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RECEIVED
January 14, 1999

JAN 14 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Salas, Esquire
Secretary
Federal Communications Commission
Wireless Telecommunications Bureau
2025 M Street, N.W.
Washington, D.C. 20554

Re: WTB Docket No. 98-181

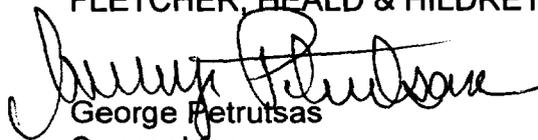
Dear Ms. Salas:

Transmitted herewith is the Consolidated Request of The Association for East End Land Mobile Coverage, LMR 900 Association of Suffolk County, and of NY LMR Association to the Wireless Telecommunications Bureau for admission of fact and genuineness of documents in the above-referenced proceeding.

If additional information is required, please communicate with us.

Very truly yours,

FLETCHER, HEALD & HILDRETH, PLC



George Petrusas
Counsel for

The Association for East End Land
Mobile Coverage
LMR 900 Association of Suffolk County
NY LMR Association

GP:cej

Enclosures

cc: Honorable John M. Frysiak
Administrative Law Judge

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
)
NORCOM COMMUNICATIONS CORPORATION) WTB Docket No. 98-181
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)

To: Wireless Telecommunications Bureau

**CONSOLIDATED REQUEST OF THE
ASSOCIATION FOR EAST END LAND MOBILE COVERAGE,
LMR 900 ASSOCIATION OF SUFFOLK COUNTY AND
NY LMR ASSOCIATION FOR ADMISSION OF FACT AND GENUINENESS
OF DOCUMENTS BY THE WIRELESS TELECOMMUNICATIONS BUREAU**

The Association for East End Land Mobile Coverage , LMR 900 Association of Suffolk County, and NY LMR Association ("Associations"), by counsel, and pursuant to Section 1.246 of the Commission's Rules and the Presiding Judge's Order, released in this proceeding on January 5, 1999, hereby request that within ten (10) days of the service of this Request, the Wireless Telecommunications Bureau ("Bureau") admit the truth of the facts stated below and of the genuineness of the documents, copies of which are attached hereto as Exhibits 1 through 16. Each response shall be labeled with the same number as that given in this Admission Request.

Admissions of
Genuineness of Documents

1. Exhibit 1 is a genuine copy of the application of the Association for East End Land Mobile Coverage, filed with the Federal Communications Commission ("Commission") on or about February 20, 1991.
2. Exhibit 2 is a genuine copy of the Application Return Notice, dated April 10, 1991, from the Commission, addressed to the law firm of Fletcher, Heald & Hildreth, and referring to the application of the Association for East End Land Mobile Coverage, File No. 532866.
3. Exhibit 3 is a genuine copy of a letter, dated May 24, 1991, addressed to the Commission's Licensing Division, Land Mobile Branch, and referring to the application of the Association for East End Land Mobile Coverage, File No. 532866, which was received by the Commission on or about May 25, 1991.
4. Exhibit 4 is a genuine copy of an amendment to the application of the Association for East End Land Mobile Coverage, File No. 53286-YB, dated 5/23/91 and received by the Commission on or about May 25, 1991.
5. Exhibit 5 is a genuine copy of a document titled the Articles of Association of the Association for East End Land Mobile Coverage, dated 10/2/90, received by the Commission on or about May 25, 1991.
6. Exhibit 6 is a copy of a document titled Radio Station Sharing Agreement, received by the Commission on or about May 25, 1991.
7. Exhibit 7 is a genuine copy of the Application Return Notice, dated July 15, 1991,

from the Commission, addressed to the law firm Fletcher, Heald & Hildreth and referred to the application of the Association for East End Land Mobile Coverage, File No. 532866-YB.

8. Exhibit 8 is a genuine copy of a letter from the Association for East End Land Mobile Coverage, dated August 26, 1991, addressed to the Commission and referring to the application File No. 532866-YB, which was received by the Commission on or about August 30, 1991.
9. Exhibit 9 is a genuine copy of a letter, dated August 29, 1991, from George Petrutsas, Fletcher, Heald & Hildreth, addressed to the Commission and referring to four applications, including the application of the Association for East End Land Mobile Coverage, File No. 532866-YB, which was received by the Commission on or about August 30, 1991.
10. Exhibit 10 is a genuine copy of a Commission letter, dated March 10, 1992, addressed to Timothy J. Mangan, The Association for East End Land Mobile Coverage and referring to application File No. 532866.
11. Exhibit 11 is a genuine copy of a letter, dated April 3, 1992, addressed to Ralph A. Haller, Chief, Private Radio Bureau, Federal Communications Commission, from George Petrutsas, Fletcher, Heald & Hildreth, referring to the application of the Association for East End Land Mobile Coverage, File No. 532866, titled REQUEST FOR RECONSIDERATION, which was received by the Commission on or about April 4, 1992.
12. Exhibit 2 is a genuine copy of a letter, dated September 24, 1992, from George

Petrutsas, Fletcher, Heald & Hildreth, addressed to Mr. Terry L. Fishel, Chief, Land Mobile Branch, Federal Communications Commission referring to six (6) applications, including the application of the Association for East End Land Mobile Coverage, which was received by the Commission on or about September 25, 1992.

13. Exhibit 13 is a genuine copy of a letter, dated September 17, 1992, addressed to Mr. Terry L. Fishel, Chief, Land Mobile Branch, Federal Communications Commission, from six associations, including the Association for East End Land Mobile Coverage, referring to six (6) applications, including the application of the Association for East End Land Mobile Coverage, which was received by the Commission on or about September 25, 1992.
14. Exhibit 14 is a genuine copy of a letter, dated September 17, 1992, addressed to Terry L. Fishel, Chief, Land Mobile Branch, Federal Communications Commission from Timothy J. Mangan, The Association for East End Land Mobile Coverage, referring to the Association's application file No. 532866, which was received by the Commission on or about September 25, 1992.
15. Exhibit 15 is a genuine copy of a letter from the Commission, dated October 28, 1992, addressed to George Petrutsas, Fletcher, Heald & Hildreth, signed for Mr. Terry L. Fishel by Michael J. Regic, referring to six applications, including the application of the Association for East End Land Mobile Coverage, File No. 532866.
16. Exhibit 16 is a genuine copy of a Federal Communications Commission license

issued to the Association for East End Land Mobile Coverage on November 16, 1992, for Station WPA-918.

Admissions of Fact

17. The documents in the foregoing Exhibits 1 through 14 were before the Commission's staff and were taken into account when the staff issued the letter identified as Exhibit 15 and in granting the license, Exhibit 16.
18. Documents the same as, or substantially the same as, the documents identified in Exhibits 1 through 14 (except for the name of the applicant and the file number) were before the Commission's staff and were taken into account when the staff issued the letter identified as Exhibit 15 and in granting the license (Exhibit 16) to LMR 900 Association of Suffolk County, New York LMR Association, Metro NY LMR Association, and to Wireless Communications Association of Suffolk County.

Respectfully submitted

ASS'N FOR EAST END LAND MOBILE COVERAGE
LMR 900 ASSOCIATION OF SUFFOLK COUNTY
NY LMR ASSOCIATION

By:



George Petrutsas
Ann Bavender

Their Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
11th Floor
Rosslyn, VA 22209
(703) 812-0400

Date: January 14, 1999

Exhibit 1

Application of the Association for East End
Land Mobile Coverage, File No. 532866,
filed with FCC on February 20, 1991, and
Attachment A to that Application

APPLICATION FOR PRIVATE

MOBILE RADIO SERVICES 354

IMPORTANT NOTICE: ALL applicants MUST include the following information on their application and must file those applications at the PROPER LOCATION. Refer to the current fee publication or contact the Consumer Assistance Branch, Federal Communications Commission, Gettysburg, PA 17326 (717) 337-1212.

COMMISSION USE ONLY: **532866** Page No. of

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power	E.R.P.	A.A.T.	Ground Elevation	Ant. Hgt. To Top	Antenna Latitude	Antenna Longitude	Number of Mobiles By Category.
A 856.9125	FB2	1	20F3	75	190	302	291	45	40-58-26	72-20-15	Vehicular <u>500</u>
A 857.9125	FB2	1	20F3	75	190	302	291	45	40-58-26	72-20-15	Portable _____
A 858.8125	FB2	1	20F3	75	190	302	291	45	40-58-26	72-20-15	Aircraft _____
A 859.8625	FB2	1	20F3	75	190	302	291	45	40-58-26	72-20-15	Marine _____
A 860.7875	FB2	1	20F3	75	190	302	291	45	40-58-26	72-20-15	Pagers _____
G 811.9125	FX1	29	20F3	30	82						13. Area of Operation for Mobiles, Temporary, or Itinerant Stations is <u>30</u> miles radius of station A. or is _____ miles radius of coordinates: Lat _____ Long _____ County _____ State _____ If not, please check ONE.
G 812.9125	FX1	29	20F3	30	82						
G 813.8125	FX1	29	20F3	30	82						
G 814.8625	FX1	29	20F3	30	82						
G 815.7875	FX1	29	20F3	30	82						
H 811.9125	MO	<u>500</u>	20F3	30	45						
H 812.9125	MO	<u>500</u>	20F3	30	45						
H 813.8125	MO	<u>500</u>	20F3	30	45						
H 814.8625	MO	<u>500</u>	20F3	30	45						
H 815.7875	MO	<u>500</u>	20F3	30	45						

14. Station Address or Geographic Location	15. City	16. County	17. St.
A Ferrara Tower	Sag Harbor	Suffolk	NY
B			
C			
D			
E			
F			

18. Location of Primary Control Point (Include telephone number) and location of all Radio Control Stations with antenna under 20 ft. GMRs ONLY: List small control station locations and "FBA" followed by small base locations with antennas under 20 ft. (See instructions.) 70-C Corbin Avenue No #22 Bay Shore, New York 11706 11-16-92 516-595-2555 11-16-95 MJP deb All control stations (FX1) will meet of 10-24-92 and comply with the 20 ft. rule. <i>S/C Granted pursuant to agreement meet a loading requirement of 70 mobiles per channel at the end of 3 years.</i>	19. Freq. Advisory Comm. No. <u>910420162</u>	20. Radio Service: YB
21. Applicant/Licensee Name (See instructions): The Association for East End Land Mobile Coverage		
22. Mailing Address (Number & Street, P.O. Box or Rt. No.): ATTN: Timothy J. Mangan ADDRESS: 70-C Corbin Ave.		
23. City Bay Shore	24. State NY	25. ZIP Code 11706

26. Will antenna be mounted on a structure with an existing antenna? If yes, give call sign and radio and radio service of existing licensee.	27. Provide description of the structure on which your antenna is mounted and the height above ground to the top of the structure. (See antenna figures 1-3 on reverse for samples.)	28. Give the name of the nearest aircraft landing area, and the distance and direction to the nearest runway.
No Yes Call Sign Radio Service	Structure Type Structure Height Above Ground	Aircraft Landing Area Name Distance (Miles) Direction
A <input checked="" type="checkbox"/> WNNP502 YX	A Tower 45	
B	B	
C	C	
D	D	
E	E	
F	F	

29. Has notice of construction or alteration been filed with the FAA? If yes, give the date filed, the name under which filed, and the FAA office where filed.	30. Applicant Classification <input checked="" type="checkbox"/> Association <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Gov. Entity
No Yes Date Filed Name Under Which Filed FAA Office Where Filed	31. Eligibility (Describe Activity): Applicant is a non-profit association proposing to provide radio service to eligible entities in the business radio service on a non-profit basis.
A	See ATTACHMENT A
B	
C	
D	
E	
F	

32. Application is for (check one): <input type="checkbox"/> Modification <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> New Station <input type="checkbox"/> Reinstatement <input type="checkbox"/> Renewal	33. Does application include the complete system? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
34. Would a commission grant of your application be an action which may have a significant environmental effect as defined by Section 1.1307 of the Commission's Rules? If you answer yes, submit the statement as required by Sections 1.1306 and 1.1311. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	35. Supplemental Information for Trunked and Conventional Systems 806-824/851-869 MHz and 896-901/935-940 MHz frequency bands Indicate Type of Applicant: <input checked="" type="checkbox"/> a) Independent <input type="checkbox"/> b) Commercial (SMRS entrepreneur)

90.73(b)
90.603(b)

35. Application of items) modified, if applicable:

c) Community Repeater (Owner) _____

d) SMRS user (Show SMRS licensee name and call sign and allocate vol. _____
_____ (lic loading)

36. If other than new station, list call sign(s) of existing station(s) to be modified, combined or reinstated.

Type of system: (Check One)

a) Conventional. Specify the number of mobile units to be placed in operation at the time of grant: _____

b) Trunked. Specify the number of trunked channels requested: 5 channels

37. Individual completing this application form(s):

George Petrutsus
Telephone No. (202) 828-5700

Frequency Band Requested: (Check One) a) 851-869 MHz b) 935-940 MHz

FOR COORDINATOR USE ONLY:

CERTIFICATION, READ CAREFULLY BEFORE SIGNING

~~MEMA~~
2-18-91
CCW

NABER
CERTIFIED
6-4-91
DMD

WPAT918

1) Applicant certifies that a current copy of the requested radio service rules will be obtained. Contact Washington, DC 20402 (202) 783-3238.
2) Applicant warrants that the equipment and will control access to exclude unauthorized persons.
3) Applicant will have unimpaired access to the particular frequency regardless of prior use by licensee or otherwise.
4) Neither applicant nor any member thereof is a foreign government or representative thereof.
5) Applicant certifies that all statements made in this application and attachments are true, complete, correct and made in good faith.
6) Applicant certifies that the signature is that of the individual, or partner, or officer or duly authorized employee of a corporation, or officer who is a member of an unincorporated association, or appropriate elected or appointed official on behalf of a governmental entity.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT, U.S. CODE TITLE 18, SECTION 1001

Typed/Printed Name: TIMOTHY J. YANGAN Telephone No. (516) 595-2555

Signature: "MUST BE ORIGINAL" Timothy J. Yangan Date: 2-4-91

ATTACHMENT A

List of prospective shared users
of the trunk system proposed by
The Association for East End Land Mobile Coverage

Colonial Mechanical 278 Indian Head Road Kings Park, NY 11754 Attn: Ken Mullen (516) 544-4500	14 Mobiles
Long Island Oil Inc. P.O. Box 147 Massapequa Park, NY Attn: Frank Sheridan (516) 799-3111	10 mobiles
Sun Set Sanitation 82 Modular Avenue Commack, NY 11725 Attn: Frank Palopoli (516) 543-1890	9 mobiles
Set To Fit 65 Howard Avenue Stamford CT 06902 Attn: Bill Mackesy (203) 325-8800	11 mobiles
Asphalt Pavers Inc. 500 Patton Avenue West Babylon, NY 11704 Attn: Herb Payne (516) 420-1040	14 Mobiles
AFCO Precast Corp. 250 Orchard Road E. Patchogue, NY 11772 Attn: Richard Affenita (516) 654-3370	11 mobiles
Adam Russell Cable Service 116 North Main Street Port Chester, NY 10573 Attn: Jeff cordoso (914) 937-8689	11 mobiles
All American Pools 8-10 Van Tassel Court Norwalk, CT 06851 Attn: John Romano (203) 847-2704	13 mobiles
Maniac Leasing Corp. 191 Cabot Street W. Babylon, NY 11704 Attn: John White	19 mobiles
Airborne Freight Corp. 1915 Stradford Ave. Standford, CT 06497 Attn: Martin Longley (206) 281-4828	42 mobiles

Exhibit 2

Application Return Notice for the
Private Land Mobile Radio Service,
dated April 10, 1991, File Ref. 532866-YB,
addressed to Fletcher, Heald & Hildreth and
referring to The Association for East End
Land Mobile Coverage

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.

XXXXXXXX **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.

Exhibit 3

Letter dated May 24, 1991
from George Petrutsas, Counsel for
The Association for East End Land
Mobile Coverage to the Federal Communications
Commission referring to the application
file No. 532866

5729

May 24, 1991

Federal Communications Commission
Licensing Division
Land Mobile Branch
Gettysburgh, PA 17326

Re: The Association for East
End Land Mobile Coverage
File No. 532866

Dear Sir/Madam:

On behalf of The Association for East End Land Mobile Coverage, I am re-submitting its application along with the information requested in the Commission's return notice dated April 10, 1991.

Addressing the question raised concerning the number of mobile units, the Association has amended the application to request authorization for 500 units. In its amendment, the applicant also certifies that it will serve at least 70 mobiles per channel during the term of the license. Section 90.631(b), which governs the question, merely requires that the applicant

"...shall certify that a minimum of 70
mobiles for each channel authorized will be
placed in operation within five years of the
limited grant."

The applicant has so certified. Attachment A to the initial application contained the list of entities who have already arranged to receive service from the applicant. As others also make arrangements, the coordinator will be notified, but it is respectfully submitted that Section 90.631(b) does not require enough pre-authorization commitments to fill all of the channels requested.

Section 90.631(b) applies to authorization and loading of all trunked systems. Certainly, SMR applicants do not have to show in their initial applications that they have already signed up users with 500 mobiles in order to qualify for a 5-channel

Licensing Division
Land Mobile Branch
May 24, 1991
Page Two

trunked system. There is no reason to treat non-profit associations differently. Different treatment would be discriminating and, therefore, unlawful. Therefore, the applicant's certification that it will fill the channels during the term of its license qualifies it for the assignment of the channels requested.

The applicant has also submitted a copy of its Articles. Please be advised that under the laws of the State of New York, these articles do not have to be filed with the State, and they have not been filed. Nevertheless, the articles are valid and of full force and effect.

A copy of the standard sharing agreement is also submitted. All sharing agreements will have the same basic provisions. The difference would involve facts particularly relevant to the sharing entity involved.

It should be noted that non-profit entities are one of the three major eligible categories listed in Section 90.603 of the Commission's Rules. Non-profit associations are not only eligible but a good, cost-effective method for bringing to the business public the benefits of trunked land mobile communications.

In short, grant of this application would be in accordance with the Commission's Rules, and it would be eminently in the public interest.

Please communicate with us if you need further information.

Very truly yours,

George Petrutsas
Counsel for The Association for
East End Land Mobile Coverage

GP/cm

Exhibit 4

Amendment: The Association
for East End Land Mobile Coverage
File No. 532866-YB, dated 5-23-91,
signed by Timothy J. Mangan

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

Exhibit 5

Articles of Association of
the Association for East End
Land Mobile Coverage, dated 10/2/90,
signed by Timothy J. Mangan

ARTICLES OF ASSOCIATION
OF
THE ASSOCIATION FOR EAST END LAND MOBILE COVERAGE

We, the undersigned natural persons of the age of eighteen years or more, acting as founders of an Association, adopt the following Articles of Association for such association pursuant to the laws in the State of New York.

First: The name of the association is

THE ASSOCIATION FOR EAST END LAND MOBILE COVERAGE

Second: The period of duration is perpetual.

Third: The purpose or purposes for which the association is organized are to promote the interests of land mobile radio communications users and to furnish radio communication services on a nonprofit, cost-sharing basis to persons and entities eligible for land mobile radio licenses under the rules and regulations of the Federal Communications Commission.

Fourth: The manner in which the directors and officers of the association shall be elected or appointed shall be provided in the bylaws.

Fifth: Provisions for the regulation of the internal affairs of the association, including provisions for the distribution of assets on dissolution or final liquidation, are as follows:

The association shall be strictly a nonprofit, non-stock organization. No part of its net earnings shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the association shall be authorized to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. Notwithstanding any other provision of these articles, the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States internal revenue law). Upon the dissolution of the association, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities and obligations of the association, dispose of the assets of the association in accordance with the provisions of the association bylaws.

Sixth: The address, including street and number, of the association's initial office is 70-C Corbin Avenue, Bay Shore, New York 11706.

Seventh: The number of directors constituting the initial Board of Directors is three (3), and the names and addresses, including street and number, of the persons who are to serve as the initial directors until the first annual meeting or until their successors are elected and qualified are:

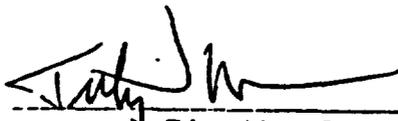
William Larkin
3 Patrician
Holbrook, NY 11741

Harry Rosenberg
40-B Corbin Ave.
Bay Shore, NY 11706

Timothy J. Mangan
77 Suffolk Street
Freeport, NY 11520

Eighth: The name and address, including street and number, of each founder of the association are:

Timothy J. Mangan
77 Suffolk Street
Freeport, New York 11520



Timothy J. Mangan

Dated: 10/2/90

cla/OF#2/Articles

Exhibit 6

Radio Station Sharing Agreement
(Blank)

RADIO STATION SHARING AGREEMENT

The LAND MOBILE ASSOCIATION OF LONG ISLAND ("Association"), licensee of Station _____ ("Station"), hereby undertakes to provide radio communications service to

.....
name

.....
address

(_____) - _____ ("Subscriber") under the following terms
telephone number

and conditions:

1. Radio Communications service will be provided only to persons and entities who are eligible to use the frequencies assigned to Station _____. Subscriber warrants that it is engaged in _____

(business activity) and that the radio will be used in connection with that activity.

2. Subscriber will operate _____ mobile units and _____ control stations. It is the responsibility of Subscriber to obtain its own mobile and control station equipment.

3. Subscriber shall operate the radio facility (including mobile units and control points or stations) under the FCC license of the Association and in accordance with the instructions and general supervision and control of the Association.

4. Service is to be rendered on a cooperative, non-profit basis, with the costs of the operation to be prorated and shared equitably by all users of the Station. Subscriber agrees

to pay its prorata share of those costs. The Association shall render monthly statements specifying Subscriber's share of the cost of operation. Subscriber shall pay the specified amount no later than twenty (20) days from the date of the statement. Failure to make timely payments will be cause for discontinuance of service. In addition, Subscriber shall deposit with the Association, as its duly authorized agent, the amount of \$_____, as security to assure payment of subscriber's share of the costs and its performance of its obligations under this Agreement.

5. The Association will make reasonable efforts to keep the station operational. However, it is specifically understood and agreed to by Subscriber that, should the Station fail to operate for any reason, the Association shall not be responsible for any losses suffered by Subscriber as a result. The Association's responsibility shall be limited to reimbursing Subscriber the portion of its contribution to the cost of the operation which relates to the period that the Station was out of service.

6. The parties understand that the Association, as the licensee of the Station, must maintain overall control of the operation of the Station and it is responsible to the Federal Communications Commission for its proper operation. Subscriber shall operate at all times in accordance with the rules of the Federal Communications Commission and the instructions of the Association.

7. The term of this Agreement is for a period of one (1)

year, commencing on the date on which the Subscriber accepts it.
It may be renewed by mutual written agreement of both parties.
It may be terminated only for material breach of its terms and
conditions.

ACCEPTED:

Subscriber

(Licensee Association)

By _____
Signature

By _____

Title _____

Print Name

Date _____

Title

(area Code) Phone No.

Date

Exhibit 7

Application Return Notice for the
the Private Land Mobile Radio Services,
dated July 15, 1991, File Ref. 532866-YB,
addressed to Fletcher, Heald & Hildreth
and referring to The Association for East
End Land Mobile Coverage

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.

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

FCC 1034G
JANUARY 1991

Exhibit 8

Letter, dated August 26, 1991, from
the Association for East End Land Mobile
Coverage to the Federal Communications Commission,
referring to Application File No. 532866-YB

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

Exhibit 9

Letter, dated August 29, 1991, from
George Petrutsas, Fletcher, Heald & Hildreth,
as counsel for four (4) association applicants,
including The Association for East End
Land Mobile Coverage, referring to four (4)
applications, including the application of The
Association for East End Land Mobile Coverage
File No. 532866-YB

5729

August 29, 1991

VIA FEDERAL EXPRESS
Federal Communications Commission
Licensing Division
Land Mobile Branch
1270 Fairfield Road
Gettysburg, PA 17325-1245

*10/1/91
P. J. ...
A. ...*

- Re: (a) Land Mobile Radio
Association of Long Island
File No. 534391-YB
- (b) Wireless Communications
Association of Suffolk County
File No. 534390-YB
- (c) Central Suffolk Association
of Land Mobile Users
File No. 532865-YB
- (d) The Association for East End
Land Mobile Coverage
File No. 532866-YB

Dear Sir/Madam:

Re-submitted herewith are the above-referenced applications together with responses to your inquiries.

Each applicant has responded to your inquiries fully and with specificity, as you requested. To summarize, each association is independent of the others and so are their principals. Each is eligible for the facilities it seeks. Each application is fully in accordance with the Commission's rules. The frequency coordinator has cleared each application. The facilities applied for are needed and will go a long way towards meeting the land mobile communications requirements of the business community in the eastern part of Long Island.

VIA FEDERAL EXPRESS

Federal Communications Commission
Land Mobile Branch
August 29, 1991
Page Two

Therefore, there is simply no reason to delay any further grant of these applications.

There is no hidden party in interest issue here. All of the parties involved have been fully disclosed. Norcom Communications is expected to rent to each association the equipment for the trunked mobile relay facility. Nothing unusual here. Each association will have a leasehold interest in the equipment of that facility. Additionally, it is planned that Norcom would be hired to operate the control point (actually, a supervisory control point) and to provide administrative/management services to each association. However, the association will maintain control of its facility, will retain responsibility for its proper operation, and will oversee and supervise Norcom's management performance. Nothing usual here either. The fact that Norcom will provide services to more than one association is of no legal significance. The Commission's Rules do not prescribe (and properly so) from whom or how its licensees may obtain radio equipment and management/administrative services. Surely, it is common for equipment vendors (such as Motorola, E.F. Johnson, and others) to rent equipment and to provide managerial services to more than a single licensee in a particular market. No difference here.

Finally, as pointed out in our May 24, 1991 letter, the non-profit association is an eligible entity under the rules, and it is particularly suitable for establishing trunked systems to serve the needs of communications users economically. Eligibility for non-profit associations is specifically provided for in Sections 90.61(b) and 90.603(b) of the Commission's rules.

In sum, the above-referenced applications are fully consistent with the Commission's rules, raise no "party in-interest" issue, and the applicants have responded fully to your

VIA FEDERAL EXPRESS
Federal Communications Commission
Land Mobile Branch
August 29, 1991
Page Three

inquiries. Accordingly, the Commission is respectfully
requested to grant these applications without further delay.

Very truly yours,

George Petrutsas
Counsel for
Land Mobile Radio Association
of Long Island
Wireless Communications
Association of Suffolk County
Central Suffolk Association
of Land Mobile Users
The Association for East End
Land Mobile Coverage

GP/cm
Enc. 4

Exhibit 10

Letter, dated March 10, 1992, from
the Federal Communications Commission to
Timothy J. Mangan, The Association for East End
End Land Mobile Coverage, signed by
Terry L. Fishel, Chief, Land Mobile Branch

Federal Communications Commission

Gettysburg, PA 17326

MAR 10 1992

In Reply Refer To:

7110-16

Timothy J. Mangan
The Association for East End Land Mobile Coverage
70-C Corbin Ave.
Bay Shore, New York 11706

Dear Applicant:

Pursuant to the provisions of Rule 1.958, the Private Radio Bureau is dismissing your application bearing file number 532866.

Rule 1.958 states that an application not meeting the provisions of Commission Rules or other requirements may be dismissed as defective. The Association for East End Land Mobile Coverage requested a five channel trunked Business Radio Service system in Sag Harbor, New York. Rule 90.631(a) requires that trunked channels be assigned on the basis of a loading of 100 mobile units per channel. The Association provided a list of users which plan to use the system. When asked for signed agreements from these members, the Association stated that it actually has no members which have signed agreements to use the system. Because the Association therefore has no members with a requirement for radio communications, it does not justify the channels requested. Its application is therefore dismissed.

Sincerely,



Terry L. Fishel
Chief, Land Mobile Branch

cc: George Petrutsas

Exhibit 11

Letter, dated April 3, 1992, from
George Petrusas, Fletcher, Heald & Hildreth,
as counsel for The Association for East End
Land Mobile Coverage to Ralph H. Haller, Chief
Private Radio Bureau, Federal Communications
Commission, titled Request for Reconsideration
and referring to Application File No. 532866

April 3, 1992

VIA FEDERAL EXPRESS

Ralph A. Haller
Chief, Private Radio Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325

Re: Application for The Association for
East End Land Mobile Coverage
File No. 532866

REQUEST FOR RECONSIDERATION

Dear Mr. Haller:

On behalf of the Association for East End Land Mobile Coverage (hereinafter referred to as the "Association" of "AEEL"), the Bureau is requested to reconsider and set aside the March 2, 1992 decision of the Chief, Land Mobile Branch, Licensing Division, dismissing its application for a five-channel trunked system on frequencies in the 800 MHz band. Briefly, it is respectfully submitted that the staff's decision to dismiss the application was improper in that it was based on requirements not sanctioned by the applicable rules.

By way of background, the applicant is a non-profit association organized under the laws of the State of New York. Its purpose is to provide trunked land mobile radio service to Part 90 eligibles on a cost-sharing basis. As such, AEEL is eligible for a trunked system pursuant to Section 90.603(b) of the Commission's Rules.¹ The application was fully coordinated

¹ See: Land Mobile Radio Service, 46 FCC 2d 752, 767 (1974) where the Commission observed:

"In the second license classification
. . . the licensee may be a non-profit corporation or association, formed for the purpose of providing radio facilities to

Mr. Ralph A. Haller
April 3, 1992
Page 2

and it was accompanied by an engineering statement supporting the selection of the frequencies requested. Some time later, in response to the staff's request, the applicant filed an amendment by which it increased the number of proposed mobile units to 500, furnished a copy of its Articles of Association, and a copy of the standard service agreement it plans to use, and expressly certified that a minimum of 70 units per channel would be placed in operation within five years. It is respectfully submitted that the foregoing satisfied all reasonable requirements of the applicable Rules.

The staff, nevertheless, dismissed the application and justified its decision as follows:

Rule 90.631(a) requires that trunked channels be assigned on the basis of a loading of 100 mobile units per channel. The Association provided a list of users which plan to use the system. When asked for signed agreements with these members, the Association stated that it actually has no members which have signed agreements to use the system. Because the Association has no actual members with a requirement for radio communications, it does not justify the channels requested. Accordingly, its application is hereby dismissed.

The staff's letter is in Attachment A. However, there is no requirement in Section 90.631, or elsewhere in Subpart S, for signed service agreements or that the Association justify the number of channels it has requested by signed agreements. See, also Section 90.607(c), for the supplemental information applicants for trunked systems must file. There is no such requirement in that rule. Section 90.631 requires only that the applicant "certify" that ". . . a minimum of 70 mobiles for each channel authorized will be placed in operation within five years of the initial license". The applicant has so certified. The staff's requirements for a written agreement is not only not required by Section 90.631, it is discriminatory and unreasonable, particularly since it has requested the minimum number of channels suitable for a trunked system.

It is discriminatory because such a requirement is not imposed on the other class of 800 MHz applicants who provide

qualified participants"

Mr. Ralph A. Haller
April 3, 1992
Page 3

service to users; specifically, applicants for SMR trunked authorizations. The only difference between SMR applicants and non-profit association applicants is that the former provide service to users on a for-profit basis, while the latter do so on a non-for-profit basis. Both classes of applicants are eligible for licenses in the 800/900 MHz bands under Section 90.603 of the Commission's Rules.

Requiring written service agreements is also unreasonable because such a requirement is practically impossible to comply with. Users, understandably, do not want (and should not be required) to commit to a service that does not yet exist and to purchase costly equipment for operation on a system that cannot be tested and, therefore, cannot assure that it would meet their requirements. That is, obviously, why the Commission abandoned long ago the requirement for the submission of equipment purchase orders. See Public Notice No. 6461, released September 13, 1983. See, also, Section 90.175(d) where applicants ". . . are strongly advised not to purchase radio equipment operating on specific frequencies until a valid authorization has been issued by the Commission." The same rationale applies here.

Moreover, there is no rule requirement that, to be eligible, association applicants must have members with radio communications requirements. Section 90.603(b) merely requires that any entity is eligible for 800/900 MHz licenses if it proposes to provide service ". . . to any person . . ." eligible under Subparts B, C, D or E ". . . on a not-for-profit, cost-shared basis." (Emphasis added). This applicant fully meets that requirement. See, also, Land Mobile Radio Service, 45 FCC 2d at 767.

Finally, AEEL has requested only five channels, the practical minimum number required for an efficient trunked system. Cf. Sections 90.621(a)(1)(iv), 90.627(a). See also, Part 90 Amended, 90 FCC 2d 1281, 1309 (1982).

The applicant is not unmindful of the provisions of Section 90.179(d). However, Section 90.179(d) is inconsistent with Section 90.631(b) and Section 90.601 provides that:

". . . in case of conflict, the provisions of this subpart (i.e., Subpart S) govern with respect to licensing and operation in these (i.e., 800/900 MHz) frequency bands."

Mr. Ralph A. Haller
April 3, 1992
Page 4

See also, Second Report and Order, Id., p. 782. Subpart S sets out in detail the regulations governing the licensing and operations of all land mobile systems in the 800/900 MHz bands. Section 90.631 sets out the same requirements for licensing all trunked systems; whether they are to be private, non-profit, or commercial.

The regulatory approach the Commission has adopted for the 800 MHz bands is to require licensees to construct their facilities within specific construction periods and to load them within the license term, otherwise the frequencies assigned, or some of them, are taken back. Section 90.179(d), which appears to impose pre-licensing showing of need requirements, is inconsistent with the Commission's approach for regulating 800 MHz systems. It makes no sense to require both a pre-grant showing of need and the "certification" prescribed by Section 90.631(b). The more rational construction of the Commission's Rules would be to require AEEL, and other Section 90-603(b) applicants, to comply only with the licensing rules in Subpart S. Such interpretation would be consistent with Public Notice No. 6461, referred to above, for example, where the Bureau announced, in effect, that it will rely on post-licensing enforcement of construction and loading requirements to assure against hoarding of frequencies and did away with pre-grant demonstration of need requirement.

Such policy has been applied to SMR applicants all along. They do not have to provide service agreements. It is discriminatory to treat non-profit applicants differently.

Finally, the staff's requirement that the applicant provide written service agreements with members is inconsistent with prior staff actions in similar situations. For example, in 1989, the staff granted a license to the Land Mobile Radio Association, Inc., call sign WNMG-573, without requiring the submission of written service agreements or membership lists. Indeed, the Articles of Incorporation of that association, a copy of which was furnished to the staff, specifically provided that the association will not have members. The action of the staff in that case was proper, fully consistent with the Commission's 800 MHz rules and should be followed here as well.

Mr. Ralph A. Haller
April 3, 1992
Page 5

For the foregoing reasons, the Bureau is requested to set aside the staff's action of March 2, 1992, and to grant the above-referenced application.

The Bureau is finally requested not to release the frequencies involved for reassignment until action is taken on this request for reconsideration.

Very truly yours,

FLETCHER, HEALD & HILDRETH

George Petrutsas
Counsel for the Association
for East End Land Mobile
Coverage

GP:cej
Attachments

cc: Mr. Terry Fishel (w/attachments)
Carol Foelak, Esquire (w/attachments)

Attachment A

Exhibit 12

Letter, dated September 24, 1992, from
George Petrusas, Fletcher, Heald & Hildreth,
addressed to Terry L. Fishel, Chief, Land
Mobile Branch, Federal Communications Commission,
referring to six (6) applications, including
the application of The Association for
East End Land Mobile Coverage

September 24, 1992

VIA FEDERAL EXPRESS

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 24, 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 24, 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 24, 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)



Exhibit 13

Letter, dated September 17, 1992,
addressed to Terry L. Fishel, Chief, Land
Mobile Branch, Federal Communications Commission,
from six (6) associations, including The Association
for East End Land Mobile Coverage,
referring to six (6) applications, including
the application of The Association for
East End Land Mobile Coverage

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

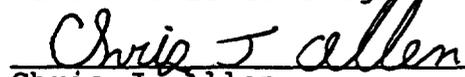
some of the above-referenced applications and towards resolving the concerns of the Commission's staff.

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 ~~as~~ control units per channel. Each of the undersigned certifies that he is authorized to bind the association.

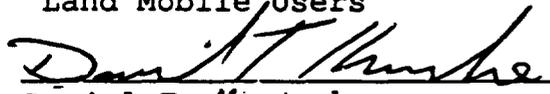
Respectfully submitted,

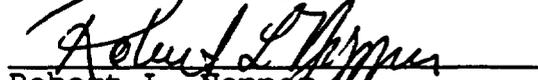

Gary Wicmandy
Metro New York Association


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. Kunnecke
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

Exhibit 14

Letter, dated September 17, 1992,
from Timothy J. Mangan, The Association for
East End Land Mobile Coverage address to Terry L.
Fishel, Chief, Land Mobile Branch, Federal
Communications Commission, referring to the
application of The Association for East End Land
Mobile Coverage, File No. 532866

September 17, 1992

VIA FEDERAL EXPRESS

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

Re: The Association for East
End Land Mobile Coverage
Sag Harbor, N.Y.
File No. 532866

Dear Mr. Fishel:

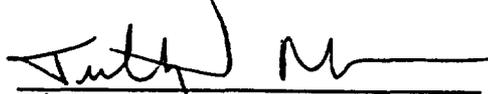
This is to advise the Commission that we would accept grant of our application referenced above with the following requirements.

- (a) That the system serve 350 mobile and control units by the third anniversary of our license term;
- (b) That our license would not be voluntarily assigned to any other entity during its first five-year term;
- (c) That applicant and its principals shall not seek additional channels in this market, directly or indirectly, until after the system has met minimum loading requirements (70 units per channel);
- (d) That we would provide service only to entities eligible in the Business Radio Service and then only on a non-profit cooperative basis; and
- (e) That Central Suffolk Association of Land Mobile Users withdraws its application (File No. 532865) and we would agree to make our facilities available for use by its members and by those planning to use Central Suffolk's proposed system.

Page 2

It is certified under penalty of perjury that, except as described in the pending application, there are no other parties in interest in the above referenced application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy J. Mangan", written over a horizontal line.

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

Exhibit 15

Letter, dated October 28, 1992, from
the Federal Communications Commission,
addressed to George Petrutsas, Fletcher, Heald &
Hildreth, signed for Terry L. Fishel, Chief,
Land Mobile Branch, Federal Communications
Commission, by Michael J. Regic, referring to
six (6) applications, including the application,
File No. 532866, of The Association for East End
Land Mobile Coverage

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

OCT 28 1992

In Reply Refer To:
7110-16

RECEIVED

NOV 05 1992

FLETCHER, HEALD
& HILDRETH

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

Exhibit 16

Radio Station license issued to
Association for East End Land Mobile Coverage
on November 16, 1992, call sign WPAT-918

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: ASSOCIATION FOR EAST END LAND MOBILE COVERAGE

Radio Service: YB TRUNKED BUSINESS
Cell Sign: WPAT918 File Number: 9102532866
Frequency Advisory No./Service Area: 910420162

License Issue Date: 11/16/1992
License Expiration Date: 11/16/1995

Pages -*****

S 2 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 Elev	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

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.

Federal Communications Commission
Gettysburg, PA 17325-7248

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: *****

S 3 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
<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 P&L 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 800 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.

CERTIFICATE OF SERVICE

I, Chellestine Johnson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C. do hereby certify that true copies of the foregoing Consolidated Request of the Association for East End Land Mobile Coverage, LMR 900 Association of Suffolk County and NY LMR Association for Admission of Fact and Genuineness of Documents by the Wireless Telecommunications Bureau were sent this 14th day of January, 1999, by first-class United States mail, postage prepaid, to the following:

Honorable John M. Frysiak*
Administrative Law Judge
445 Twelfth Street, S.W.
Room 1C861
Federal Communications Commission
Washington, D.C. 20554

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

Russell H. Fox
Russ Taylor
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
Counsel for Norcom Communications Corporation


Chellestine Johnson

***VIA HAND DELIVERY**