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

JUL 19 2006

Federal Communications Commission  
Office of Secretary

In the Matters of )  
)  
JAMES A. KAY, JR. )  
)  
Licensee of One Hundred Fifty Two Part 90 )  
Licenses in the Los Angeles, California Area )  
)  
MARC SOBEL AND MARC SOBEL )  
D/B/A AIR WAVE COMMUNICATIONS )  
)  
Licensee of Certain Part 90 Licenses )  
in the Los Angeles, California Area )

WT Docket No. 94-147

WT Docket No. 97-56

**MOTION FOR FURTHER EXTENSION OF OPERATING AUTHORITY**

James A. Kay, Jr. ("Kay")<sup>1</sup> and Marc D. Sobel ("Sobel") (jointly, "Petitioners"), pursuant to Sections 301 and 308(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 301 & 308(a), Section 9(b) of the Administrative Procedure Act, 5 U.S.C. § 558(c), and Section 1.41 of the Commission's Rules and Regulations, 47 C.F.R. § 1.41,<sup>2</sup> hereby respectfully move the Commission to further extend operating authority pursuant to the licenses listed in Attachment A hereto, in support whereof the following is respectfully shown:

1. In previous filings, Petitioners have moved to extend the operating authority to July 28, 2006.<sup>3</sup> It was anticipated that this would provide adequate time for the Commission to complete its consideration of the August 3, 2005, *Motion to Modify Sanction*, and Petitioners are still desirous of concluding this matter as expeditiously as possible. Nevertheless, insofar as the

<sup>1</sup> As to Call Sign WNXW487 this filing is also presented on behalf of Buddy Corp., an entity wholly owned and controlled by Kay. See Attachment A at n.2.

<sup>2</sup> A separate application by each of the licensees is being filed concurrently herewith.

<sup>3</sup> On October 17, 2005, Petitioners filed a joint *Motion for Extension of Operating Authority* for ninety (90) days following finality of the Supreme Court's denial of certiorari, i.e., to January 28, 2006. On January 17, 2006, Petitioners filed a joint *Motion for Further Extension of Operating Authority* for an additional ninety (90) days, i.e., to April 28, 2006. On April 12, 2006, Petitioners filed a joint *Motion for Further Extension of Operating Authority* for an additional ninety (90) days, i.e., to July 28, 2006.

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specified July 28 date is now less than two weeks away, Petitioners are submitting this request for further extension of operating authority, out of an abundance of caution, to ensure adequate time for a final resolution of the *Motion to Modify Sanction*.

2. Accordingly, for the same reasons stated in the previous filings (see footnote 3, above), all of which are still fully applicable, Petitioners' respectfully move the Commission to further extend and continue their operating authority for an additional ninety (90) days, to and including Thursday, October 26, 2006, pending and subject to Commission consideration of and action on the August 3, 2005, *Motion to Modify Sanction*.

Respectfully submitted:

By:   
Robert J. Keller  
Counsel for James A. Kay, Jr., and  
Marc Sobel d/b/a Air Wave Communications  
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202-293-0011

Dated: July 19, 2006

ATTACHMENT A

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JAMES A. KAY, JR.

| <u>Calls Sign</u>    | <u>Svc</u> | <u>Exp. Date</u> <sup>4</sup> |
|----------------------|------------|-------------------------------|
| WNIZ676              | GX         | 01/21/1998                    |
| WNJA910              | YX         | 06/22/1998                    |
| WNJL306              | YX         | 12/22/1997                    |
| WNKV762              | YX         | 03/21/1999                    |
| WNMT755              | GX         | 05/11/1998                    |
| WNMY402              | YX         | 10/31/2000                    |
| WNMY773              | GX         | 01/06/1999                    |
| WNPJ874              | YX         | 06/07/1998                    |
| WNSK552              | YX         | 08/10/1998                    |
| WNVL794              | GX         | 02/18/1998                    |
| WNVW779              | GX         | 05/11/1998                    |
| WNWB268              | GX         | 05/17/1998                    |
| WNWB332              | GX         | 05/11/1998                    |
| WNWK982              | GX         | 05/11/1998                    |
| WNWN703              | GX         | 03/30/1998                    |
| WNWQ651              | GX         | 05/11/1998                    |
| WNXB280              | GX         | 04/16/1998                    |
| WNXG372              | GX         | 05/17/1998                    |
| WNXQ353              | GX         | 05/11/1998                    |
| WNXQ911              | GX         | 01/27/1998                    |
| WNXS450              | GX         | 05/11/1998                    |
| WNXS753              | GX         | 01/29/1997                    |
| WNXW280              | GX         | 05/11/1998                    |
| WNXW327              | YX         | 06/01/1998                    |
| WNXW487 <sup>5</sup> | GB         | 11/23/1997                    |
| WNXW549              | GX         | 05/11/1998                    |
| WNYQ437              | GX         | 05/11/1998                    |
| WNYR747              | GX         | 05/11/1998                    |
| WNZY505              | GX         | 05/11/1998                    |
| WNZZ731              | GX         | 09/24/1997                    |
| WPAP683              | GX         | 10/05/1997                    |
| WPAZ639              | GX         | 06/02/1998                    |
| WPBW517              | GX         | 04/08/1998                    |
| WPBZ518              | GX         | 08/10/1998                    |

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<sup>4</sup> Timely-filed renewal applications are pending.

<sup>5</sup> The ordering clause in the Decision identifies this as license of James A. Kay, Jr., but it is actually held by Buddy Corp., and entity wholly owned by James A. Kay, Jr.

ATTACHMENT A

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MS AIRWAVES, INC.<sup>6</sup>

| <u>Calls Sign</u>    | <u>Svc</u> | <u>Exp. Date</u> <sup>7</sup> |
|----------------------|------------|-------------------------------|
| KNBT299              | GX         | 04/22/1999                    |
| KRU576               | GX         | 04/22/1999                    |
| WNPY680              | GX         | 02/24/1999                    |
| WNWB334              | GX         | 04/20/1998                    |
| WNXL471              | GX         | 07/05/1999                    |
| WNYR424              | GX         | 04/22/1998                    |
| WPAD685              | GX         | 04/22/1998                    |
| WPCA891              | GX         | 04/26/1998                    |
| WPCG780              | GX         | 03/01/1999                    |
| WPCZ354              | GX         | 06/30/1999                    |
| WPDB603              | GX         | 02/04/1999                    |
| WPF529               | GX         | 07/05/1999                    |
| WPFH460              | GX         | 07/13/1999                    |
| WNZC764 <sup>8</sup> |            |                               |

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<sup>6</sup> At the time of the decision these authorizations were held by Marc D. Sobel, and individual. Pursuant to pro forma assignment of licenses they are now held by MS Airwaves, Inc., a corporation controlled by Sobel.

<sup>7</sup> Timely-filed renewal applications are pending.

<sup>8</sup> This call sign is listed in the ordering clause of the revocation order. Sobel believes that it is no longer an active authorization, but has not yet been able to confirm this, and so he has included it here out of an abundance of caution.

Certificate of Service

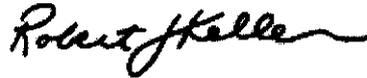
I, Robert J. Keller, counsel for James A. Kay, Jr., and Marc Sobel d/b/a Air Wave Communications, hereby certify that on this 19th day of July, 2006, I caused copies of the foregoing *Motion for Further Extension of Operating Authority* to be served, by electronic mail on the following:

Kris Monteith, Acting Bureau Chief  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

William Davenport, Chief  
William D. Freedman, Deputy Chief  
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Robert J. Keller