

FLETCHER, HEALD & HILDRETH, P.L.C.

Judy Lancaster, Esquire
Thomas D. Fitz-Gibbon, Esquire
July 7, 1999
Page 2

Messrs. Blass, Campbell and Villanella are directors of LMR 900 Association of Suffolk.

Daniel T. Kunnecke
Steve Simon
Robert Dipolito

Messrs. Kunnecke, Simon and Dipolito are directors of NY LMR Association.

These Consents are to be attached to the Settlement Agreement of the parties to the above-referenced proceeding.

Very truly yours,



George Petrutsas
Counsel for
The Association for East End Land
Mobile Coverage
LMR 900 Association of Suffolk
NY LMR Association

GP:cej
Attachments

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

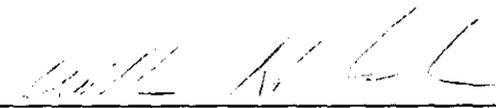
In the Matters of)	
)	
NORCOM COMMUNICATIONS CORPORATION)	WT Docket No. 98-181
ASS'N FOR EAST END LAND MOBILE COVERAGE)	
LMR 900 ASSOCIATION OF SUFFOLK)	
NY LMR ASSOCIATION)	

To: Honorable John M. Frysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, William Larkin, a member of the Board of Directors of the Association for East End Land Mobile Coverage, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted

By: 
William Larkin

Date: May 21, 1999

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

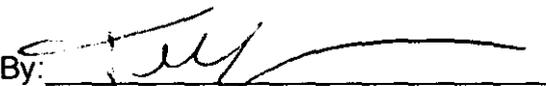
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NORCOM COMMUNICATIONS CORPORATION)	WT Docket No. 98-181
ASS'N FOR EAST END LAND MOBILE COVERAGE)	
LMR 900 ASSOCIATION OF SUFFOLK)	
NY LMR ASSOCIATION)	

To: Honorable John M. Frysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, Timothy J. Mangan, a member of the Board of Directors of the Association for East End Land Mobile Coverage, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted

By: 
 Timothy J. Mangan

Date: May 11, 1999

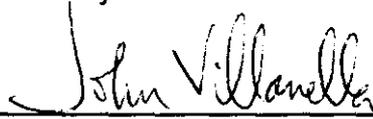
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NORCOM COMMUNICATIONS CORPORATION) WT Docket No. 98-181
ASS'N FOR EAST END LAND MOBILE COVERAGE)
LMR 900 ASSOCIATION OF SUFFOLK)
NY LMR ASSOCIATION)

To: Honorable John M. Frysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, John Villanella, a member of the Board of Directors of LMR 900 Association of Suffolk, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted

By: 
John Villanella

Date: May 3, 1999

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matters of)	
)	
NORCOM COMMUNICATIONS CORPORATION)	WT Docket No. 98-181
ASS'N FOR EAST END LAND MOBILE COVERAGE)	
LMR 900 ASSOCIATION OF SUFFOLK)	
NY LMR ASSOCIATION)	

To: Honorable John M. Frysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, Laurence T. Blass, a member of the Board of Directors of LMR 900 Association of Suffolk, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted

By: 
 Laurence T. Blass

May 3, 1999

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matters of)
)
NORCOM COMMUNICATIONS CORPORATION)
ASS'N FOR EAST END LAND MOBILE COVERAGE)
LMR 900 ASSOCIATION OF SUFFOLK)
NY LMR ASSOCIATION)

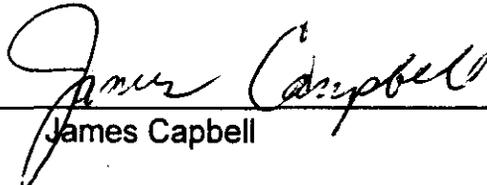
WT Docket No. 98-181

To: Honorable John M. Frysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, James Capbell, a member of the Board of Directors of LMR 900 Association of Suffolk, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted

✓ By: 
James Capbell

Date: May 1, 1999

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

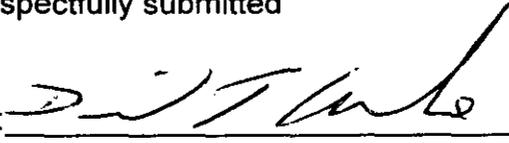
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NORCOM COMMUNICATIONS CORPORATION)	WT Docket No. 98-181
ASS'N FOR EAST END LAND MOBILE COVERAGE)	
LMR 900 ASSOCIATION OF SUFFOLK)	
NY LMR ASSOCIATION)	

To: Honorable John M. Frysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, Daniel T. Kunnecke, a member of the Board of Directors of NY LMR Association, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted

By: 
 Daniel T. Kunnecke

Date: April 30, 1999

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matters of)
)
NORCOM COMMUNICATIONS CORPORATION)
ASS'N FOR EAST END LAND MOBILE COVERAGE)
LMR 900 ASSOCIATION OF SUFFOLK)
NY LMR ASSOCIATION)

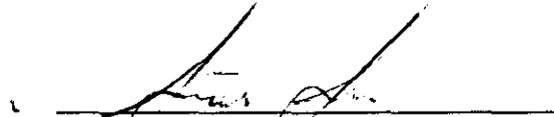
WT Docket No. 98-181

To: Honorable John M. Frysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, Steve Simon, a member of the Board of Directors of NY LMR Association, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted


Steve Simon

Date: May 22, 1999

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matters of)
)
NORCOM COMMUNICATIONS CORPORATION)
ASS'N FOR EAST END LAND MOBILE COVERAGE)
LMR 900 ASSOCIATION OF SUFFOLK)
NY LMR ASSOCIATION)

WT Docket No. 98-181

To: Honorable John M. Fysiak, Administrative Law Judge

CONSENT FOR THE PURPOSE OF SETTLEMENT

I, Robert Dipolito, a member of the Board of Directors of NY LMR Association, for the purpose of facilitating a resolution of issues in the above-referenced proceeding by settlement, and for that purpose only, I hereby agree and declare that I will not apply directly or indirectly for a license from the Federal Communications Commission (FCC) under Part 90 of its Rules and Regulations for an FB7 station, that is, a station to be used to provide wireless communications service to eligible entities on a non-profit, cost sharing basis, and that I will accept a FCC order to that effect as part of a final settlement in this proceeding.

Respectfully submitted

✓ By: 
Robert Dipolito

Date: May 21, 1999

Attachment 2

Declaration of Robert Nopper

Declaration of Robert Nopper

1. My name is Robert Nopper. I am over eighteen years of age and competent to testify to the factual matters set forth herein. Until 1997, I was the President and sole shareholder of Norcom Communications Corp. ("Norcom"), a two-way radio service provider that has been doing business since 1979. Today, Norcom is controlled by my son, Douglas Nopper. Between 1990 and 1994, although he worked on Norcom projects from time to time, Douglas was primarily in college in Albany, New York.

2. This declaration was prepared in connection with the Settlement Agreement by and among the Federal Communications Commission, Norcom Communications Corporation, the Association for East End Land Mobile Coverage, the LMR 900 Association of Suffolk, the NY LMR Association, Douglas Nopper, and me, and to recite the facts and circumstances relating to the creation and licensing of the not-for-profit Associations licensed in 1991 and 1992, that were managed by Norcom.

3. I am keenly interested in two-way radio operations on Long Island. I have devoted substantial time and energy assisting many types of communications users and providers. I regularly consult with our local fire districts in the Long Island area on radio matters. I often help public safety agencies prepare and submit FCC applications, sometimes for a profit, but often for no fee. Within my local fire department, I serve as officer of Lieutenant grade, as Infectious Control Officer, I chair the By-Laws Committee, and perform other functions. I also serve as a certified arson investigator in the state of New York. I have investigated over 300 possible acts of arson. Further, I volunteer several nights a week as a New York State Certified Instructor to teach Emergency Medical Services ("EMS") to groups of young people seeking EMS certifications. I am also an active participant in the Suffolk County Critical Incident Stress Team for which I have had many hours of training. I was a team member for the Flight 800 disaster and counseled many of the young United States Coast Guard personnel involved in that event.

4. For some time prior to 1991, I observed that, while the FCC's policies permitted qualified business and industrial companies to obtain licenses in their own names ("FB2 licenses") to maintain private radio networks, very few, if any, of Norcom's customers and contacts in the industry possessed the financial wherewithal to individually construct and operate such systems. In addition, many of these entities found there to be limitations in existing services offered by telecommunications providers, including specialized mobile radio ("SMR") licensees.

5. Accordingly, Norcom and other interested individuals who later became involved with the Associations began to explore alternative licensing methods, such as the authorization of non-profit cost-shared systems ("FB7s"). Norcom's communications counsel at the time, George Petrutsas, suggested the possibility of non-profit associations providing multichannel trunked services. I contacted New York state officials and was informed that not-for-profit Associations are permitted entities under N.Y. law. Mr. Petrutsas assisted in the

formation and organization of the Associations and guided the Associations through the licensing process.

6. Mr. Petrutsas explained the potential use of the FB7 licensing process to us. To the best of my recollection, I was aware of the general obligation that an FCC licensee remain in control of its station, but was unaware of the 1966 *Intermountain Microwave* case and the six factors specified in that decision used to determine if there had been an unauthorized transfer of control. A management agreement designed to govern the relationship between the Associations and Norcom was prepared, with much of the wording drafted by Mr. Petrutsas. I assumed that the management agreement provided to us by Mr. Petrutsas met whatever was the FCC's policy for ensuring that each Association would remain in control of the facilities for which it was authorized. I assumed, therefore, that the management agreements that Norcom signed with the Associations were industry-standard agreements. I now understand that these agreements, and our operations did not comply with the *Intermountain Microwave* standard, and that Norcom therefore engaged in actions prohibited by that decision.

7. During the application process, I received copies of the correspondence between Mr. Petrutsas and the FCC regarding the Associations' applications. In that correspondence, the plan of operation was explained to the FCC's staff. Representative copies of that correspondence is attached hereto as Exhibit A.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my recollection and belief. I further declare under penalty of perjury that the documents attached hereto as Exhibit A are true and correct copies of documents I sent or received.



Robert Nopper
July 21, 1999

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
1725 Connecticut Ave., N.W. Suite 400
Washington, DC 20036-2679

DATE	July 15, 1991
FILE NO.	532866-YB

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 1048, 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.

FCC 1034G
JANUARY 1991

SEE REVERSE



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)