

EB
(

DOCKET FILE COPY ORIGINAL

EB
4

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

In the Matter of)	WT Docket No. 01-344
)	
KEVIN DAVID MITNICK)	File No. 00000-58498
)	
Licensee of Station N6NHG)	
In the Amateur Radio Service)	
For Renewal of Station License)	
)	
KEVIN DAVID MITNICK)	
)	
For Renewal of Amateur Radio)	
General Class Operator License)	

To: Kevin David Mitnick

**ENFORCEMENT BUREAU'S REQUEST FOR
ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**

The Enforcement Bureau, pursuant to section 1.246 of the Commission's rules, 47 C.F.R. § 1.246, hereby requests that within ten days of the service of this request, Kevin David Mitnick ("Mr. Mitnick") admit to the truth of the following facts and genuineness of the attached documents, as set forth in the following numbered paragraphs. Each response should be labeled with the same number as the subject admission request and should be made under oath or affirmation of the person providing the response. In addition, Mr. Mitnick is reminded that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested he shall specify so much of it as is true and deny only the remainder." 47 C.F.R. § 1.246(b).

EBERH4
6/18/02
① BMU

Case No. Official Exhibit No.

01-344

4

Disposition: Identified 6/18/02
Rejected Received 6/18/02

IN THE MATTER OF:

WHAICK

Date: 6/18/02 Witness: Reporter: BMR

No. Pages: 9

Admissions

1. Since March 4, 1986, Mr. Mitnick has held a General Class Operator license.
2. Since March 4, 1986, Mr. Mitnick has been licensed to operate Amateur Radio Service Station N6NHG.
3. In 1995, Mr. Mitnick pleaded guilty in the Eastern District of North Carolina to a charge that he possessed unauthorized access devices, namely, cellular telephone numbers.
4. In 1995, Mr. Mitnick was sentenced to eight months incarceration by Chief Judge Boyle.
5. In March 1999, Mr. Mitnick signed a plea agreement in connection with an Information in Case No. CR 96-506-MRP and an Indictment in Case No. CR 96-881-MRP.
6. On or about January 4, 1994, Mr. Mitnick obtained propriety computer software from Novell, Inc. ("Novell") by fraudulent means as more fully described in count 1 of the indictment in Case No. CR 96-881-MRP.
7. As a result of his fraudulent action against Novell, Mr. Mitnick was ordered to pay Novell the sum of \$495.00.
8. Mr. Mitnick has remitted the sum of \$495.00 for the benefit of Novell.
9. As a result of his fraudulent action against Novell, Mr. Mitnick caused damage to Novell in an amount that exceeded \$495.00.

10. On or about February 19, 1994, Mr. Mitnick obtained propriety computer software from Motorola, Inc. ("Motorola") by fraudulent means as more fully described in count 5 of the indictment in Case No. CR 96-881-MRP.

11. As a result of his fraudulent action against Motorola, Mr. Mitnick was ordered to pay Motorola the sum of \$453.75.

12. Mr. Mitnick has remitted the sum of \$453.75 for the benefit of Motorola.

13. As a result of his fraudulent action against Motorola, Mr. Mitnick caused damage to Motorola in an amount that exceeded \$453.75.

14. On or about April 15, 1994, Mr. Mitnick obtained propriety computer software from Fujitsu, Limited and/or Fujitsu America, Inc. and/or Fujitsu Network Transmission Services, Inc. (collectively, "Fujitsu") by fraudulent means as more fully described in count 8 of the indictment in Case No. CR 96-881-MRP.

15. As a result of his fraudulent action against Fujitsu, Mr. Mitnick was ordered to pay Fujitsu Network the sum of \$742.50.

16. Mr. Mitnick has remitted the sum of \$742.50 for the benefit of Fujitsu.

17. As a result of his fraudulent action against Fujitsu, Mr. Mitnick caused damage to Fujitsu in an amount that exceeded \$742.50.

18. On or about April 21, 1994, Mr. Mitnick obtained propriety computer software from Nokia Mobile Phones, Ltd. ("Nokia") by fraudulent means as more fully described in count 10 of the indictment in Case No. CR 96-881-MRP.

19. As a result of his fraudulent action against Nokia, Mr. Mitnick was ordered to pay Nokia the sum of \$288.75.

20. Mr. Mitnick has remitted the sum of \$288.75 for the benefit of Nokia.

21. As a result of his fraudulent action against Nokia, Mr. Mitnick caused damage to Nokia in an amount that exceeded \$288.75.

22. Between June 1993 and June 1994, Mr. Mitnick altered, damaged and destroyed information contained in, and prevented authorized use of, computers of the University of Southern California ("USC") as more fully described in count 16 of the indictment in Case No. CR 96-881-MRP.

23. As a result of his action against USC, Mr. Mitnick was ordered to pay USC the sum of \$288.75.

24. Mr. Mitnick has remitted the sum of \$288.75 for the benefit of USC.

25. As a result of his action against USC, Mr. Mitnick caused damage to USC and other persons and entities in an amount that exceeded \$1,000.00.

26. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to Quest Comm. Corp. ("Quest").

27. As a result of his criminal action against Quest, Mr. Mitnick was ordered to pay Quest the sum of \$577.50.

28. Mr. Mitnick has remitted the sum of \$577.50 for the benefit of Quest.

29. As a result of his criminal action against Quest, Mr. Mitnick caused damage to Quest in an amount that exceeded \$577.50.

30. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to The Well.

31. As a result of his criminal action against The Well, Mr. Mitnick was ordered to pay The Well the sum of \$330.00.

32. Mr. Mitnick has remitted the sum of \$330.00 for the benefit of The Well.

33. As a result of his criminal action against The Well, Mr. Mitnick caused damage to The Well in an amount that exceeded \$330.00.

34. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to U.S. West/Airtouch ("Airtouch").

35. As a result of his criminal action against Airtouch, Mr. Mitnick was ordered to pay Airtouch the sum of \$123.75.

36. Mr. Mitnick has remitted the sum of \$123.75 for the benefit of Airtouch.

37. As a result of his criminal action against Airtouch, Mr. Mitnick caused damage to Airtouch in an amount that exceeded \$123.75.

38. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to NPACI/SDSC MC 0505 ("NPACI").

39. As a result of his criminal action against NPACI, Mr. Mitnick was ordered to pay NPACI the sum of \$41.25.

40. Mr. Mitnick has remitted the sum of \$41.25 for the benefit of NPACI.

41. As a result of his criminal action against NPACI, Mr. Mitnick caused damage to NPACI in an amount that exceeded \$41.25.

42. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to MCI/USLD ("MCI").

43. As a result of his criminal action against MCI, Mr. Mitnick was ordered to pay MCI the sum of \$41.25.

44. Mr. Mitnick has remitted the sum of \$41.25 for the benefit of MCI.

45. As a result of his criminal action against MCI, Mr. Mitnick caused damage to MCI in an amount that exceeded \$41.25.

46. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to Pacific Bell ("Pac Bell").

47. As a result of his criminal action against Pac Bell, Mr. Mitnick was ordered to pay Pac Bell the sum of \$41.25.

48. Mr. Mitnick has remitted the sum of \$41.25 for the benefit of Pac Bell.

49. As a result of his criminal action against Pac Bell, Mr. Mitnick caused damage to Pac Bell in an amount that exceeded \$41.25.

50. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to Sun Microsystems ("Sun").

51. As a result of his criminal action against Sun, Mr. Mitnick was ordered to pay Sun the sum of \$330.00.

52. Mr. Mitnick has remitted the sum of \$330.00 for the benefit of Sun.

53. As a result of his criminal action against Sun, Mr. Mitnick caused damage to Sun in an amount that exceeded \$330.00.

54. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to ICG-PST ("ICG").

55. As a result of his criminal action against ICG, Mr. Mitnick was ordered to pay ICG the sum of \$371.25.

56. Mr. Mitnick has remitted the sum of \$371.25 for the benefit of ICG.

57. As a result of his criminal action against ICG, Mr. Mitnick caused damage to ICG in an amount that exceeded \$371.25.

58. In November 1992, Mr. Mitnick fled California in order to avoid arrest and possible incarceration for violating the terms of his probation that followed a previous incarceration.

59. Between November 1992 and February 15, 1995, Mr. Mitnick relocated his residence from time to time in order to avoid arrest.

60. Mr. Mitnick was incarcerated most recently between February 15, 1995 and January 21, 2000.

61. Mr. Mitnick was most recently released from federal custody on January 21, 2000.

62. Mr. Mitnick is currently on supervised release.

63. Mr. Mitnick's supervised release currently expires on January 20, 2003.

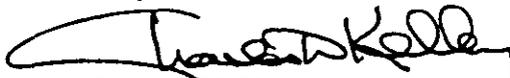
64. On November 29, 1999, Mr. Mitnick signed an application for renewal of license for Amateur Radio Service Station N6NHG.

65. At the time Mr. Mitnick signed his renewal application he did not reside at 7113 W. Gowan Road, Las Vegas, Nevada 89129.

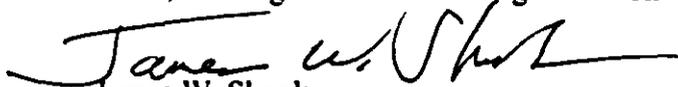
66. At the time Mr. Mitnick signed his renewal application his telephone number was not (702) 656-2804.

67. Mr. Mitnick possesses the knowledge and capability to access the public-switched telephone network via Station N6NHG.

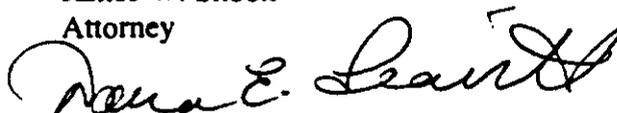
Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division



James W. Shook
Attorney



Dana E. Leavitt
Attorney

Federal Communications Commission
445 12th Street, S.W., Room 3-B443
Washington, D.C. 20554
(202) 418-1420

February 8, 2002

CERTIFICATE OF SERVICE

Karen Richardson, secretary of the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 8th day of February 2002, sent by first class mail and facsimile or by hand copies of the foregoing "Enforcement Bureau's Request for Admissions" to:

Lauren A. Colby, Esquire (by mail and facsimile)
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

Administrative Law Judge Richard L. Sippel (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C864
Washington, D.C. 20054

Yaman A. Bayten for Karen Richardson
Karen Richardson

EB

5

Enforcement Bureau
Ex 5

RECEIVED & INSPECTED
MAR 1 - 2002
FCC - MAILROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
KEVIN DAVID MITNICK)
)
Licensee of Station N6NHG in the)
Amateur Radio Service for Renewal)
of Station License)
)
KEVIN DAVID MITNICK)
)
For Renewal of Amateur Radio)
General Class Operator License)
)
TO: Honorable Richard L. Sippel)
Administrative Law Judge)

WT Docket No. 01-344

File No. 00000-58498

**ANSWERS TO "ENFORCEMENT BUREAU'S REQUEST FOR ADMISSIONS
REQUEST FOR ADMISSIONS OF FACTS AND GENUINENESS OF DOCUMENTS**

Kevin David Mitnick hereby declares under penalty of the laws of perjury that the following Answers to the Enforcement Bureau's request for admissions are true and correct.

Respectfully submitted,

February 25, 2002

KEVIN DAVID MITNICK

By: Kevin David Mitnick
Kevin David Mitnick

EB Ex 5
6/18/02
Bonn

Case No. 01-344 Official Exhibit No. 5

Exposition: Identified 6/18/02
Revised 6/18/02

IN THE MATTER OF:

W. Mick

Date: 6/18/02 Witness: BMR Reporter:

No. Pages: 11

Admissions

1. Since March 4, 1986, Mr. Mitnick has held a General Class Operator license.

Answer: Incorrect. I was licensed earlier under WA6VPS, which was obtained in or around 1976.

2. Since March 4, 1986, Mr. Mitnick has been license to operate Amateur Radio Service Station N6NHG.

Answer: True. However, I had been licensed under Amateur Radio Service Station WA6VPS prior to the issuance of N6NHG.

3. In 1995, Mr. Mitnick pleaded guilty in the Eastern District of North Carolina to a charge that he possessed unauthorized access devices, namely, cellular telephone numbers.

Answer: Denied. I pled guilty to that charge in or around June, 1997 in the Central District of California.

4. In 1995, Mr. Mitnick was sentenced to eight months incarceration by Chief Judge Boyle.

Answer: Denied. I was sentenced by Judge Mariana Pfaelzer in and around June, 1997 to a sum of twenty-two (22) months, which included the eight month sentence in the Eastern District of North Carolina case and fourteen (14) months for violating the terms and conditions of supervised release from an unrelated case.

5. In March, 1999, Mr. Mitnick signed a plea agreement in connection with an Information in Case No. CR 96-506-MRP and an Indictment in Case No. CR-96-881-MRP.

Answer: True.

6. On or about January 4, 1994, Mr. Mitnick obtained proprietary computer software from Novell, Inc. ("Novell") by fraudulent means as more fully described in count 1 of the Indictment in Case No. CR 96-881-MRP.

Answer: True.

7. As a result of his fraudulent action against Novell, Mr. Mitnick was ordered to pay Novell the sum of \$495.00.

Answer: True.

8. Mr. Mitnick was remitted the sum of \$495.00 for the benefit of Novell.

Answer: True.

9. As a result of his fraudulent action against Novell, Mr. Mitnick caused damage to Novell in an amount that exceeded \$495.00.

Answer: Neither admitted nor denied. . Mr. Mitnick does not know the exact amount of damage caused to Novell as collateral damage from his activities. The Court, however, ordered that Mr. Mitnick pay \$495.00 in restitution.

10. On or about February 19, 1994, Mr. Mitnick obtained proprietary computer software from Motorola, Inc. ("Motorola") by fraudulent means as more fully described in count 5 of the indictment in Case No. CR 96-881-MRP.

Answer: True.

11. As a result of his fraudulent action against Motorola, Mr. Mitnick was ordered to pay Motorola the sum of \$453.75.

Answer: True.

12. Mr. Mitnick was remitted the sum of \$453.75 for the benefit of Motorola.

Answer: True.

13. As a result of his fraudulent action against Motorola, Mr. Mitnick caused damage to Motorola in an amount that exceeded \$453.75.

Answer: Neither admitted nor denied. Mr. Mitnick does not know the exact amount of damage caused to Motorola as collateral damage from his activities. The Court, however, ordered that Mr. Mitnick pay \$453.75 in restitution.

14. On or about April 15, 1994, Mr. Mitnick obtained proprietary computer software from Fujitsu, Limited and/or Fujitsu America, Inc. and/or Fujitsu Network Transmission Services, Inc. (collectively, "Fujitsu") by fraudulent means as more fully described in count 8 of the indictment in Case No. CR 96-881-MRP.

Answer: True.

15. As a result of his fraudulent action against Fujitsu, Mr. Mitnick was ordered to pay Fujitsu the sum of \$742.50.

Answer: True.

16. Mr. Mitnick was remitted the sum of \$742.50 for the benefit of Fujitsu.

Answer: True.

17. As a result of his fraudulent action against Fujitsu, Mr. Mitnick caused damage to Fujitsu in an amount that exceeded \$742.50.

Answer: Neither admitted nor denied. Mr. Mitnick does not know the exact amount of damage caused to Fujitsu as collateral damage from his activities. The Court, however, ordered that Mr. Mitnick pay \$742.50 in restitution.

18. On or about April 21, 1994, Mr. Mitnick obtained proprietary computer software from Nokia Mobile Phones, Ltd. ("Nokia") by fraudulent means as more fully described in count 10 of the indictment in Case No. CR 96-881-MRP.

Answer: True.

19. As a result of his fraudulent action against Nokia, Mr. Mitnick was ordered to pay Nokia the sum of \$288.75.

Answer: True.

20. Mr. Mitnick was remitted the sum of \$288.75 for the benefit of Nokia.

Answer: True.

21. As a result of his fraudulent action against Nokia, Mr. Mitnick caused damage to Nokia in an amount that exceeded \$288.75.

Answer: Neither admitted nor denied. Mr. Mitnick does not know the exact amount of damage caused to Nokia as collateral damage from his activities. The Court, however, ordered that Mr. Mitnick pay \$288.75 in restitution.

22. Between June 1993 and June 1994, Mr. Mitnick altered, damaged, and destroyed information contained in, and prevented authorized use of, computers of the University of Southern California ("USC") as more fully described in count 16 of the indictment in Case No. CR 96-881-MRP.

Answer: True.

23. As a result of his action against USC, Mr. Mitnick was ordered to pay USC the sum of \$288.75.

Answer: True.

24. Mr. Mitnick was remitted the sum of \$288.75 for the benefit of USC.

Answer: True.

25. As a result of his action against USC, Mr. Mitnick caused damage to USC and other persons and entities in an amount that exceeded \$1,000.00.

Answer: True.

26. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to Quest Comm. Corp. ("Quest").

Answer: False. I never pled guilty to intentionally causing damage to Quest Comm. Corp. ("Quest"), nor did I intentionally set out to cause such damage. I pled guilty to intercepting electronic communications, namely, computer passwords.

27. As a result of his criminal action against Quest, Mr. Mitnick was ordered to pay Quest the sum of \$577.50.

Answer: True.

28. Mr. Mitnick was remitted the sum of \$577.50 for the benefit of Quest.

Answer: True.

29. As a result of his criminal action against Quest, Mr. Mitnick caused damage to Quest in an amount that exceeded \$577.50.

Answer: Neither admitted nor denied. Mr. Mitnick does not know the exact amount of damage caused to Quest as collateral damage from his activities. The Court, however, ordered that Mr. Mitnick pay \$577.50 in restitution.

30. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to The Well.

Answer: False. I never pled guilty to intentionally causing damage to The Well, nor did I set out to intentionally damage The Well. I pled to guilty to computer fraud in violation of Title 18, Section 1030(a)(4).

31. As a result of his criminal action against The Well, Mr. Mitnick was ordered to pay The Well the sum of \$330.00.

Answer: True.

32. Mr. Mitnick was remitted the sum of \$330.00 for the benefit of The Well.

02/28/02 THE U.S. DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS
Answer: True.

33. As a result of his criminal action against The Well, Mr. Mitnick caused damage to Quest in an amount that exceeded \$330.00.

Answer: Neither admitted nor denied. Mr. Mitnick does not know the exact amount of damage caused to The Well as collateral damage from his activities. The Court, however, ordered that Mr. Mitnick pay \$330.00 in restitution.

34. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to U.S. West/Airtouch ("Airtouch").

Answer: Denied. I never pled guilty to intentionally causing damage to U.S. West/Airtouch, nor did I set out, intentionally, to do so. The Federal Sentencing Guidelines allows the Court to take into consideration relevant conduct, which does not require a conviction when ordering restitution.

35. As a result of his criminal action against Airtouch, Mr. Mitnick was ordered to pay Airtouch the sum of \$123.75.

Answer: True.

36. Mr. Mitnick was remitted the sum of \$123.75 for the benefit of Airtouch.

Answer: True.

37. As a result of his criminal action against Airtouch, Mr. Mitnick caused damage to Airtouch in an amount that exceeded \$123.75.

Answer: The Court did order me to pay the sum of \$123.75 to Airtouch. However, I was not convicted of any crime for which the victim was Airtouch. I do not know how much damage my activities caused to Airtouch.

38. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to NPACI/SDSC MC 0505 ("NPACI").

Answer: False. I never plead guilty to intentionally causing damage to NPACI/SDSC MC 0505 ("NPACI"), nor did I set out to intentionally damage NPACI. The Federal Sentencing Guidelines allows the Court to take into consideration relevant conduct, which does not require a conviction when ordering restitution.

39. As a result of his criminal action against NPACI, Mr. Mitnick was ordered to pay NPACI the sum of \$41.25.

02/28/02 11:00:21 AM 0100001212

Answer: The Court did order me to pay the sum of \$41.25 to NPACI. However, I was not convicted of any crime for which the victim was NPACI.

40. Mr. Mitnick was remitted the sum of \$41.25 for benefit of NPACI.

Answer: True.

41. As a result of his criminal action against NPACI, Mr. Mitnick caused damage to NPACI in an amount that exceeded \$41.25.

Answer: The Court did order me to pay the sum of \$41.25 to NPACI. However, I was not convicted of any crime for which the victim was NPACI. I do not know how much damage my activities caused to NPACI.

42. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to MCI/USLD ("MCI").

Denied. I never pled guilty to intentionally causing damage to MCI/USLD ("MCI"), nor did I set out to intentionally cause damages to MCI. The Federal Sentencing Guidelines allows the Court to take into consideration relevant conduct, which does not require a conviction when ordering restitution.

43. As a result of his criminal action against MCI, Mr. Mitnick was ordered to pay MCI the sum of \$41.25.

Answer: The Court did order me to pay the sum of \$41.25 to MCI. However, I was not convicted of any crime for which the victim was MCI.

44. Mr. Mitnick was remitted the sum of \$41.25 for benefit of MCI.

Answer: True.

45. As a result of his criminal action against MCI, Mr. Mitnick caused damage to MCI in an amount that exceeded \$41.25.

Answer: The Court did order me to pay the sum of \$41.25 to MCI. However, I was not convicted of any crime for which the victim was MCI. I do not know how much damage my activities caused to MCI.

46. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to Pacific Bell ("Pac Bell").

Answer: Denied. I never pled guilty to intentionally causing damage to Pac Bell, nor did I set out, intentionally, to cause damage to Pac Bell. The Federal Sentencing Guidelines allows the Court to take into consideration relevant conduct, which does not require a conviction when ordering restitution.

47. As a result of his criminal action against Pac Bell, Mr. Mitnick was ordered to pay Pac Bell the sum of \$41.25.

Answer: The Court did order me to pay the sum of \$41.25 to Pac Bell. However, I was not convicted of any crime for which the victim was Pac Bell.

48. Mr. Mitnick was remitted the sum of \$41.25 for benefit of Pac Bell.

Answer: True.

49. As a result of his criminal action against Pac Bell, Mr. Mitnick caused damage to Pac Bell in an amount that exceeded \$41.25.

Answer: The Court did order me to pay the sum of \$41.25 to Pac Bell. However, I was not convicted of any crime for which the victim was Pac Bell, nor did I set out, intentionally to cause damage to Pac Bell. I do not know how much damage my activities caused to Pac Bell.

50. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to Sun Microsystems ("Sun").

Answer: False. I never pled guilty to intentionally causing damage to Sun, nor did I set out, intentionally, to damage Sun. I pled to guilty to possessing fifteen or more access devices, namely encrypted computer passwords in violation of Title 18, Section 1029(a)(3).

51. As a result of his criminal action against Sun, Mr. Mitnick was ordered to pay Sun the sum of \$330.00.

Answer: True.

52. Mr. Mitnick was remitted the sum of \$330.00 for the benefit of Sun.

Answer: True.

53. As a result of his criminal action against Sun, Mr. Mitnick caused damage to Sun in an amount that exceeded \$330.00.

Answer: Neither admitted nor denied. Mr. Mitnick does not know the exact amount of damages caused to Sun as collateral damage from his activities. The Court, however, ordered that Mr. Mitnick pay \$330.00 in restitution.

54. Between 1991 and 1995, Mr. Mitnick also intentionally caused damage to ICG-PST ("ICG").

Answer: Denied. I never pled guilty to intentionally causing damage to ICG, nor did I set out, intentionally, to damage ICG. The Federal Sentencing Guidelines allows the Court to take into consideration relevant conduct, which does not require a conviction when ordering restitution.

55. As a result of his criminal action against ICG, Mr. Mitnick was ordered to pay ICG the sum of \$371.25.

Answer: The Court did order me to pay the sum of \$371.25 to ICG. However, I was not convicted of any crime for which the victim was ICG.

56. Mr. Mitnick was remitted the sum of \$371.25 for the benefit of ICG.

Answer: True.

57. As a result of his criminal action against ICG, Mr. Mitnick caused damage to ICG in an amount that exceeded \$371.25.

Answer: The Court did order me to pay the sum of \$371.25 to ICG. However, I was not convicted of any crime for which the victim was ICG. I do not know how much damage my activities caused to ICG.

58. In November 1992, Mr. Mitnick fled California in order to avoid arrest and possible incarceration for violating the terms of his probation that followed a previous incarceration.

Answer: Here is what happened: I left California on December 26, 1992. Moreover, I resided at my residence in Calabasas, California up and until December 9, 1992, which was two days after my supervised release would have expired except for a warrant for my arrest. The Court issued a warrant for my arrest for violations of my supervised release on November 6, 1992. I did not become aware of this warrant until January of 1993. After learning of the existence of the warrant, I refused to turn myself in to authorities and became a fugitive.

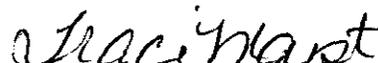
Answer: True. I, like any other Amateur Radio Operator, have the fundamental knowledge of how to use a phone patch (must be patched in through another radio station operator), or an autopatch. An autopatch is a common way to make non-business telephone calls through a repeater if you have permission of the owner.

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via facsimile and Federal Express, this 28th day of February, 2002, to the offices of the following:

Honorable Richard L. Sippel
Administrative Law Judge
F.C.C.
445 12th Street, S.W.
Room 1-C864
Washington, D.C. 20554

Charles Kelley, Esq.
James Shook, Esq.
Enforcement Bureau
Investigations/Hearing Division
F.C.C.
445 12th Street, S.W.
Room 3-B443
Washington, D.C. 20554


Traci Maust

RECEIVED & INSPECTED
MAR 6 2002
FCC MAILROOM

EB
6

1) Radio Service Code: HAEnt. Bur.
Ex. 6Application Purpose (Select only one) (RD)

2)	NE - New MD - Modification AM - Amendment	RO - Renewal Only RM - Renewal/Modification CA - Cancellation of License	WD - Withdrawal of Application DU - Duplicate License AU - Administrative Update
3)	If this request is for a Developmental License or STA (Special Temporary Authorization) enter the appropriate code and attach the required exhibit as described in the instructions. Otherwise enter <u>N</u> (Not Applicable).		<u>(N)</u> <u>D</u> <u>S</u> <u>N/A</u>
4)	If this request is for an Amendment or Withdrawal of Application, enter the file number of the pending application currently on file with the FCC.		File Number
5)	If this request is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license.		Call Sign <u>N6NHG</u>
6)	If this request is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).		MM DD <u>09 06</u>
7)	Does this filing request a Waiver of the Commission's rules? If 'Y', attach the required showing as described in the instructions.		<u>(N)</u> Yes No
8)	Are attachments (other than associated schedules) being filed with this application?		<u>(N)</u> Yes No

Applicant Information

9a) Taxpayer Identification Number: <u>550-39-5695</u>	9b) SGIN: <u>550395695</u>			
10) Applicant/Licensee is a(n): <u>(I)</u> Individual Corporation	<input type="checkbox"/> Unincorporated Association Limited Liability Corporation	<input type="checkbox"/> Trust Partnership	<input type="checkbox"/> Government Entity Consortium	<input type="checkbox"/> Joint Venture
11) First Name (if individual): <u>KEVIN</u>	MI: <u>D</u>	Last Name: <u>MITNICK</u>	Suffix:	
12) Entity Name (if other than individual):				
13) Attention To: <u>MR. KEVIN D. MITNICK</u>				
14) P.O. Box:	And/Or	15) Street Address: <u>7113 W. GOWAN ROAD</u>		
16) City: <u>LAS VEGAS</u>	17) State: <u>NY</u>	18) Zip: <u>89129</u>	19) Country: <u>USA</u>	
20) Telephone Number: <u>702-656-2804</u>		21) FAX:		
22) E-Mail Address: <u>N/A</u>				

EBERH6
6/18/02
BMM

01-344

67

Disposition: Identified

Referred Received

IN THE MATTER OF:

MILNICK

Date: Witness: Reporter:

6/18/02

BANK

No. Pages: 4

Fee Status

23) Is the applicant exempt from FCC application fees?	(N) Yes No
24) Is the applicant exempt from FCC regulatory fees?	(N) Yes No

General Certification Statements

1) The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
3) Neither the Applicant nor any member thereof is a foreign government or a representative thereof.
4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under Section 1.2002(c) of the rules, 47 CFR § 1.2002(c). See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5) Amateur or GMRS Applicant certifies that the construction of the station would NOT be an action which is likely to have a significant environmental effect (see the Commission's Rules 47 CFR Sections 1.1301-1.1319 and Section 97.13(a).
6) Amateur Applicant certifies that they have READ and WILL COMPLY WITH Section 97.13(c) of the Commission's Rules regarding RADIOFREQUENCY (RF) RADIATION SAFETY and the amateur service section of OST/OET Bulletin Number 65.

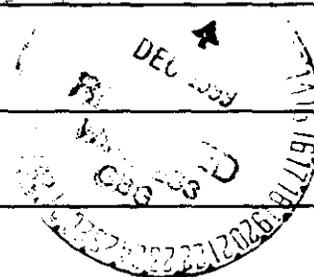
Certification Statements For GMRS Applicants

1) Applicant certifies that he or she is claiming eligibility under Rule Section 95.5 of the Commission's Rules.
2) Applicant certifies that he or she is at least 18 years of age.
3) Applicant certifies that he or she will comply with the requirement that use of frequencies 462.650, 467.650, 462.700 and 467.700 MHz is not permitted near the Canadian border North of Line A and East of Line C. These frequencies are used throughout Canada and harmful interference is anticipated.

Signature

25) Typed or Printed Name of Party Authorized to Sign

First Name: KEVIN	MI: D	Last Name: MITNICK	Suffix:
26) Title:			
Signature: <i>Kevin David Mitnick</i>			27) Date: 11/29/99



Failure To Sign This Application May Result In Dismissal Of The Application And Forfeiture Of Any Fees Paid

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Instructions for Schedule for Changes Affecting Multiple Call Signs or File Numbers Form FCC 605 Schedule A

Form FCC 605 Schedule A, is a supplementary schedule for use with the FCC Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services. Use this schedule when requesting changes that affect multiple call signs or file numbers. Schedule A is not used with initial applications. Complete this schedule to submit global changes to items on the FCC 605 Main Form that affect either multiple call signs or multiple file numbers, depending on the Application Purpose entered for Item 2 of that form. Note the following:

Multiple File Numbers may be affected by these purposes: Amendment or Withdrawal of Application

Multiple Call Signs may be affected by these purposes: Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update

Each Schedule A or groups of Schedule A filed with the FCC 605 Main Form must use the same purpose, and only one purpose can be specified per submission.

