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February 16, 1994

Federal Communications Commission
Gettysburg, Pennsylvania

Attention: W. Riley Hollingsworth

Re: FCC File No. 94G001

Gentlemen:

We represent the radio system interests of James A. Kay, Jr. before the Federal Communications Commission. On January 31, 1994, the Commission sent to Mr. Kay a letter requesting certain information from Mr. Kay. On behalf of Mr. Kay, we respectfully request clarification of that request.

The Commission has requested extensive information concerning the identities of all of Mr. Kay's end users, including their business addresses, phone numbers, and contact persons, along with the number of mobile units and control stations operated by the user. The Commission has also requested substantiation of the total number of mobile units operated on each station by the submission of Mr. Kay's business records.

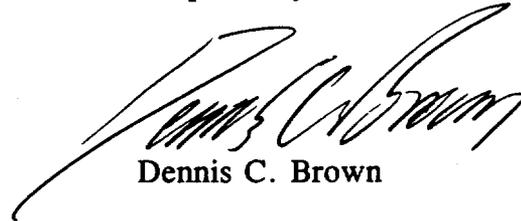
We are sure that the Commission recognizes that, by its request, it has requested essentially all of the records which constitute Mr. Kay's business. Any dissemination of any portion of such information to any other person could have the most damaging effects upon Mr. Kay's business. If, as the Commission's letter indicates, the Commission has received complaints concerning Mr. Kay's radio system activities, then the only reasonable conclusion is that any such complaint was filed by a competitor of Mr. Kay. One must expect that any person having an interest in filing a complaint against Mr. Kay would seek to learn the information which the Commission has requested from Mr. Kay. Under such circumstances, we must respectfully request that the Commission supply us with written assurance that any information which Mr. Kay submits in response to the Commission's request will be held in the strictest confidence and will not be disclosed under any circumstances to any person who is not a Commission employee.

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The Commission's letter states that the reason for requesting the information from Mr. Kay is that the Commission "need[s] more information to determine whether [he is] qualified to be a Commission licensee." In view of the reason stated by the Commission, when assuring us that the Commission will hold any information which Mr. Kay supplies in absolute confidence, please also assure us in writing that the information requested will be used solely to determine whether Mr. Kay is qualified to be a Commission licensee and that submission of the requested information will immunize Mr. Kay against any forfeiture action by the Commission or any criminal prosecution.

Because of the significance of the matters discussed herein, we respectfully request that the Commission immediately notify us that the running of the 60 day period for response stated by the Commission's letter will be tolled until the Commission responds to the instant request.

Respectfully submitted,



Dennis C. Brown