

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Application of)
ALEE CELLULAR COMMUNICATIONS)
)
For Authorization To Construct)
Nonwireline Cellular System in)
Texas RSA 21 Market 672A)

WT Docket No. 02-28

File No. 1105-CL-P-672-A-89

To: Alee Cellular Communications

**ENFORCEMENT BUREAU'S INTERROGATORIES
TO ALEE CELLULAR COMMUNICATIONS**

The Enforcement Bureau ("Bureau"), pursuant to sections 1.311 and 1.323 of the Commission's rules, submits the following interrogatories to Alee Cellular Communications ("Alee"). These interrogatories are continuing in character. Thus, Alee has an obligation to provide to the Bureau any additional responsive information that may come to its attention subsequent to its answering these interrogatories.

Instructions and Definitions

The following definitions shall control in these interrogatories:

a. As used herein, the term "Alee," "you," or "your" means Alee Cellular Communications, its partners, principals, shareholders, employees, agents, consultants or other persons acting on its behalf.

b. As used herein, references to "Sharifan" means Shafi M. Sharifan, listed in Exhibit 1 of Alee's application for a license in Market No. 672A, Texas RSA 21, filed with the FCC on April 15, 1992.

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c. The term "document" means handwritten, printed, typed, computerized or visually or aurally reproduced material of any kind, and means the original (or duplicate original) and any non-identical copies thereof (whether different from the original because of notes made on or attached to such copy or otherwise), drafts or amendments thereof, including, but not limited to, all writings, correspondence, memoranda (including memoranda of oral conversations), minutes, resolutions, agendas, notices, diaries, notes (including notes of meetings), papers, calendars, lists, records of telephone conversations, instructions, guidelines, affidavits, receipts, promissory notes, agreements, contracts or any other documentary materials of any nature whatsoever, including computer files, in your possession, custody, or control.

d. The term "identify" when used with reference to an entity other than a person, means to state its name, last known business address and last known business telephone number.

e. The term "identify" when used with reference to a person or persons, means to state his/her full name, last known business and residence addresses, and last known business and residence telephone numbers.

f. The term "identify" when used with reference to a document, means to state the date, author, addressee, type of document (*e.g.*, the types of documents referenced in definition b., above), a brief description of the subject matter, its present or last known location and its custodian. If any such document was, but no longer is in your possession or control, state the disposition that was made of it, the reason for such disposition, and the date thereof. In lieu of identifying any such document, it may be made available to the Bureau for inspection and copying by so stating in the answer.

g. With regard to each answer, identify the person(s) or document(s) relied upon by you

in determining the substance of your answer. If you are the person determining the substance of an answer, a statement to that effect will suffice.

h. An evasive or incomplete answer is deemed to be a failure to answer.

i. If in answering these interrogatories you encounter any ambiguities construing a question, instruction or definition, set forth the matter deemed ambiguous and the construction used in answering.

j. Where the knowledge of information in your possession is requested, such request includes knowledge in the possession of your agent, representative, and attorney.

k. If any information called for in any interrogatory is withheld on the ground that it is subject to the attorney-client privilege, work product doctrine, or to any other privilege or doctrine, state with respect to each such interrogatory that such information is being withheld, the alleged ground on which the information is being withheld and provide sufficient identification to enable Bureau to evaluate and contest the claim of privilege. If the alleged privilege is that of attorney-client; (1) identify the attorney; (2) give the nature of the relationship of the attorney at the time the document was prepared; (3) give the general nature of the factual information alleged to be attorney work product; (4) state whether such claim to work product immunity is in connection with or in anticipation of a legal proceeding; (5) identify such legal proceeding; and (6) identify each and every person to whom the subject matter was communicated.

l. References to the singular also include the plural and *vice versa*.

m. For each interrogatory or section response, indicate the number(s) of the interrogatory or section to which it is responsive.

n. "Supervisory employee," as used herein, refers to any employee who has decisional

input into the policies or administration of Alee or of any station or other entity owned or controlled by Alee.

o. As used herein, the term "execution date" means September 6, 1988. It is listed in section number 23 (FCC 401 – Schedule A – Page 3) of Alee's application for a license in Market No. 672A, Texas RSA 21, filed with the FCC on April 15, 1992, as the date the application was signed or executed by Robert Bernstein.

Interrogatories

1. Identify each and every person whom Alee intends to call as a witness at the hearing in the above-captioned matter.

2. Identify each and every document Alee intends to use at the hearing in the above-captioned matter. Copies of those documents may be attached in lieu of identification.

3. State whether Alee, its partners, principals or officers have been convicted of any crime or offense whatsoever or plead *nolo contendere* or had probation without judgement imposed. If yes:

a. Identify the person or entity convicted or who entered a plea or was subject to probation.

b. State the imposition date of such conviction, plea or probation.

c. Identify the proceeding by court and docket number.

d. Identify the charging document.

e. Describe the sentence imposed or adverse action taken. In lieu of a description, you may identify and tender the sentencing document.

4. State whether Alee has held or possessed a license, permit or pending application

requiring Federal Communications Commission approval since September 1, 1988. If so:

- a. Identify each applicant or licensee.
- b. Identify the proceeding or license number.
- d. Describe the disposition or outcome of each application. In lieu of a description, you may identify or attach the FCC document addressing the matter.
- e. State the current status of each application and license.
- f. State the current term of each license.

5. State whether Alee has had a license suspended or revoked by a local, state or federal regulatory agency or been subject to any disciplinary action since September 1, 1988. If yes, provide a written explanation of the circumstances, including the name of the disciplining authority, the date(s) of the actions and the disposition.

6. State whether Alee has, since September 1, 1988, been found out of compliance with any requirements imposed by a local, state or federal regulatory agency. If yes, provide copies of the findings of non-compliance including, if applicable, reports of non-compliance or any final disposition or conclusion reached by the applicable government authority.

7. Describe with particularity the partnership or business structure of Alee since January 1, 1988.

8. Identify each of the principals, partners, shareholders, directors and officers of Alee since September 1, 1988 and, for each, identify the specific position or relationship held by that person, the dates such position or relationship was held and the duties and authority of that position or relationship. For each shareholder, describe each class or type of stock held, the

number of shares of such stock held, the dates such shares were held and the percentage of such stock ownership in Alee. For each partner, describe the class/type of partnership interest held, the dates such partnership interest was held and the percentage of ownership interest held.

9. State whether Sharifan was a partner, officer or shareholder of Alee Cellular Communications on the execution date of Alee's September 1988 application. If so, describe with particularity his relationship with Alee and identify all of the ownership interests in Alee held by Sharifan on the execution date.

10. State whether Sharifan was a citizen of the United States on the execution date of Alee's September 1988 application.

11. State with specificity the relationship between Alee and Sharifan, including Alee's relationship with any business or entity in which Sharifan has had an ownership or management interest, since the execution date.

12. State whether the September 1988 application, as originally filed, was accurate in all respects when it was filed.

13. Identify all persons who aided in the preparation of Alee's September 1988 application.

14. If the September 1988 application was not accurate when it was filed, identify each inaccuracy contained in the application and, for each such inaccuracy:

- a. explain why the inaccurate information was included on the application;
- b. identify the person responsible for including the inaccurate information in the application, and
- c. provide the correct information as of the execution date of the application.

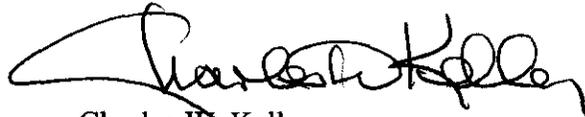
15. State whether any amendments to the September 1988 application were filed with the FCC and, for each such amendment filed:

- a. provide the date the amendment was filed,
- b. identify the person(s) who prepared the amendment,
- c. identify the person who executed the amendment on behalf of Alee,
- d. identify the portion(s)/section(s) of the application changed or amended, and
- e. describe the changes made in each.

16. State whether the information contained in the September 1988 application or its latest amendment, if any, is accurate as of today. If the information is not currently accurate, identify the portion(s)/section(s) containing currently inaccurate information and, for each:

- a. explain why the information is not currently accurate;
- b. provide currently accurate information.

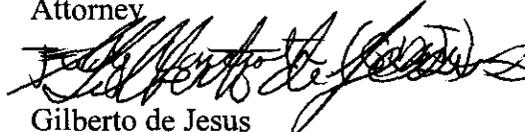
Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division



Judy Lancaster
Attorney



Gilberto de Jesus
Attorney

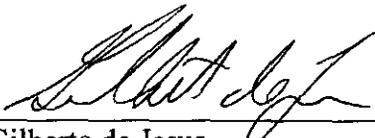
Federal Communications Commission
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April 25 2002

CERTIFICATE OF SERVICE

Gilberto de Jesus, an attorney in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has on this 25th day of April, 2002, sent by first class United States mail or electronic mail (email) or by hand copies of the foregoing "Enforcement Bureau's Interrogatories to Alee Cellular Communications" to:

David Hill, Esq. (email and first class mail)
Hall, Estill, Hardwick, Gable, Golden & Nelson
1120 20th Street, N.W.
Washington, D.C. 20036

Administrative Law Judge Arthur I. Steinberg (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C749
Washington, D.C. 20054



Gilberto de Jesus