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February 5, 1999

Magalie Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Room TWB204
Washington, D.C. 20554

Re: Norcom Communications Corp.
WTB Docket No. 98-181

Dear Ms. Salas:

On behalf of the Association for East End Land Mobile Coverage, LMR 900 Association of Suffolk and NY LMR Association, we are submitting for filing an original and six (6) copies of their Joint Motion to Deem Matters Admitted in the above-referenced proceeding.

If additional information is required, please communicate with us.

Very truly yours,

FLETCHER, HEALD & HILDRETH, PLC



George Petrusas
Ann Bavender
Counsel for
Association for East End Land Mobile Coverage
LMR 900 Association
NY LMR Association

GP:cej
Enclosures
cc: See Service List

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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FEB - 5 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter 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: Honorable Administrative Law Judge John M. Frysiak

**JOINT MOTION TO
DEEM MATTERS ADMITTED**

The Association for East End Land Mobile Coverage, LMR 900 Association of Suffolk, and NY LMR Association (collectively, "Associations"), by counsel, move, pursuant to Section 1.246(b) of the Commission's Rules, that the genuineness of the documents identified in the Associations' Request to the Wireless Telecommunications Bureau ("Bureau") for Admissions, served on January 14, 1999, as items 3, 5, 6, 8, 9, 12, 13 and 14, and the facts recited in items 17 and 18 in that Request be deemed admitted. In support, the following is shown.

The documents, the genuineness of which the Bureau was requested to admit or deny, are parts of the Commission's records and include the application for the license which is subject to revocation in this proceeding, written inquiries from the Commission's staff to the applicants concerning the application and their responses thereto, and related correspondence, all of which are parts of the same application file

and constitute the Commission's official records on the matter. The Bureau admitted the genuineness of items 1, 2, 4, 7, 10, 15, and 16 but declined to admit or deny items 3, 5, 6, 8, 9, 11, 12, 13, 14, 17 and 18. The Bureau is the custodian of those records. It is therefore difficult to understand how the Bureau can admit the genuineness of some of the documents and not of the others, since all of the documents are parts of and constitute the Commission's official records.

The Bureau states that the information needed to determine whether it can make the requested admissions was contained in the Bureau's application files but that it cannot consult those files because they were destroyed by flood in 1996. It is respectfully submitted that this is not sufficient justification for the Bureau's decision to respond as to some of the document but not as to others. The Bureau does not claim that some of the documents survived the flood but not the others. In any event, since the Bureau is the custodian of its records, its failure to safeguard them effectively surely cannot justify its failure to respond and thereby prejudice the case of the Associations. The documents involved are crucial to Associations's defense against the charges the Commission has brought against them. The documents would demonstrate that each of the associations disclosed to the Commission's staff fully and fairly the substance of the arrangements now under attack, including the planned relationship with Norcom Communications, and that the staff at a high level had those facts before them when they decided to grant the applications involved.

WHEREOF The Premises Considered, the Associations's requests that the genuineness of the documents identified in items 3, 5, 6, 8, 9, 10, 12, 13, and 14, in the Request for Admissions of the Associations served on the Bureau on January 14, 1999, and the facts recited in items 17 and 18 of that Request be deemed admitted.

Respectfully submitted

ASSOCIATION FOR EAST END LAND
MOBILE COVERAGE
LMR 900 ASSOCIATION OF SUFFOLK
NY LMR ASSOCIATION

By: 
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Ann Bavender

Their Attorneys

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Date: February 5, 1999

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 Joint Motion to Deem Matters Admitted were sent this 5th day of February, 1999, by facsimile and first-class United States mail, postage prepaid, to the following:

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