

Attachment 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.

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.

Attachment 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

Attachment 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

Attachment 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:

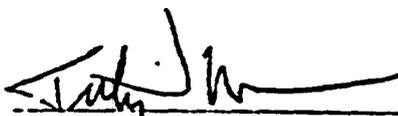
William Larkin  
3 Patrician  
Holbrook, NY 11741

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

Attachment 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

Attachment 7

Application Return Notice for 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:** 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

Attachment 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<sup>v</sup> 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

Attachment 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. ...  
W. J. ...

- 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 unusual 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