**

Pages *****

B 3 32

**ASSOCIATION FOR EAST END LAND MOBILE COV
TIMOTHY J MANGAN
70C CORBIN AVE
BAY SHORE NY 11706**

REGULATORY STATUS: PMRS

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
<p>SPECIAL COND: GRANTED PURSUANT TO AGREEMENT OF 10-28-92. LICENSEE MUST MEET A LOADING REQUIREMENT OF 70 MOBILES PER CHANNEL AT THE END OF 3 YEARS. SP:PARA A MODIFIED TO REQUIRE USE OF L-865 MED INTENSITY LIGHTS AT THE TOP & MID LEVELS IN LIEU OF L-856. FORM 715A(DAY) & FORM 715(NIGHT) DUAL LIGHTING.</p> <p>ADMIN NOTE: SUP: THIS LICENSE SUPERSEDES AND REPLACES PREVIOUS AUTHORIZATION OF SAME DATE AND FILE NUMBER TO ADD ANTENNA PAL SPECIFICATION AND ADD SPECIAL CONDITION PER ASB NOTIFICATION. 940420 JAN</p> <p>The latitude/longitude are authorized in North American Datum 1927 (NAD27). Additionally, the antenna height to tip, ground elevation, AAT and area of operation units are authorized in metric.</p>										
<p>EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.</p>										

PAGE 3 OF 3



FEDERAL COMMUNICATIONS COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTIONS: 1) 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within 1 year 2) IVDS authorizations automatically cancel if service is not made available in accordance with Section 95.833(a) of the Commission's Rules 3) There are no time limitations for placing GMRS stations in operation.