

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

In the Matter of)	
)	
PENDLETON C. WAUGH, CHARLES M. AUSTIN, and JAY R. BISHOP)	EB Docket No. 07-147
)	File No. EB-06-IH-2112
)	NAL/Acct. No. 200732080025
)	
PREFERRED COMMUNICATION SYSTEMS, INC.)	FRN No. 0003769049
)	
Licensee of Various Site-by-Site Licenses in the Specialized Mobile Radio Service.)	
)	
PREFERRED ACQUISITIONS, INC.)	FRN No. 0003786183
)	
Licensee of Various Economic Area Licenses in the 800 MHz Specialized Mobile Radio Service)	

To: Administrative Law Judge Arthur I. Steinberg

MOTION TO DEFER DEADLINE FOR REQUESTS FOR ADMISSION

Charles M. Austin; Preferred Communication Systems, Inc.; and Preferred Acquisitions, Inc. (collectively, "Movants"); by their undersigned counsel, jointly move the presiding judge to defer the deadline for the service of requests for admission of the genuineness of documents or the truth of facts, in support whereof the following is respectfully shown:

1. Section 1.246(a) of the Commission's Rules and Regulations provides, in pertinent part, that requests for admission shall be served "[w]ithin 20 days after the time for filing a notice of appearance has expired ... or within such shorter or longer time as the presiding officer may allow." 47 C.F.R. § 1.246(a). The Commission directed that notices of appearance in case be filed within thirty days of release of the hearing designation order, *Order to Show Cause and Notice of Opportunity for Hearing* (FCC 07-125, released July 20, 2007) (hereinafter "*OSC*") at ¶65, *i.e.*, on or before August 19, 2007. The due date for requests for admission is therefore today, Monday, September 10, 2007.

The initial pre-hearing conference has been scheduled for Wednesday, September 12, 2007, *i.e.*, just two days from now. *Order* (FCC 07M-26; released July 26, 2007). Given the seriousness of the issues involved, the complexity of the facts, the number of parties, and the fact that Movants have only recently retained hearing counsel, the interests of justice will be served, and no party will be prejudiced,

by deferring the request for admissions deadline. At the pre-hearing conference on Wednesday, a deadline for requests for admission should be established along with related discovery deadlines and other procedural dates.

WHEREFORE, it is requested that the deadline for service of requests for admission prescribed in 47 C.F.R. § 1.246(a) be deferred pending the setting of an overall discovery schedule at the pre-hearing conference currently scheduled for Wednesday, September 12, 2007.

Respectfully submitted this 10th day of September, 2007,

CHARLES M. AUSTIN
PREFERRED COMMUNICATION SYSTEMS, INC.
PREFERRED ACQUISITIONS, INC.

By:



David J. Kaufman
Brown Nietert & Kaufman, Chartered
1301 Connecticut Ave. NW, Suite 450
Washington, DC 20036
Telephone: 202-887-0600
Email: david@bnkcomlaw.com

By:



Robert J. Keller
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428
Washington, D.C. 20033-0428
Telephone: 202-223-2100
Email: rjk@telcomlaw.com

Date: September 10, 2007

Certificate of Service

I, Robert J. Keller, counsel for Charles M. Austin; Preferred Communication Systems, Inc.; and Preferred Acquisitions, Inc., in EB Docket No. 07-147, hereby certify that I have, on the date indicated below, caused copies of the foregoing pleading to be mailed, first class U.S. postage prepaid, to the persons indicated and at the addresses shown below, except as otherwise indicated.

* The Honorable Arthur I. Steinberg, Esquire
Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, D.C. 20554

* Gary A. Oshinsky, Esquire
Anjali K. Singh, Esquire
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554

* Pendelton C. Waugh
9150 E Del Camino
Scottsdale, Arizona 85258

Jay R. Bishop
c/o Michelle Bishop
3520 N. Weston Pl.
Long Beach, California 90807



Robert J. Keller

Date: September 10, 2007

* Courtesy copies also sent via email.