

RADIO STATION LICENSE

Licensee Name: WIRELESS COMMUNICATIONS ASSOCIATION OF SUFFOLK COUNTY

Radio Service: YB TRUNKED BUSINESS

License Issue Date: 11/16/1992

Call Sign: WPAT910

File Number: 9103534390

License Expiration Date: 11/16/1995

Frequency Advisory No./Service Area: 910370041

Pages: *****

N 3 32

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

REGULATORY STATUS: GMRS

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

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FEDERAL COMMUNICATIONS COMMISSION

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

REFERENCE COPY, THIS IS NOT A LICENSE

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: NY LMR ASSOCIATION

Radio Service: YU TRUNKED BUSINESS

License Issue Date: 921029

Call Sign: WPAP734

File Number: 9112566318

License Expiration Date: 951029

Frequency Advisory No: 912620066

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

940321S 8 1 2A

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

Station Technical Specifications

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

TRANSMITTER STREET ADDRESS CITY COUNTY STATE

1: 1 FAIRCHILD AVE PLAINVIEW NASSAU NY
2: NY

AREA OF OPERATION

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

PAINTING AND LIGHTING SPECIFICATIONS

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

CONTROL POINTS: 189 TWIN LAWNS AVE BRENTWOOD NY

CONTROL POINT PHONE: 516-434-9193

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

FEDERAL COMMUNICATIONS COMMISSION

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REFERENCE COPY. THIS IS NOT A LICENSE

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: NY LMR ASSOCIATION

Radio Service: YU TRUNKED BUSINESS

License Issue Date: 921029

Call Sign: WPAP734

File Number: 9112566318

License Expiration Date: 951029

Frequency Advisory No: 912620066

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

940321S 8 2 2A

NY LMR ASSOCIATION

DANIEL T KUNNECKE

70-C CORBIN AVE

BAY SHORE

NY 11706

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Elev	Ant. Hgt. To Top	Antenna Latitude	Antenna Longitude
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ADMIN NOTE: SUP: THIS LICENSE SUPERSEDES AND REPLACES PREVIOUS AUTHORIZATION OF SAME DATE AND FILE NUMBER TO CORRECT COORDINATES AND P/L SPECS PER ASB NOTIFICATION. MKH 3/21/94

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

PAGE 2 OF 2

FEDERAL
COMMUNICATIONS
COMMISSION

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

RADIO STATION LICENSE

Licensee Name: ASSOCIATION FOR EAST END LAND MOBILE COVERAGE

Radio Service: YB TRUNKED BUSINESS

License Issue Date: 11/16/1992

Call Sign: WPAT918

File Number: 9102532866

License Expiration Date: 11/16/1995

Frequency Advisory No./Service Area: 910420162

Pagers: *****

S 2 3Z

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

REGULATORY STATUS: PMRS

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	856.91250	FB2	1	20K0F3E	75.000	190.000	89	14	40-58-26	072-20-15
								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				
2:	815.78750	MO	500	20K0F3E	30.000	45.000				
	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



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.



APPLICATION FOR RENEWAL OF PRIVATE RADIO STATION LICENSE

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

63M 1 3

1. Call Sign	2. Fee Type Code	3. Fee Multiple	4. Fee Due	5. FCC Use Only
WPAT918	PALS	1	+\$125.00	YR (A) 940420 9

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

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

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

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

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

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

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

INSTRUCTIONS

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

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

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

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

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

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

TYPED/PRINTED NAME:

TELEPHONE: ()

SIGNATURE ✓

DATE

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

APPLICANT CLASSIFICATION (Select one)

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

SEE REVERSE

RADIO STATION LICENSE

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

Radio Service: **YB TRUNKED BUSINESS**

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

Call Sign: **WPAT918**

File Number: **9102532866**

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

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

Pages: *****

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 10-26-92. 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 RED INTENSITY LIGHTS AT THE TOP & MID LEVELS IN LIEU OF L-856. FORM 715A (DAY) & FORM 715 (NIGHT) DUAL LIGHTING.</p> <p>ADMIN NOTE: SUP: THIS LICENSE SUPERSEDES AND REPLACES PREVIOUS AUTHORIZATION OF SAME DATE AND FILE NUMBER TO ADD ANTENNA PAL SPECIFICATION AND ADD SPECIAL CONDITION PER ASB NOTIFICATION. 940420 JAN</p> <p>The latitude/longitude are authorized in North American Datum 1927 (NAD27). Additionally, the antenna height to tip, ground elevation, AAT and area of operation units are authorized in metric.</p>										
<p>EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.</p>										



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 96.633(a) of the Commission's Rules 3) There are no time limitations for placing QMRB stations in operation.

to limit co-channel interference levels to 30 dBu over an applicant's requested service area. This would result in a mileage separation of 70 miles for typical system parameters. Applicants should be aware that in some areas, e.g., Seattle, Los Angeles, and northern California, separations greater than 70 miles may be appropriate. Separations may be less than 70 miles where the requested service areas, terrain, or other factors warrant reduction. In the event that the separation is less than 70 miles, the coordinator must indicate that the protection criteria have been preserved or that the affected licensees have agreed in writing to the proposed system. Only co-channel interference between base station operations will be taken into consideration. Adjacent channel and other types of possible interference will not be taken into account.

(d) Conventional systems authorized on frequencies in the Public Safety (except for those systems that have participated in a formal regional planning process as described in § 90.16), Industrial/Land Transportation, Business, and General Categories that have met the loading level necessary for channel exclusivity will be protected in the same fashion as described in paragraph (c) of this section.

(e) Conventional systems authorized on frequencies in the Public Safety (except for those systems that have participated in a formal regional planning process as described in § 90.16), Industrial/Land Transportation, Business, and General Categories which have not met the loading levels necessary for channel exclusivity will not be afforded co-channel protection.

(f) UHF television translator stations using UHF output channels from Channels 70 through 83 operate on a secondary basis to land mobile stations using the UHF bands allocated under this subpart for land mobile use. Accordingly, such television translator stations will not be protected from interference from such authorized land mobile stations.

(g) Frequencies in the 806-821/851-866 MHz bands listed as available for eligibles in the Public Safety, Industrial/Land Transportation, Business, General, and SMRS Categories are

available for inter-category sharing under the following conditions:

(1) Channels in the Public Safety, Industrial/Land Transportation and Business categories will be available to eligible applicants in those categories only if there are no frequencies in their own category and no public safety systems are authorized on those channels under consideration to be shared.

(2) Channels in the Industrial/Land Transportation and Business categories will be available to fully-loaded SMR systems if no SMRS category frequencies are available. Evidence must be provided that the SMR applicant has sufficient users to warrant the authorization of additional channels. If available, the SMR licensee will be authorized no more than one channel more than its current loading warrants.

(3) Channels in the General Category are available to fully-loaded trunked Public Safety, Industrial/Land Transportation, Business, and SMR Category systems for expansion provided that:

(i) For non-SMR applicants, the application must include a statement from the applicant's own frequency coordinator verifying that there are no available frequencies in the applicant's service category in the frequency bands 806-824/851-869 MHz. For SMR applicants, the application must include a statement that no SMRS Category frequencies are available in the 806-824/851-869 MHz frequency bands supported by evidence of the existence of a current waiting list for SMRs in that geographic area.

(ii) As a result of the addition of any unused channels in the General Category to an existing trunked system, the number of channels that may be assigned to the station(s) authorized to operate that system may not exceed one channel more than its current loading warrants. If, as a result of the addition of General Category channels, an applicant obtains the maximum number of channels possible (one channel more than current loading warrants), and if the applicant is on the SMR waiting list for the geographic area in which it receives the

channels, the applicant shall forfeit its position on that waiting list.

(iii) All frequencies being trunked together must be located at a primary site.

(iv) The application must be coordinated by one of the three recognized category coordinators above 800 MHz.

(4) Channels in the SMRS category will be available to fully-loaded Industrial/Land Transportation and Business category systems if frequencies in their own categories are not available. Evidence must be provided that the applicant has sufficient users to warrant the authorization of additional channels. If available, the licensee will be authorized no more than one channel more than its current loading warrants.

(5) The applicant must submit a statement from its own category coordinator that frequencies are not available in that category, and coordination is required from the applicable out-of-category coordinator.

(6) The out-of-category licensee must operate by the rules applicable to the category to which the frequency is allocated.

(h) The 896-901/935-940 MHz channels listed as available for eligibles in the Industrial/Land Transportation and Business categories will be available for inter-category sharing to all persons eligible in those categories under the following conditions thirty-six (36) months from the date the first authorization in this spectrum is issued.

(1) The applicant must submit a statement from its own category coordinator that frequencies are not available in that category, and coordination is required from the applicable out-of-category coordinator.

(2) The out-of-category licensee must operate by the rules applicable to the category to which the frequency is allocated.

(i) Applications for Public Safety systems (both trunked and conventional) in the 821-824/866-869 MHz bands will be assigned and protected based on the criteria established in the appropriate regional plan. See § 90.16 and the *Report and Order* in General Docket 87-112.

(j) Channel numbers 401-410, 441-450, 481-490, 521-530, and 561-570 are available on co-primary basis to stations in Basic Exchange Telecommunications Radio Service as described in Part 22 of the Commission's Rules.

[47 FR 41032, Sept. 16, 1982]

EDITORIAL NOTE: For Federal Register citations affecting § 90.621, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 90.623 Limitation on the number of frequencies assignable for conventional systems.

(a) The maximum number of frequency pairs that may be assigned to a licensee for operation in the conventional mode in a given area is five (5).

(b) Where an applicant proposes to operate a conventional radio system to provide facilities for the use of a single person or entity eligible under subparts B, C, D, or E of this part, the applicant may be assigned only the number of frequency pairs justified on the basis of the requirements of the proposed single user of the system.

(c) No licensee will be authorized an additional frequency pair for a conventional system within 40 miles of an existing conventional system, except where:

(1) The additional frequency pair will be used to provide radio facilities to a single entity and the additional frequency pair is justified on the basis of the requirements of the proposed single user; or,

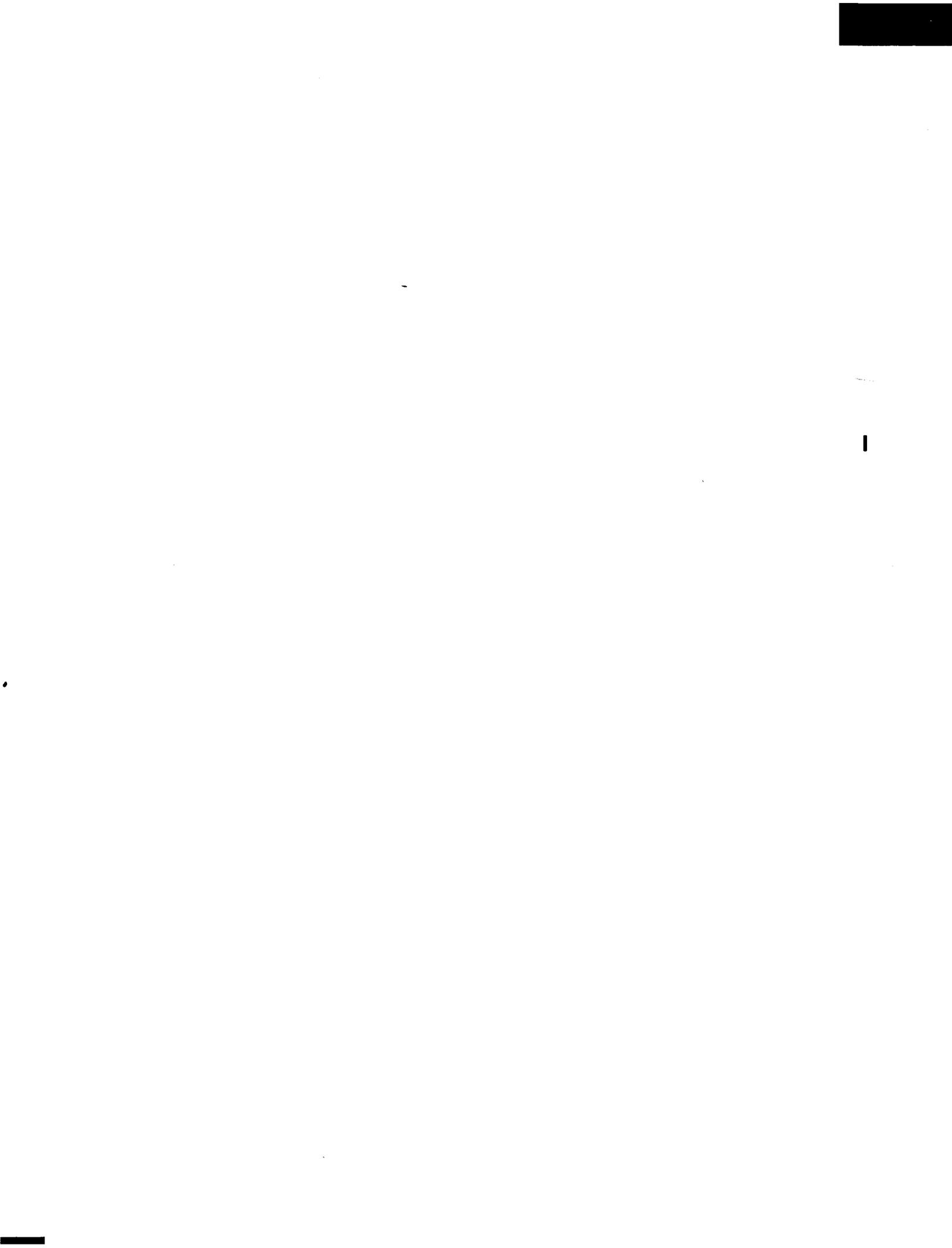
(2) The licensee's existing frequency pair(s) is loaded to prescribed levels.

(d) No licensee will be authorized frequencies for a conventional system if that licensee is operating an unloaded trunked system or has an application pending for a trunked system to serve multiple subscribers within 4 miles of the requested conventional system.

[47 FR 41032, Sept. 16, 1982, as amended; 48 FR 44559, Sept. 29, 1983; 48 FR 5192, Nov. 15, 1983]

§ 90.625 Other criteria to be applied in assigning channels for use in conventional systems of communication.

(a) Where an applicant shows that a channel will be loaded to 70 mobi-



GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

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Russ Taylor
202-408-7172

INTERNET gcdlawdc@gcd.com

January 22, 1999

Via Hand Delivery

Judy Lancaster, Esq.
Compliance and Litigation Branch
Enforcement and Consumer Information Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Washington, D.C. 20554

Re: **Norcom Communications Corporation; WTB Docket No. 98-181**

Dear Ms. Lancaster:

The purpose of this letter is to supplement our letter to you dated January 20, 1999, in which we provided you with our views of why Norcom Communications Corp. ("Norcom") did not abuse the processes of the Federal Communications Commission ("FCC" or "Commission"), as alleged in the FCC's October 14, 1998, Hearing Designation Order ("HDO").

As you may recall from our earlier letter and subsequent telephone conversation, one of the bases upon which we concluded that Norcom was innocent of the abuse of process charge was Norcom's ability to obtain 800 MHz Business and/or Industrial/Land Transportation ("B/ILT") channels to add to its existing SMR system under the FCC's then-applicable intercategory sharing policies. That ability contradicts the FCC's allegation that Norcom used "surrogates" to obtain B/ILT channels to offer for-profit services because Norcom could not.

Enclosed is a document that Norcom forwarded to our offices today. That document is a reproduction of a management report that Motorola, Inc. routinely provided to Norcom on a weekly basis during the relevant time period. The report is dated November 25, 1990 – a few months prior to the time that the Associations applied for the B/ILT facilities that are the subject of the HDO. The report was not created by Norcom. It is a document that was provided to Norcom by Motorola. Moreover, this is the type of business record retained by Norcom in the normal course that we intend to offer into evidence to rebut the abuse of process allegation if this case proceeds to a hearing.

Judy Lancaster, Esq.
January 22, 1999
Page 2

Norcom, like many Specialized Mobile Radio ("SMR") providers during the early 1990's, relied on Motorola "sales and service" radio shops to sell airtime on its SMR system. Thus, Motorola sales agents, with Norcom's permission, sold two-way radios to end users and programmed those radios to access Norcom's 800 MHz five-channel two-way radio system, operated under call sign WNAJ380. As the report demonstrates, station WNAJ380 served 224 customers, employing a total of 1,329 mobile units as of November 25, 1990.

Thus, because the FCC's rules permitted SMR licensees to acquire additional trunked channels within 40 miles of their existing transmitter sites, provided that they had loaded their existing systems to at least 70 mobiles per channel,¹ Norcom was permitted to acquire a significant number of additional trunked SMR channels. Based on its then-existing loading level of 1329 mobile units, Norcom was permitted to add at least 13 additional channels, plus "one to grow on,"² as the FCC's policies permitted, for a total of 14 additional channels.³ Finally, Norcom was permitted to satisfy this need for trunked channels by using B/ILT channels.⁴

Accordingly, there is a strong basis on which the FCC may conclude that Norcom was permitted to obtain a significant number of B/ILT frequency assignments in its own name during the relevant time period. The HDO's assertion to the contrary is simply wrong. The attached proof that Norcom could secure authorization to employ numerous B/ILT channels rebuts the charge that it was an abuse of process for Norcom to establish the Associations as surrogates to accomplish what Norcom could not lawfully accomplish – both as to Norcom's intent and to the underlying violation.

* * *

Judy, we trust that the foregoing discussion is useful. Please call either of us if you have any questions concerning this matter.

Cordially yours,



Russell H. Fox
Russ Taylor

¹ 47 C.F.R. § 90.627(b)(2) (1991).

² *Amendment of Part 90 of the Commission's Rules*, 2 FCC Rcd 513, ¶ 15 (1987).

³ 47 C.F.R. § 90.631(c) (1991).

⁴ 47 C.F.R. § 90.621(g)(2) (1991).

