

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

FILED/ACCEPTED  
OCT 15 2007  
Federal Communications Commission  
Office of the Secretary

In the Matter of ) EB Docket No. 07-147  
)  
)  
**PENDLETON C. WAUGH, CHARLES M.** ) File No. EB-06-IH-2112  
**AUSTIN, and JAY R. BISHOP** ) NAL/Acct. No. 200732080025  
)  
**PREFERRED COMMUNICATION** ) FRN No. 0003769049  
**SYSTEMS, INC.** )  
)  
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: Preferred Acquisitions, Inc.

**ENFORCEMENT BUREAU'S FIRST INTERROGATORIES**  
**TO**  
**PREFERRED ACQUISITIONS, INC.**

1. The Enforcement Bureau ("Bureau"), pursuant to Sections 1.311 and 1.323 of the Commission's rules, 47 C.F.R. §§ 1.311 and 1.323, submits the following interrogatories to Preferred Acquisitions, Inc. ("PAI").

2. PAI shall deliver its responses to the offices of the Investigations and Hearings Division, Enforcement Bureau, Suite 4-C330, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554 (or at some other location that is mutually acceptable to the Bureau and PAI) within 14 days of the date of these interrogatories.

3. The obligation of PAI to answer these interrogatories is continuing in nature. PAI has an obligation to provide in the future any and all additional responsive

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information that may come to its attention subsequent to its answering these interrogatories but not initially disclosed at the time, date and place set forth herein or in any supplemental answers that it submits. In this regard, PAI must supplement its initial and supplemental responses if it learns that, in some material respect, the responses initially provided, or as supplemented, were incomplete or incorrect or if additional responsive information is acquired by or has become known to it after its initial or supplemental responses.

### **Definitions and Instructions**

- a. As used herein, the term "PAI" means Preferred Acquisitions, Inc., its parent company, subsidiaries and affiliates.
- b. The term "Commission" means Federal Communications Commission and includes any and all Bureaus, Divisions, Branches, and offices thereof.
- c. The terms "relate to" and "relating to" mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.
- d. The term "and" also means "or" and the term "or" also means "and."
- e. The term "each" also means "every" and the term "every" also means "each."
- f. The term "all" also means "any" and the term "any" also means "all."
- g. The term "identify" when used with reference to a person or persons, means to state his or her full name; last known business and residence addresses; and last known business and residence telephone numbers.
- h. The term "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original

because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of PAI.

i. With regard to each answer, identify the person(s) or document(s) relied upon by PAI in determining the substance of the answer.

j. The terms “authorization,” “authorizations,” “license” or “licenses” refer to those licenses identified in footnotes 1-2 of the Commission’s Order in the above-captioned proceeding, *Pendleton C. Waugh, et al.*, Order to Show Cause and Notice of Opportunity for Hearing, FCC 07-125, released July 20, 2007.

### **Interrogatories**

1. Describe fully PAI’s corporate structure for each year from January 1, 1998, to the present.

2. Identify all officers, directors, shareholders, and creditors of PAI at any and all times during each year from January 1, 1998, to the present. As to each such person:
  - a. Specify his or her office, title, or position held with PAI and dates of service in each office or position;
  - b. Specify the nature and extent of his or her stock interest in PAI, including percentages of ownership and voting rights; and
  - c. If the person no longer is an officer, director, shareholder, and/or creditor of PAI, specify the date and reason that the person ceased being an officer, director, shareholder, and/or creditor of PAI.
3. Identify the name of all entities under which PAI has done business at any time during the period from January 1, 1998, to the present. For each such entity:
  - a. Specify the principal place of business;
  - b. Specify the telephone number;
  - c. Specify the dates of operation; and
  - d. Specify the nature of such business.
4. Describe any ownership interest in any business that PAI has held at any time during the period from January 1, 1998, to the present, and, for each such business, provide the dates of operation.
5. State whether PAI has filed federal income tax returns for each year between January 1, 1998, and the present. If not, explain fully why not.
6. Describe each and every professional and/or trade license held by PAI between January 1, 1998, and the present.

7. State whether Pendleton C. Waugh has ever held an interest of any kind and to any extent whatsoever in PAI, its applications, and or its licenses. If so, describe fully.
8. State whether Jay R. Bishop has ever held an interest of any kind and to any extent whatsoever in PAI, its applications, and or its licenses. If so, describe fully.
9. State whether Pendleton C. Waugh has ever directly or indirectly held any shares of PAI stock. If so, specify the number and class of shares that Pendleton C. Waugh has held, the dates of such acquisition, the terms of such acquisition, and the percentage of overall outstanding and issued stock shares those shares represented for every year that Pendleton C. Waugh held such stock.
10. State whether Jay R. Bishop has ever directly or indirectly held any shares of PAI stock. If so, specify the number and class of shares that Jay R. Bishop has held, the dates of such acquisition, the terms of such acquisition, and the percentage of overall outstanding and issued stock shares those shares represented for every year that Jay R. Bishop held such stock.
11. Identify all contracts, agreements, or understandings, whether oral or written, whether currently in existence or otherwise, of any kind whatsoever, between Pendleton C. Waugh and PAI.
12. Identify all contracts, agreements, or understandings, whether oral or written, whether currently in existence or otherwise, of any kind whatsoever, between Jay R. Bishop and PAI.

13. State whether Pendleton C. Waugh has ever entered into any agreements to acquire shares of PAI stock directly or indirectly. If so, specify the number and class of any shares he agreed to acquire and identify the parties to, dates of, and terms of each such agreement.
14. State whether Jay R. Bishop has ever entered into any agreements to acquire shares of PAI stock directly or indirectly. If so, specify the number and class of any shares he agreed to acquire and identify the parties to, dates of, and terms of each such agreement.
15. State whether any of the authorizations licensed to PAI are or ever have been controlled in part or in full by Pendleton C. Waugh. If so, state the type of control or ownership interest. For each ownership interest, state the percentage of such ownership.
16. State whether any of the authorizations licensed to PAI are or ever have been controlled in part or in full by Jay R. Bishop. If so, state the type of control or ownership interest. For each ownership interest, state the percentage of such ownership.
17. State whether Pendleton C. Waugh is or at any time has been the real party-in-interest behind any of PAI's licenses or applications.
18. State whether Jay R. Bishop is or at any time has been the real party-in-interest behind any of PAI's licenses or applications.
19. State whether PAI or any individual on behalf of PAI has entered into a management contract (whether written or otherwise) for control of the day-to-

day operations of PAI. If so, provide the dates, terms, and description of the services/responsibilities of the manager under such contract.

**B. Employees and Control**

20. Identify all current and former employees of PAI during the period from January 1, 1998, to the present. As to each such person:
  - a. Specify his or her title, position held, job responsibilities, and dates of service in such title and/or position held; and
  - b. If the person no longer is an employee of PAI, specify the date and reason the person left the employment of PAI.
21. Identify all current and former managers and supervisors of PAI during the period from January 1, 1998, to the present. As to each such person:
  - a. Specify his or her title, position held, job responsibilities, and dates of service in each position held; and
  - b. If the person no longer is an employee of PAI, specify the date and reason the person left the employment of PAI.
22. Identify all individual(s) that have had unfettered use of all of PAI's licenses and/or equipment from January 1, 1998, to the present.
23. Identify all individual(s) that have had responsibility for control of PAI's daily operations from January 1, 1998, to the present.
24. Describe in detail Charles M. Austin's responsibilities for the day-to-day operations of PAI between January 1, 1998, and the present, including but not limited to (1) supervision of employees; (2) control of directors; (3) FCC filings; (4) debt or operations financing; and (5) revenue generation and allocation. If

the nature of such involvement has changed in any way between the period of time from January 1, 1998, to the present, describe fully how such involvement changed.

25. State whether PAI has ever employed Pendleton C. Waugh. If so, state the dates and terms of such employment, the nature of the services provided by Pendleton C. Waugh, and compensation paid for such services.
26. Describe in detail Pendleton C. Waugh's responsibility for the day-to-day operations of PAI between January 1, 1998, and the present, including but not limited to (1) supervision of employees; (2) control of directors; (3) FCC filings; (4) debt or operations financing; and (5) revenue generation and allocation. If the nature of such involvement has changed in any way between the period of time from January 1, 1998, to the present, describe fully how such involvement changed.
27. State whether PAI has ever employed Jay R. Bishop. If so, state the dates and terms of such employment, the nature of the services provided by Jay R. Bishop, and compensation paid for such services.
28. Describe in detail Jay R. Bishop's responsibilities for the day-to-day operations of PAI between January 1, 1998, and the present, including but not limited to (1) supervision of employees; (2) control of directors; (3) FCC filings; (4) debt or operations financing; and (5) revenue generation and allocation. If the nature of such involvement has changed in any way between the period of time from January 1, 1998, to the present, describe fully how such involvement changed.

29. Identify all individual(s) that have ever been responsible for preparing, filing, or assisting in preparing and filing, Documents on behalf of PAI with the Commission.
30. State whether Pendleton C. Waugh has ever participated in preparation, filing, or assisting in preparing and filing, of Documents on behalf of PAI with the Commission. If so, explain fully such participation.
31. Identify all individual(s) that have ever prepared Documents containing the phrase “action items” on behalf of PAI. Provide a general explanation of the content of each such Document.
32. State whether Pendleton C. Waugh has ever prepared Documents containing the phrase “action items” on behalf of PAI. If so, explain fully such participation.
33. Identify all individual(s) that have ever prepared, or assisted in preparing, correspondence or other materials to investors on behalf of PAI. Provide a general explanation of the content of each such Document.
34. State whether Pendleton C. Waugh has ever prepared, or assisted in preparing, correspondence or other materials to investors on behalf of PAI. If so, explain fully his involvement.
35. Identify all individual(s) that have ever been responsible for negotiating with other parties on behalf of PAI, such as in contracts, investment agreements, and/or legal proceedings.
36. State whether Pendleton C. Waugh has ever participated in negotiation with other parties on behalf of PAI, such as in contracts, investment agreements, and/or legal proceedings. If so, explain fully such participation.

37. Identify all individual(s) responsible for the creation of the annual budget for PAI for each year beginning in 1998 to the present.
38. State whether Pendleton C. Waugh has ever participated in creating the annual budget for PAI. If so, explain fully such participation.
39. Identify all individual(s) that have been responsible for payment of financing obligations that PAI has incurred, including expenses arising out of operating, since the date of PAI's inception.
40. State whether Pendleton C. Waugh has ever fully held or shared responsibility for payment of financing obligations that PAI has incurred, including expenses arising out of operating. If so, explain fully. If Pendleton C. Waugh has ever shared such responsibility, identify with whom he has shared it.
41. Identify all individual(s) who have ever received consideration of any kind whatsoever, compensation, monies, and/or profits from the operation of PAI's facilities or business. Describe fully what share, percentage, and/or amount of such consideration, compensation, monies, and/or profits that each individual receives and disclose any agreements pertaining to such receipt. As to each individual, state the time period(s) during which such receipt of compensation, monies, and/or profits occurred.
42. State whether Pendleton C. Waugh has ever received consideration of any kind whatsoever, compensation, monies and/or profits from the operation of PAI's facilities or business. If so, explain fully.
43. Identify all individual(s) that have had authority to hire, fire, or supervise PAI's employees, since the date of its inception.

44. State whether Pendleton C. Waugh has ever hired, fired, or supervised PAI's employees. If so, explain fully.
45. Specify the date on which PAI became a Commission licensee.
46. Specify by licensee name, licensee address, licensee telephone number, call sign, service, location, and expiration date all FCC licenses held and/or controlled by PAI.
47. Specify by licensee name, licensee address, licensee telephone number, call sign, service, location, and expiration date all FCC licenses held and/or controlled by each and every officer, director, and shareholder of PAI.
48. Identify by file number, application number, application title, date of filing, purpose, and disposition of each and every application filed with the Commission by or on behalf of PAI between January 1, 1998, and the present.  
As to each such application:
  - a. Identify each and every person who was engaged in the planning, preparation, review, and/or filing of the application; and
  - b. Describe fully the nature and extent of his or her involvement therein.
49. State whether any officer, director, and/or shareholder of PAI has ever been convicted of a felony in a state or federal court. If so, as to each such conviction:
  - a. Specify the case number;
  - b. Identify the convicted felon;
  - c. Specify the court in which the conviction occurred;
  - d. State the date of the conviction;
  - e. Describe the nature of the offense;

- f. State the date of the offense; and
  - g. Describe the nature and extent of the sentence handed down.
50. Specify when, where, and by what means Charles M. Austin learned that Pendleton C. Waugh had been convicted of a felony in federal court involving structuring financial transactions with intent to evade federal reporting requirements. Describe fully any Documents relevant to the discovery of such information.
51. Specify when, where, and by what means Charles M. Austin learned that Pendleton C. Waugh had been convicted of a felony in state court involving securities fraud. Describe fully any Documents relevant to the discovery of such information.
52. Specify when, where, and by what means Charles M. Austin learned that Jay R. Bishop had been convicted of felonies in federal court involving intent to defraud the U.S. government and tax evasion. Describe fully any Documents relevant to the discovery of such information.
53. State whether PAI ever reported the felony convictions of Pendleton C. Waugh to the Commission at any time prior to July 27, 2006. If so, identify by whom and specify when and the method by which PAI reported such convictions to the Commission. If not, explain fully why PAI did not report such convictions to the Commission prior to July 27, 2006.
54. State whether PAI ever reported the felony convictions of Jay R. Bishop to the Commission at any time prior to January 25, 2007. If so, identify by whom and specify when and the method by which PAI reported such convictions to the

Commission. If not, explain fully why PAI did not report such convictions to the Commission prior to January 25, 2007.

55. Identify by file number, application number, application title, date of filing, purpose of the application, and disposition each and every application that PAI has filed with the Commission between January 1, 1998, and the present in which it responded “No” to the question, “Has the applicant to this application or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court?” As to each such application, describe fully the basis for such “No” response.

56. With respect to the FCC Form 175, dated July 17, 2000, submitted by PAI, in Auction 34:

- a. Identify each and every person who was involved in any manner and to any extent in the decision to file the application.
  - i. Describe the nature and extent of each person’s involvement.
  - ii. Describe fully the basis for the decision to file the application.
- b. Identify all persons who were involved in drafting the following statement on page 1 of Exhibit A to the application: “PCSI has agreed to issue additional shares that would dilute the ownership of Mr. Austin, conditioned upon receipt of prior FCC approval. PCSI expects to file an application seeking such FCC approval with respect to PCSI’s incumbent 800 MHz licenses in the near future. However, as PCSI is contractually committed to seek such FCC approval, PCSI is providing the information herewith to show what the ownership would be on a fully diluted basis

after a receipt of FCC approval and after conversion into equity of all existing convertible debt instruments.”

- c. State the date when that application was filed with the Commission, and state whether that representation was true on that date. If not, explain fully why not.
- d. State whether the representation in subpart b. is currently true, and if not, explain fully why not.
- e. Identify all persons who were involved in drafting the statement “Fully diluted ownership of PCSI voting stock” on pages 1 of Exhibit A to the application and noted “32.7” next to the each of the following: Charles M. Austin, Raymond A. Hebrank Irrevocable Voting Trust, and Bishop Irrevocable Trust.
- f. State the date when that application was filed with the Commission, and state whether that representation was true on that date. If not, explain fully why not.
- g. State whether the representation in subpart e. is currently true, and if not, explain fully.
- h. State whether the application disclosed that Pendleton C. Waugh held 800,000 shares of PCSI stock. If so, identify the place in the application disclosing such interest. If not, describe fully why not.
- i. State whether PAI certified as to the accuracy of the information in the application. If so, identify who so certified on behalf of PAI. If not, describe fully the basis for such decision.

57. With respect to the FCC Form 602, FCC Ownership Disclosure Information for the Wireless Telecommunications Services, Schedule for Disclosable Interest Holders, dated September 20, 2000, submitted by PAI, in Auction 34:

- a. Identify each and every person who was involved in any manner and to any extent in the decisions regarding the nature and content of the Form 602.
  - i. Describe the nature and extent of each person's involvement.
  - ii. Describe fully the basis for the decisions regarding the nature and content of the Form 602.
- b. Identify all persons who were involved in drafting "Preferred Communication Systems, Inc." under "Disclosable Interest Holder's Name (If Entity)" on page 1 of Schedule A of Form 602.
- c. Identify all persons who were involved in drafting "Charles M. Austin" under "Disclosable Interest Holder Information" on page 2 of Schedule A of Form 602.
- d. State whether PAI identified any additional disclosable interest holders in the Form 602. If so, identify such additional disclosable interest holders. If not, describe fully the basis for such decision.
- e. State whether PAI certified as to the accuracy of the information in the Form 602 on page 1. If so, identify who so certified on behalf of PAI. If not, describe fully the basis for such decision.

58. With respect to the FCC Form 601, FCC Application for Wireless Telecommunications Bureau Radio Service Authorization, dated September 27, 2000, submitted by PAI, in Auction 34:
- a. Identify each and every person who was involved in any manner and to any extent in the decision to file the application.
    - i. Describe the nature and extent of each person's involvement.
    - ii. Describe fully the basis for the decision to file the application.
  - b. Describe fully the basis for not responding to Inquiry 28 on page 2 of the application, which requests the "Name of Real Party in Interest of Applicant (if different from applicant)."
  - c. Describe fully the basis for PAI's answer of "N" to indicate "No" to Inquiry 50 on page 3 of the application, which states "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?"
  - d. State whether PAI certified as to the following statements on page 4 of the application, and if so, identify, as to each, who signed such certification on behalf of PAI:
    - i. "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."

- ii. “The applicant certifies that it either (1) has current 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.”

As to this last statement, if PAI so certified, explain which aspect of the statement applied to PAI.

59. With respect to the FCC Form 601, FCC Application for Wireless

Telecommunications Bureau Radio Service Authorization, dated December 14, 2005, amended December 22, 2005, and submitted by PAI:

- a. Identify each and every person who was involved in any manner and to any extent in the decision to file the application.
  - i. Describe the nature and extent of each person’s involvement.
  - ii. Describe fully the basis for the decision to file the application.
- b. With respect the statement on page 5 of Exhibit 1 of the application that “Preferred has commenced construction as envisioned by that standard. It has the necessary frequency radio neutral equipment on hand or on firm order. It has the necessary commitments for tower site locations,” state whether PAI made the statement. If so, provide the following information:
  - i. Identify who made this statement on behalf of PAI.
  - ii. Describe fully the basis for such statement.
  - iii. State whether the statement was accurate when PAI submitted the application

- iv. State whether the statement is currently accurate, and if not, describe fully why.
- c. With respect to the following statement, appearing 10 times in describing each of 10 EA markets in which PAI holds licenses, on pages 1-2 of the Declaration of Charles M. Austin attached to the application: “Preferred has negotiated and finalized site leases for each of these sites. All leases have been or will be executed by both parties as of December 20, 2005,” state whether PAI, through Charles M. Austin, made the statement. If so, provide the following information:
  - i. Describe fully the basis for such statement for each EA market.
  - ii. State whether the statement was accurate for each EA market when PAI submitted the application.
  - iii. State whether the statement is currently accurate for each EA market, and if not, explain fully why.
- d. State whether there are any statements in the application that were inaccurate as of the date that PAI submitted it. If so, identify which statements, and explain fully how they were inaccurate.
- e. State whether there are any statements in the application that have become inaccurate since PAI filed the application. If so, describe fully such statements, the date they became inaccurate, and how they have become inaccurate.
- f. With respect to statements identified in answer to Inquiries 46.e. or 46.f., if any, state whether PAI ever updated the Commission concerning the

inaccuracies in its applications and describe fully the date and mechanism of such update(s). If not, describe fully why PAI made no such updates to the Commission. If no statements were identified in answer to Inquiries 46.e. or 46.f., state “Not applicable.”

60. State whether PAI has constructed its own facilities to build out its licenses, or whether it has leased facilities to enable operation of its licenses. If the former, identify the address of such facilities. If the latter:

- a. Identify each company from which PAI has leased such facilities, including the name, address, and phone number of a contact person at the company; the dates of such leases; the parties to such leases; the licenses to which such leases apply; and payments that PAI makes under such leases. Submit copies of such leases and related Documents, including proof that PAI has made payments under such leases.
- b. State whether PAI has ever defaulted on any tower leases pertaining to its licenses. If so, explain fully the basis for such default, whether PAI owes money due to such default, and whether there is any past or current litigation concerning such default.
- c. State whether PAI has ever defaulted on any tower leases pertaining to its licenses. If so, specify the license(s) to which any such lease pertains, the parties to any such lease, the date that any such lease was entered, and the date on which PAI defaulted on any such lease. Additionally, describe fully the circumstances of such default, and identify the tower lessor and an appropriate contact person at the tower company.

61. State whether Pendleton C. Waugh has ever been involved in any manner and to any extent whatsoever, either directly or indirectly, in drafting, filing, or submitting any applications on behalf of PAI before the FCC. If so, state the full name, date, and if applicable, FCC File Number, of each such application, and describe fully the extent of his involvement as to each application.
62. State whether Jay R. Bishop has ever been involved in any manner and to any extent whatsoever, either directly or indirectly, in drafting, filing, or submitting any applications on behalf of PAI before the FCC. If so, state the full name, date, and if applicable, FCC File Number, of each such application, and describe fully the extent of his involvement as to each application.

**F. Miscellaneous**

63. State whether PAI, or any entity controlled or operated by PAI, is or has been involved in any litigation between January 1, 1998, and the present. If so, identify the parties, and describe the nature and status of all such litigation.

64. State whether PAI received a copy of the Order to Show Cause and Notice of Opportunity for Hearing in *Pendleton C. Waugh, et al.*, FCC 07-125 (released July 20, 2007), and if so, the date on which PAI received it.

Respectfully submitted,  
Kris Anne Monteith  
Chief, Enforcement Bureau



Gary Oshinsky  
Attorney, Investigations and Hearings Division



Anjali Singh  
Attorney, Investigations and Hearings Division

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October 15, 2007

**CERTIFICATE OF SERVICE**

Kerri Johnson a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 15th day of October, 2007, sent by first class United States mail or electronic mail, as noted, copies of the foregoing "Enforcement Bureau's First Interrogatories to Preferred Acquisitions, Inc." to:

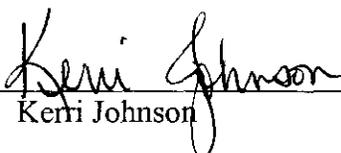
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Kerri Johnson

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