

STAMP AND RETURN

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
PENDLETON C. WAUGH, CHARLES M.) EB Docket No. 07-147
AUSTIN, and JAY R. BISHOP)
)
PREFERRED COMMUNICATIONS) File No. EB-06-IH-2112
SYSTEMS, INC.) NAL/Acct. No. 200732080025
)
Licensee of Various Site-by-Site Licenses in) FRN No. 0003769049
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: The Honorable Richard L. Sippel
Chief Administrative Law Judge

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JUL 29 2009
Federal Communications Commission
Bureau / Office

MOTION FOR LEAVE TO FILE REPLY TO OPPOSITION TO MOTION FOR LIMITED INTERVENTION

Michael D. Judy, on behalf of himself and the undersigned Movants (collectively "Movants"), hereby seeks leave to file the attached Reply ("Reply") to the Enforcement Bureau's Opposition ("Opposition") to Motion for Limited Intervention. The Reply highlights a key point on which Movants and the Enforcement Bureau agree, which counsels strongly in favor of granting Movants' Motion for Limited Intervention ("Motion").

Movants here simply ask for the right to participate so that they can ask the Presiding Judge to hold any proposed settlement between the Enforcement Bureau and the above-captioned corporate parties in abeyance pending resolution of litigation recently initiated in the Delaware Chancery Court. That litigation could result in actions that would alter Charles Austin's lawful

entitlement to exercise any ongoing or future managerial authority over Preferred Communications Systems, Inc. ("PCSI"). In its Opposition, the Enforcement Bureau acknowledges that "no party to the settlement negotiations, least of all the Bureau, is interested in expending time and effort in negotiating, executing and complying with a settlement that would ultimately fail due to Austin's lack of authority."¹ The attached Reply explains the Chancery Court's schedule for determining the critical questions that will likely lead to Mr. Austin's removal or a significant reduction of authority from his current role. As such, consideration of any settlement proposed before this hearing could well result in the Presiding Judge "expending time and effort in negotiating, executing and complying with a settlement that would ultimately fail due to Austin's lack of authority." Thus, the Reply explains, the Enforcement Bureau's argument is consistent with grant, not denial, of the underlying Motion.

CONCLUSION

For the foregoing reasons, the Presiding Judge should grant leave for the undersigned Movants to file the attached Reply to Opposition to Motion for Limited Intervention.

Respectfully submitted,

Michael D. Judy

Michael D. Judy

On behalf of himself and the following:

Linda Allen
Kenneth E. Aull
Alison D. Aull
Carole Lynn Downs
Kenneth Fry
Lia R. Gutierrez
James Herrick

¹ Opposition at 4.

Jane Herrick
Jamison N. Herrick
Mary E. Herrick
John Herrick
Sharlene Herrick
Julie Herrick
Marilyn Huckins
Lee Jones
R. J. Leedy
Alan D. Pelton
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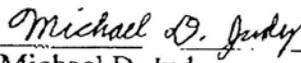
July 29, 2009

CERTIFICATE OF SERVICE

I, Michael D. Judy, do hereby certify that on this 29th day of July, 2009, the foregoing Motion for Leave to File Reply to Opposition to Motion Limited Intervention was served by first class mail, postage prepaid, on the following persons:

The Honorable Richard L. Sippel * Chief Administrative Law Judge Federal Communications Commission 445 12 th Street, S.W., Room 1-C768 Washington, DC 20554	Charles M. Austin Preferred Acquisitions, Inc. Preferred Communications Systems, Inc. 400 E. Royal Lane, 9 Suite N-24 Irving, TX 75039
Gary A. Oshinsky, Esq. * Anjali K. Singh, Esq. Investigations and Hearing Division Enforcement Bureau Federal Communications Commission 445 12 th Street, S.W., Room 4-C330 Washington, DC 20554	William D. Silva, Esq. Law Offices of William D. Silva 5355 Wisconsin Avenue, N.W. Suite 400 Washington, DC 20015-2003 Attorney for Pendleton C. Waugh
Jay R. Bishop P.O. Box 5598 Palm Springs, CA 92262	David L. Hill Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. 1120 20 th Street, N.W. Suite 700, North Building Washington, DC 20036-3406 Attorney for Preferred Investor Association, Inc.

* Also served by hand delivery.


Michael D. Judy