

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED

1650 TYSONS BOULEVARD, SUITE 1500
MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

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March 2, 2007

Federal Communications Commission
Wireless Bureau Applications
P.O. Box 358130
Pittsburgh, PA 15251-5130

**Re: McElroy Electronics Corporation
Application for a Nationwide 2155-2175 MHz Band Authorization
WT Docket No. 07-16**

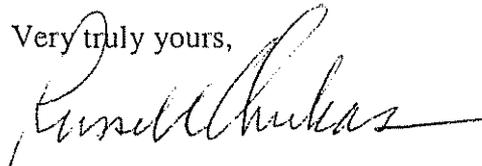
Dear Sir or Madam:

Transmitted herewith on behalf of McElroy Electronics Corporation, and in accordance with the Commission's Public Notice, DA 07-492, released January 31, 2007, are the original and two (2) copies of its application (FCC Form 601) for authorization to construct and operate a nationwide broadband wireless system in the 2155-2175 MHz frequency band. Also enclosed are an FCC Form 159 and the required filing fee.

This application is also being filed using the Commission's Electronic Comment Filing System for consideration in WT Docket No. 07-16.

If there are any questions regarding this submission, please contact the undersigned.

Very truly yours,



Russell D. Lukas

Enclosures

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page 1 of 1

(1) LOCK BOX # 358130		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Lukas, Nace, Gutierrez, & Sachs		(3) TOTAL AMOUNT PAID (U S Dollars and cents) \$245.00	
(4) STREET ADDRESS LINE NO 1 1650 Tysons Boulevard			
(5) STREET ADDRESS LINE NO 2 Suite 1500			
(6) CITY McLean		(7) STATE VA	(8) ZIP CODE 22102
(9) DAYTIME TELEPHONE NUMBER (include area code) (703) 584-8678		(10) COUNTRY CODE (if not in U S A)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0003746385		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME McElroy Electronics Corporation			
(14) STREET ADDRESS LINE NO 1 27 - 33 Fredonian Street			
(15) STREET ADDRESS LINE NO 2			
(16) CITY Shirley		(17) STATE MA	(18) ZIP CODE 01464
(19) DAYTIME TELEPHONE NUMBER (include area code) (978) 425-4055		(20) COUNTRY CODE (if not in U S A)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0003623725		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE CJM	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$245.00	(27A) TOTAL FEE \$245.00	FCC USE ONLY	
(28A) FCC CODE 1	(29A) FCC CODE 2		
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1	(29B) FCC CODE 2		
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>Russell D. Lukas</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>Russell Lukas</u>		DATE <u>3/2/07</u>	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described			
SIGNATURE _____		DATE _____	

10351

LUKAS, NACE, GUTIERREZ & SACHS, CHARTERED

OPERATING ACCOUNT
1650 TYSONS BLVD., SUITE 1500
MCLEAN, VA 22102
(703) 584-8678

BRANCH BANKING & TRUST COMPANY
CITY
15-154-540

PAY

TO THE ORDER OF Two hundred forty-five and NO/100

DATE

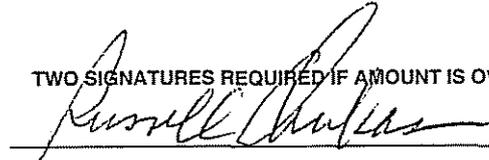
03/01/2007

AMOUNT

\$245.00

F. C. C.

TWO SIGNATURES REQUIRED IF AMOUNT IS OVER \$2,500.00



MP

081004/9-B9

Details on back
Security Features Included

⑈00010351⑈ ⑆054001547⑆0005162611749⑈

LUKAS, NACE, GUTIERREZ & SACHS, CHARTERED

OPERATING ACCOUNT

10351

F. C. C.

FCC

Check Number
10351

Check Date
03/01/2007

Invoice #
#2614

Invoice Date
03/01/2007

Invoice Amount
\$245.00

Amount Paid
\$245.00

Client #2614

1) Radio Service Code: BR	1a) Existing Radio Service Code:
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General Information

2) (Select only one) (<u>NE</u>) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the 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>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	(<u>N</u>) <u>Y</u> es <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC	File Number
5) If this application 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. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional)	MM DD /
7) Is this application "major" as defined in §1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929)	(<u> </u>) <u>Y</u> es <u>No</u>
8) Are attachments (other than associated schedules) being filed with this application?	(<u>Y</u>) <u>Y</u> es <u>No</u>

Fees, Waivers, and Exemptions

9) Is the Applicant exempt from FCC application fees?	(<u>N</u>) <u>Y</u> es <u>No</u>
10) Is the Applicant exempt from FCC regulatory fees?	(<u>N</u>) <u>Y</u> es <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's Rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances	(<u>N</u>) <u>Y</u> es <u>No</u>
11b) If 11a is 'Y', enter the number of rule sections involved.	Number of Rule Section(s):
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	(<u>N</u>) <u>Y</u> es <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0003623725			
14) Applicant/Licensee Legal Entity Type: (Select One) () Individual () Unincorporated Association () Trust () Government Entity (X) Corporation () Limited Liability Company () General Partnership () Limited Partnership () Limited Liability Partnership () Consortium () Other:			
15) If the Licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() Yes No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): McElroy Electronics Corporation			
18) Attention To: John C. McElroy			
19) P.O. Box: 488	And/Or	20) Street Address: 27-33 Fredonian Street	
21) City: Shirley	22) State: MA	23) Zip Code: 01464	
24) Telephone Number: 978-425-4055	25) FAX: 978-425-6116		
26) E-Mail Address: jackm@mcelroyelectronics.com			

27) Demographics (Optional):

Race: () American Indian or Alaska Native () Asian () Black or African-American () Native Hawaiian or Other Pacific Islander () White	Ethnicity: () Hispanic or Latino () Not Hispanic or Latino	Gender: () Male () Female
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Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from Applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
--	--

Contact Information (If different from the Applicant)

() Check here if same as Applicant.

30) First Name: Russell	MI: D	Last Name: Lukas	Suffix:
31) Company Name: Lukas, Nace, Gutierrez & Sachs, Chartered			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address: 1650 Tysons Boulevard, Suite 1500	
35) City: McLean	36) State: VA	37) Zip Code: 22102	
38) Telephone Number: 703-584-8660	39) FAX: 703-584-8696		
40) E-Mail Address: rlukas@fcclaw.com			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply): (<input checked="" type="checkbox"/>) Common Carrier (<input checked="" type="checkbox"/>) Non-Common Carrier (<input checked="" type="checkbox"/>) Private, internal communications () Broadcast Services () Band Manager
--

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (choose all that apply): (<input checked="" type="checkbox"/>) Fixed (<input checked="" type="checkbox"/>) Mobile () Radiolocation () Satellite (sound) () Broadcast Services
43) Does the Applicant propose to provide service interconnected to the public telephone network? (<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No

Alien Ownership Questions (If any answer is 'Y', provide an attachment explaining the circumstances)

44) Is the Applicant a foreign government or the representative of any foreign government?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
45) Is the Applicant an alien or the representative of an alien?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
46) Is the Applicant a corporation organized under the laws of any foreign government?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
47) Is the Applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
48a) Is the Applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
48b) If the answer to 48a is 'Y', has the Applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service(s) and geographic coverage area(s) involved in this filing? If the answer to 48b is 'Y', attach an exhibit that identifies the citation(s) of the applicable declaratory ruling(s) by DA/FCC number of the FCC Record citation, if available, release date, and any other identifying information If the answer to 48b is 'N', attach to this filing a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b) (4) of the Communications Act.	() Yes (<input checked="" type="checkbox"/>) No

Basic Qualification Questions

49) Has the Applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
50) Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
51) Has any court finally adjudged the Applicant or any party directly or indirectly controlling the Applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? If the answer to any of 49-51 is 'Y', attach an exhibit explaining the circumstances.	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No

Aeronautical Advisory Station (Unicom) Certification

52) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.
--

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service?	(<input type="checkbox"/>) Yes (<input checked="" type="checkbox"/>) No
53b) If the answer to question 53a is 'Y', does Applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the Applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.	() Yes (<input checked="" type="checkbox"/>) No

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the Applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules?	() Yes (<input checked="" type="checkbox"/>) No
Note: If the answer to item 54 is 'N', attach an exhibit explaining how the Applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.	
55) (For BRS and EBS) Does the Applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules?	(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.	

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 grant of this application would not cause the Applicant to be in violation of any pertinent cross-ownership or attribution rules * *If the Applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request
3)	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
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 §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 §1 2002(c) of the rules 47 CFR § 1 2002(c). See §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)	The Applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's Rules
6)	The Applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The Applicant certifies that it has reviewed the appropriate Commission Rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The Applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: John	Mi: C	Last Name: McElroy	Suffix:
57) Title: President			
Signature: 			58) Date: Feb. 27, 2007
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the Licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			

Schedule for Geographically Licensed Services

FCC 601
Schedule B

Approved by OMB
3060 - 0798
See 601 Main Form Instructions
for public burden estimate

MARKET/CHANNEL BLOCK INFORMATION

1) Market Designator	2) Market Name	3) Channel Block	4) Sub-Market Designator	5) Percentage of Bidding Credit	6) Open/Closed Bidding	7) I Am Seeking A Tribal Lands Bidding Credit In This Market
BTA-1-493	United States	2155-2175 MHz	NA	NA	NA	() Yes (<u>N</u>) No
						() Yes () No
						() Yes () No

TRIBAL LANDS INFORMATION - Complete only when attaching the required certification(s) from the tribal government(s)

8) Market Designator	9) Channel Block	10) Name of Tribal Lands	11) Area, in square kms. of tribal lands contained within designated market	12) Indicate with an "x" those tribal lands where Applicant has secured the required certification(s) from the tribal governments [attach certification(s)]	13) The amount of bidding credit as defined by FCC Rules (by Market)	14) Additional amount of bidding credit requested (attach justification)

15) Agreement Identifier: Action Requested: Add Delete

Type of Agreement: Collusion-Based Designated Entity Other (Description of Type of Agreement) _____

Agreement Name: NA

Party(ies) to Agreement(s)

Action Requested: Add Delete

<input type="checkbox"/> Entity Name:	Legal Entity Name	FCC Registration Number (FRN):
<input type="checkbox"/> Individual Name:	First	MI
	Last	Suffix
FCC Registration Number (FRN):		

Action Requested: Add Delete

<input type="checkbox"/> Entity Name:	Legal Entity Name	FCC Registration Number (FRN):
<input type="checkbox"/> Individual Name:	First	MI
	Last	Suffix
FCC Registration Number (FRN):		

Action Requested: Add Delete

<input type="checkbox"/> Entity Name:	Legal Entity Name	FCC Registration Number (FRN):
<input type="checkbox"/> Individual Name:	First	MI
	Last	Suffix
FCC Registration Number (FRN):		

Designated Entity/Closed Bidding Agreement Info

16) Have you entered into any agreements which would impact your Designated Entity or closed bidding status? If 'Y', attach an exhibit.	NA () Yes No
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17) Additional Demographic Information (Not Required)

Applicant Status: <input type="checkbox"/> Minority Owned Business <input type="checkbox"/> Rural Telephone Company <input type="checkbox"/> Woman Owned Business
--

Revenue and Asset Information

18) Has any Revenue and Asset information changed for the Applicant, the Disclosable Interest Holder, or the Affiliate? If 'Y', explain why in an exhibit.	NA () Yes No
--	---------------

19) Revenue and Asset Information for the Applicant

Purpose (Check Modify and complete all changes different from previously filed FCC Form 175)

<input type="checkbox"/> Modify

Gross Revenue Disclosure Most Recent Reportable Year

20a) Were the Applicant and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
--	---------------

If 'Y', provide the following information	
20b) Gross Revenues	\$ _____ (Format: 99,999 99)
20c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

One Year Prior to Most Recent Reportable Year

21a) Were the Applicant and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
--	---------------

If 'Y', provide the following information	
21b) Gross Revenues	\$ _____ (Format: 99,999 99)
21c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

Two Years Prior to Most Recent Reportable Year

22a) Were the Applicant and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
--	---------------

If 'Y', provide the following information	
22b) Gross Revenues	\$ _____ (Format: 99,999 99)
22c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

Average Gross Revenue

23) Average Gross Revenue of Reported Years: \$ NA _____ (Format: 99,999 99)
--

Asset Disclosure

24) Total Assets as of Application Filing Deadline: \$ NA _____ (Format: 99,999 99)

Financial Statements

25) Audited or Unaudited (Check One) NA <input type="checkbox"/> The Applicant used audited financial statements <input type="checkbox"/> The Applicant used unaudited financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) and certified by the Applicant's chief financial officer or the equivalent.

**FCC 601
Schedule B**

26) Revenue and Asset Information for the Disclosable Interest Holder (DIH)

Purpose (Select One) NA

<input type="checkbox"/> Add	<input type="checkbox"/> Modify	<input type="checkbox"/> Delete
------------------------------	---------------------------------	---------------------------------

27) Disclosable Interest Holder

<input type="checkbox"/> Entity Name:			FCC Registration Number (FRN):
<input checked="" type="checkbox"/> Individual Name: First <u>John</u>	MIC <u>C</u>	Last <u>McElroy</u>	Suffix FCC Registration Number (FRN): <u>0007189020</u>

Gross Revenue Disclosure Most Recent Reportable Year

28a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
If 'Y', provide the following information	
28b) Gross Revenues \$ _____ (Format: 99.999 99)	
28c) Year End Date: _____ (Date Format: MM/DD/YYYY)	

One Year Prior to Most Recent Reportable Year

29a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
If 'Y', provide the following information	
29b) Gross Revenues \$ _____ (Format: 99,999 99)	
29c) Year End Date: _____ (Date Format: MM/DD/YYYY)	

Two Years Prior to Most Recent Reportable Year

30a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment.	NA () Yes No
If 'Y', provide the following information	
30b) Gross Revenues \$ _____ (Format: 99.999 99)	
30c) Year End Date: _____ (Date Format: MM/DD/YYYY)	

Average Gross Revenue

31) Average Gross Revenue of Reported Years: \$ <u>NA</u> (Format: 99.999 99)

Asset Disclosure

32) Total Assets as of Application Filing Deadline: \$ <u>NA</u> (Format: 99.999 99)
--

Financial Statements

33) Audited or Unaudited (Check One) <u>NA</u>
<input type="checkbox"/> The Disclosable Interest Holder used audited financial statements
<input type="checkbox"/> The Disclosable Interest Holder used unaudited financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) and certified by the Applicant's chief financial officer or the equivalent.

**FCC 601
Schedule B**

**26) Revenue and Asset Information for the Disclosable Interest Holder (DIH)
Purpose (Select One) NA**

<input type="checkbox"/> Add	<input type="checkbox"/> Modify	<input type="checkbox"/> Delete
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27) Disclosable Interest Holder

<input type="checkbox"/> Entity Name:			FCC Registration Number (FRN):	
<input checked="" type="checkbox"/> Individual Name: First	MI	Last	FCC Registration Number (FRN):	
Daniel	L	McElroy	0007188808	

Gross Revenue Disclosure Most Recent Reportable Year

28a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
If 'Y', provide the following information	
28b) Gross Revenues	\$ _____ (Format: 99,999 99)
28c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

One Year Prior to Most Recent Reportable Year

29a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment.	NA () Yes No
If 'Y', provide the following information	
29b) Gross Revenues	\$ _____ (Format: 99,999 99)
29c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

Two Years Prior to Most Recent Reportable Year

30a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment.	NA () Yes No
If 'Y', provide the following information	
30b) Gross Revenues	\$ _____ (Format: 99,999 99)
30c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

Average Gross Revenue

31) Average Gross Revenue of Reported Years: \$ NA _____ (Format: 99,999 99)
--

Asset Disclosure

32) Total Assets as of Application Filing Deadline: \$ NA _____ (Format: 99,999 99)

Financial Statements

33) Audited or Unaudited (Check One) NA
<input type="checkbox"/> The Disclosable Interest Holder used audited financial statements
<input type="checkbox"/> The Disclosable Interest Holder used unaudited financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) and certified by the Applicant's chief financial officer or the equivalent.

**FCC 601
Schedule B**

**26) Revenue and Asset Information for the Disclosable Interest Holder (DIH)
Purpose (Select One) NA**

<input type="checkbox"/> Add	<input type="checkbox"/> Modify	<input type="checkbox"/> Delete
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27) Disclosable Interest Holder

<input type="checkbox"/> Entity Name:			FCC Registration Number (FRN):
<input checked="" type="checkbox"/> Individual Name: First Mark	MI D	Last McElroy	Suffix
			FCC Registration Number (FRN): 0007189079

Gross Revenue Disclosure Most Recent Reportable Year

28a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
If 'Y', provide the following information	
28b) Gross Revenues	\$ _____ (Format: 99,999 99)
28c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

One Year Prior to Most Recent Reportable Year

29a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
If 'Y', provide the following information	
29b) Gross Revenues	\$ _____ (Format: 99,999 99)
29c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

Two Years Prior to Most Recent Reportable Year

30a) Were the DIH and any predecessors-in-interest in existence for a full year of the relevant period? If 'N', explain why in an attachment	NA () Yes No
If 'Y', provide the following information	
30b) Gross Revenues	\$ _____ (Format: 99,999 99)
30c) Year End Date:	_____ (Date Format: MM/DD/YYYY)

Average Gross Revenue

31) Average Gross Revenue of Reported Years: \$ <u>NA</u> (Format: 99,999 99)

Asset Disclosure

32) Total Assets as of Application Filing Deadline: \$ <u>NA</u> (Format: 99,999 99)
--

Financial Statements

33) Audited or Unaudited (Check One) NA
<input type="checkbox"/> The Disclosable Interest Holder used audited financial statements
<input type="checkbox"/> The Disclosable Interest Holder used unaudited financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) and certified by the Applicant's chief financial officer or the equivalent.

FCC 601
Schedule B

Closed Bidding/Designated Entity Eligibility

NA*

Total Gross Revenues for Most Recent Reportable Year

42a) Gross Revenues	\$ _____	(Format: 99.999 99)
42b) Year End Date:	_____	(Date Format: MM/DD/YYYY)

Total Gross Revenues for One Year Prior to Most Recent Reportable Year

43a) Gross Revenues:	\$ _____	(Format: 99.999 99)
43b) Year End Date:	_____	(Date Format: MM/DD/YYYY)

Total Gross Revenues for Two Years Prior to Most Recent Reportable Year

44a) Gross Revenues:	\$ _____	(Format: 99.999 99)
44b) Year End Date:	_____	(Date Format: MM/DD/YYYY)

Total Aggregate Average Gross Revenues for Designated Entity

45) Aggregate Average Gross Revenue:	\$ _____	(Format: 99.999 99)
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Total Aggregate Average Gross Revenues for Closed Bidding

46) Aggregate Average Gross Revenue:	\$ _____	(Format: 99.999 99)
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Total Assets Disclosure for Closed Bidding

47) Total Assets:	\$ _____	(Format: 99,999 99)
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* MEC does not seek closed bidding/ designated entity eligibility.

Certifications (By signing the Main Form, the Applicant certifies that the statements listed are true, complete, correct and made in good faith)

For Applicants Claiming Eligibility as an Entrepreneur Under the General Rule

Applicant certifies that they are eligible to obtain the licenses for which they apply.

For Applicants Claiming Eligibility as a Publicly Traded Corporation

Applicant certifies that they are eligible to obtain the licenses for which they apply and that they comply with the definition of a Publicly Traded Corporation, as set out in the applicable FCC rules.

For Applicants Claiming Eligibility using a Control Group Structure

Applicant certifies that they are eligible to obtain the licenses for which they apply.

Applicant certifies that the Applicant's sole control group member is a pre-existing entity, if applicable.

For Applicants Claiming Eligibility as a Very Small Business, Very Small Business Consortium, Small Business, or as a Small Business Consortium

Applicant certifies that they are eligible to obtain the licenses for which they apply.

Applicant certifies that the Applicant's sole control group member is a pre-existing entity, if applicable.

For Applicants Claiming Eligibility as a Rural Telephone Company

Applicant certifies that they meet the definition of a Rural Telephone Company as set out in the applicable FCC rules. and must disclose all parties to agreement(s) to partition licenses won in this auction. See applicable FCC rules.

For Applicants Claiming Tribal Lands Bidding Credit

Applicant certifies that it will comply with the bidding credit buildout requirements and consult with the tribal government(s) regarding the siting of facilities and deployment of service on the tribal land(s) as set out in the applicable FCC rules.

For Auction Applicants

Applicant provided separate gross revenue information for itself, for each of Applicant's officers and directors; for each of Applicant's other controlling interests; for each of Applicant's affiliates; and for each affiliate of each of Applicant's officers, directors, and other controlling interests.

Applicant provided separate gross revenue and total asset information for itself, for each of Applicant's officers and directors; for each of Applicant's other controlling interest; for each of Applicant's affiliates; and for each affiliate of each Applicant's officers, directors, and other controlling interests.

I. INTRODUCTION

McElroy Electronics Corporation (“MEC”) seeks authorization to construct and operate a wireless broadband network on an exclusive, nationwide basis using unassigned spectrum in the 2155-2175 MHz band. Upon a grant of this application, MEC will begin constructing and operating a nationwide system that will enable users to access the Internet at no cost, other than the purchase of relatively inexpensive customer premises equipment. The network will be funded by advertising revenue, internally generated revenues from a suite of premium services, and private sector financing, with no reliance on taxpayer dollars or disbursements from the Universal Service Fund.

In addition to offering wireless broadband service virtually free of charge, MEC will undertake several commitments that demonstrate its serious intent to offer a service that serves the public interest, convenience and necessity. First, MEC will begin offering service within 24 months of a grant of this application. Second, it will follow a service deployment schedule with specific population coverage benchmarks. Third, it commits to outfit its system with advanced network filtering technology for purposes of blocking access to indecent or obscene material. Fourth, MEC commits to serve any federal, state, county, or municipal public safety organization wishing to its service, without regard to the number of devices utilizing the network. Fifth, and finally, MEC will operate its system in a manner that avoids interference to adjacent spectrum users, and to comply with the Commission’s relocation policies for Fixed Microwave Service (“FS”) and Broadband Radio Service (“BRS”) operations currently within the 2155-2175 MHz band.

II. PROCEDURAL MATTERS

MEC filed this application in response to, and in reliance on, the public notice by which the Wireless Telecommunications Bureau (“WTB”) announced that the application of M2Z Networks, Inc. (“M2Z”) had been accepted for filing in WT Docket No. 07-16 pursuant to the Commission’s general regulatory authority under §§ 308 and 309 of the Communications Act of 1934, as amended (“Act”), 47 U.S.C. §§ 308 and 309. *See WTB Announces that M2Z’s Application for Authority to Provide a National Broadband Radio Service in the 2155-2175 MHz Band Is Accepted for Filing*, DA 07-492, at 1 & n.3 (Jan. 31, 2007) (“M2Z PN”). The WTB also announced that “additional applications may be filed using the Commission’s Electronic Filing System (ECFS) or by filing paper copies.” *Id.* at 2. MEC is filing its application both by using the ECFS and by filing paper copies with the Commission.¹

By allowing competing applications to be filed, the WTB effectively rejected M2Z’s extraordinary request that its application be both insulated from competing applications and treated as a non-auctionable license application. To do otherwise would have been an unprecedented breach of the Commission’s responsibility to manage radio spectrum, a valuable public resource, in the public interest.² Whatever the Commission’s authority to avoid mutual exclusivity or to employ alternative licensing approaches, it does not extend to: (1) avoiding

¹ By accepting M2Z’s application pursuant to the Commission’s authority under §§ 308 and 309 of the Act, instead of applying an “established framework of processing rules,” the WTB effectively waived the Part 1 and Part 27 licensing rules in favor of the statute for all timely-filed applicants for authorizations in the 2155-2175 MHz band. *See M2Z PN*, at 1. Hence, MEC needs no rule waivers. But MEC reserves the right to amend this application to seek the necessary waivers if the Commission gives notice that it will apply existing licensing rules or it promulgates new rules.

² Such an approach would also represent an unwarranted reversal of the FCC’s prior decision to assign licenses in all portions of AWS spectrum through the same mechanism, *i.e.*, competitive bidding. *See Service Rules for Advanced Wireless Services in the 1.7 and 2.1 GHz Bands*, 18 FCC Rcd 25162, 25171 (2003).

mutual exclusivity by employing a licensing approach adopted without a prior rule making; or (2) granting M2Z an exclusive right to use twenty megahertz of spectrum on a nationwide basis as an initial license having never afforded any other party the opportunity to bid on the license.

In the absence of licensing rules, MEC cannot tell what threshold standards it must meet, or what public interest commitments it must make, in order to secure the right to bid on the 2155-2175 MHz band license. To ensure that its application will be deemed acceptable for filing under the Commission's general statutory authority and meet the same licensing standards that will be applied to M2Z, MEC will make substantially the same threshold qualifications showings and public interest commitments that were made by M2Z. However, MEC will not commit to paying the Treasury a usage fee of five percent of the gross revenues generated by the provision of its premium service. What MEC will commit to is that if it is the winning bidder in the auction, it will pay the amount of its winning bid to the Treasury. That upfront payment will reflect the true value of the twenty megahertz of spectrum and benefit the Treasury by ensuring that it will not have to wait for years in the hopes that M2Z's premium service will eventually generate sufficient revenues to pay full value for the spectrum. Thus, MEC's commitment will comport with what Congress envisioned when it enacted § 309(j) of the Act.

III. QUALIFICATIONS

MEC is a 50-year-old family-owned-and-operated Massachusetts corporation specializing in the areas of wireless communications and manufacturing. The company was founded in 1957 by John C. McElroy, son of legendary wireless communications pioneer Theodore Roosevelt McElroy. In 1927, Ted McElroy founded McElroy Manufacturing Corporation, which became the world's largest manufacturer of high-speed, automatic radio

telegraph equipment. McElroy Manufacturing won the coveted Army Navy "E" Award for its valuable contribution to the American victory in World War II.

MEC is currently owned by Ted McElroy's grandsons, all of whom are United States citizens. MEC began manufacturing some of the same automatic radio telegraph equipment developed by Ted McElroy's company. Over the years, the company has developed:

- Automatic radio telegraph equipment for the Department of the Army;
- Repeat cycle timers for the Department of the Navy's research program;
- Sequential timers for Army ordinance;
- Time delay relays for use on the U.S. Navy's guided missile cruiser fleet;
- Communications antennas for the U.S. Navy Atlantic Fleet Naval Construction Battalion for use in "Operation Deep-Freeze" at the South Pole;
- Audiovisual teaching systems for the Department of the Army; and
- Component equipment for the Hawk, Talos, Minuteman and Polaris missile systems.

MEC's other clients have included: Department of the Air Force; AT&T; Western Electric; Army Security Agency; John Hancock Life Insurance Company; Government of Taiwan; Delco Electronics; and EG&G.

The McElroy family's 80-year history in wireless communications expanded during the 1980s with the acquisition of various wireless communications licenses. MEC has built and operated cellular telephone systems in Poughkeepsie, New York, and Minneapolis, Minnesota. Currently, it holds 700 MHz licenses in Nashua/Manchester, New Hampshire (call sign WPWV399) and Portsmouth/Rochester/Dover, New Hampshire (call sign WPWV400). In

addition, MEC was the first applicant in the country to file for Cellular Unserved Areas in the following markets: Los Angeles, CA; Phoenix, AZ; Boston, MA; Minneapolis, MN; and Las Cruces, NM.

As a business founded and operated by a family that has been in the wireless communications business almost since its inception, MEC embodies the pioneering American spirit. The company is an innovative pioneer in the field of wireless communications and has made invaluable contributions to the national security of the United States. Accordingly, MEC is uniquely qualified to carry out its plans to use spectrum in a way that promotes efficient spectrum usage, enhances public safety access to high-speed service, and advances the Commission's broadband deployment objectives across the country.

One of the primary objectives of the Commission's auction rules is to ensure that only financially qualified applicants receive licenses so that the provision of service to the public is expedited.³ Timely auction payments are the principal way the Commission determines the financial qualifications of a winning bidder.⁴ MEC will establish its financial qualifications paying its auction obligations in a timely fashion.⁵

MEC certifies that it is in compliance with the foreign ownership requirements of § 310 of the Act, 47 U.S.C. § 310. It also certifies that it is legally, technically, financially and otherwise qualified pursuant to § 308(b) of the Act.

³ See, e.g., *Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, 20 FCC Rcd 11268, 11287 (2005).

⁴ See *id.* See also *Delta Radio, Inc.*, 18 FCC Rcd 16889, 16896-97 (2003), *aff'd*, *Delta Radio, Inc. v. FCC*, 387 F.3d 897 (D.C. Cir. 2004).

⁵ As indicated in Schedule B of the FCC Form 601, MEC is not applying as a designated entity pursuant to 47 C.F.R. § 1.2110.

IV. PROPOSED OPERATIONS

After researching the available technologies and reviewing the M2Z's application, MEC concluded that M2Z's choice of technology is best suited for the 2155-2175 MHz frequency band and for the provision of the proposed wireless broadband service. Accordingly, MEC also proposes to construct and operate a system designed to maintain broadband service at 384 kbps downstream and 128 kbps upstream. The proposed system will use spectrally efficient technology that will minimize or avoid interference with adjacent spectrum users. The specific technical parameters of the proposed system are set forth below.

A. Technology

In order to achieve spectrum efficiency and provide high network capacity, and quality wireless broadband service, MEC will use Time Division Duplex ("TDD") along with Orthogonal Frequency Division Multiple Access ("OFDMA"), and Advanced Antenna System ("AAS").

1. Time Division Duplex

TDD is the application of time division multiplexing to separate the transmitting and receiving signals. Using the TDD method, a single frequency block is assigned to both the transmitter and receiver, which allows an unpaired spectrum in the 2155-2175 MHz band to be used in the most efficient way. Using TDD, both the downlink and uplink transmissions share the same transmission medium by dividing the data stream into frames and, within each frame, assigning different time slots to the forward and reverse link.

TDD eliminates the use of guard bands between uplink and downlink, since they both use the same block of spectrum. Hence, it minimizes spectrum loss. Additionally, TDD allows for dynamic allocation of the time slots assigned to uplink or downlink. This feature enables the

operator to define the percentage of uplink traffic verses the downlink traffic. In asymmetric operations, such as last mile applications, where the uplink traffic is typically a fraction of the downlink traffic, TDD minimizes the spectrum waste.

2. Orthogonal Frequency Division Multiple Access Technology

OFDMA technology enables multiple users to access the system by assigning subsets of a carrier's bandwidth (called "subcarriers") to individual users. Each user may be assigned to a particular subcarrier for a particular length of time. OFDMA has great spectral efficiency due to this dynamic frequency allocation. Since the user-to-subcarrier assignment is achieved in a fast and adaptive way, OFDMA can combat narrow-band co-channel interference and fast fading more effectively.

B. Advanced Antenna System

In order to increase the network capacity and quality of service, MEC will employ the AAS technology. Beam forming is one of the most important features of the AAS and it helps improve the quality of the network operation. Using this feature, antenna patterns can be modified so that stronger signals are received by desired users and nulls in the antenna pattern target undesired users or interferers. MEC will employ this technology to extend the range of its coverage and minimize interference in the network.⁶

C. Avoiding Harmful Interference

MEC recognizes the current operation of FS and BRS in the 2155-2175 MHz band. Additionally, future AWS operations are located in the 2110-2155 MHz band and 2175-2180 MHz band adjacent to MEC's proposed spectrum location. MEC is committed to work

⁶ Because it is proposing a nationwide broadband wireless network, MEC cannot submit a Schedule D to the FCC Form 601.

cooperatively with the existing incumbents in the 2155-2175 MHz band as well as the AWS operators in the adjacent bands to avoid harmful co-channel and adjacent channel interference.

V. PUBLIC INTEREST CONSIDERATIONS

Under § 309(a) of the Act, the FCC “shall grant” a wireless license application upon a finding that “public interest, convenience, and necessity would be served by the granting thereof”. 47 U.S.C. § 309(a). For the reasons set forth below, a grant of MEC’s application would serve the public interest, convenience and necessity.

A. The Proposed Service Will Promote the FCC’s Broadband Deployment Goals.

In his recent statement before the Senate Committee on Commerce, Science & Transportation, Chairman Kevin J. Martin emphasized that “[w]ireless service is becoming increasingly important as another platform to compete with cable and DSL as a provider of broadband” and that “[t]he Commission is making available as much spectrum as possible to put the next generation of advanced wireless devices into the hands and homes of consumers.”⁷ Commissioner Deborah Taylor Tate’s statement similarly underscored the importance of broadband deployment using wireless and other technological platforms:

Broadband deployment is essential for the future of our country, not only for the communications industry but also for every business in America and for our place as a global leader. ... The convergence of services and platforms – from cable modem and DSL to fiber-optics, satellite, and wireless – will only help to further drive the need for better and more ubiquitous broadband throughout the country.⁸

Clearly, wireless technology will play a key part as a platform for promoting the

⁷ Written Statement of the Honorable Kevin J. Martin, Chairman, on “Assessing the Communications Marketplace: A View from the FCC”, Before the Committee on Commerce, Science & Transportation, U.S. Senate (Feb. 1, 2007).

⁸ Written Statement of Deborah Taylor Tate, Commissioner, on “Assessing the Communications Marketplace: A View from the FCC”, Before the Committee on Commerce, Science & Transportation, U.S. Senate (Feb. 1, 2007).

availability of broadband communications for all Americans.

The proposed service will provide access to high-speed broadband service⁹ for free (other than the purchase of relatively low-cost equipment). Additionally, as described above in Section III, *supra*, the technical parameters of the proposed service will promote efficient use of spectrum. The Commission has concluded that “designating [the 2155-2175 MHz] band for [Advanced Wireless Service] will promote efficient use of the spectrum and allow for the rapid introduction of high-value services in the band.”¹⁰ Service will be provided using TDD technology, which minimizes spectrum waste by eliminating the need for guard bands. It will also make use of OFDMA technology, which further promotes spectral efficiency by allowing multiple users to access portions of a carrier’s frequency channel for a specified period of time. Finally, MEC will employ AAS to extend the range of its coverage and minimize interference with other licensees.

B. MEC Commits to Several Enforceable Public-Interest Obligations.

The service proposed in this application will serve the public interest in several ways. In addition to offering access to high-speed service free of charge (other than the purchase of relatively low-cost receivers), MEC will undertake the following enforceable conditions:

- MEC will begin offering service within 24 months of a grant of this application.
- MEC commits to follow a service deployment schedule with specific

⁹ Service will be provided at 384 kbps downstream and 128 kbps upstream, which is “high-speed service” as defined by the Commission. See “High-Speed Services for Internet Access: Status as of June 30, 2006” (Indust. Analysis Div., Jan. 2007).

¹⁰ *Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, 20 FCC Rcd 15866, 15872 (2005).

population coverage benchmarks.

- MEC commits to outfit its system with advanced network filtering technology for purposes of blocking access to indecent or obscene material.
- MEC commits to serve any federal, state, county, or municipal public safety organization wishing to use its service, without regard to the number of devices utilizing the network.
- MEC commits to operate its system in a manner that avoids interference to adjacent spectrum users, and to comply with the Commission's relocation policies for FS and BRS operations currently within the 2155-2175 MHz band.

VI. CONCLUSION

For all the foregoing reasons, MEC respectfully submits that it has demonstrated that: (1) its application is acceptable for filing under §§ 308 and 309 of the Act; (2) it is qualified under §§ 308(b) and 309(j)(5) to participate in the auction required by § 309(j)(1) for the license to operate a nationwide broadband wireless network in the 2155-2175 MHz frequency band; and (3) the grant of its application would serve the public interest, convenience and necessity.