

AUG - 7 2009

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

Federal Communications Commission
Office of the Secretary

In the Matter of)	EB Docket No. 07-147
)	
PENDLETON C. WAUGH, CHARLES M. AUSTIN, and JAY R. BISHOP)	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: Chief Administrative Law Judge
Richard L. Sippel

OPPOSITION TO MOTION FOR PARTIAL SUMMARY DECISION

1. On August 6, 2009, Pendleton C. Waugh filed a Motion for Partial Summary Decision ("Motion") in this proceeding. The Enforcement Bureau ("Bureau") hereby opposes Mr. Waugh's request for relief.¹ In support whereof, the Bureau shows the following.

2. On August 5, 2009, the Presiding Judge issued Order, FCC 09M-51(ALJ Sippel, rel. August 6, 2009) ("Order"). The Order approved a Settlement Agreement

¹ The Bureau believes that the need to file the instant pleading is moot and is only doing so out of an abundance of caution.

No. of Copies rec'd 076
List ABCDE

(entered into by all of the above-captioned parties, except for Mr. Waugh), declared various pending pleadings moot, and terminated this proceeding.

3. On the afternoon of August 6, 2009, after the Order was released, Mr. Waugh filed his Motion. The Motion seeks summary disposition of various issues that were pending before the Presiding Judge when he had jurisdiction of this case.

4. The Bureau submits that the Motion, having been filed after the proceeding was formally terminated, is procedurally defective and necessarily moot. Moreover and as a practical matter, there are simply no longer any pending issues in this proceeding subject to summary decision.

5. Accordingly, the Bureau respectfully submits that the Motion should be summarily dismissed.²

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



Gary A. Oshinsky
Anjali K. Singh
Attorneys, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420

August 7, 2009

² In the event that the above-captioned proceeding is returned to hearing status and the Presiding Judge has not dismissed the Motion, the Bureau hereby reserves the right to respond on the merits of the Motion at that time, pursuant to Section 1.251 of the Commission's Rules, 47 C.F.R. § 1.251.

CERTIFICATE OF SERVICE

David Bradford, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has, on this 7th day of August 2009, sent by first class United States mail or electronic mail, as noted, copies of the foregoing "Opposition to Motion for Partial Summary Decision," to:

Charles M. Austin
Preferred Acquisitions, Inc.
Preferred Communication Systems, Inc.
400 East Royal Lane, 9 Suite N-24
Irving, TX 75039
precomsys@aol.com

Jay R. Bishop
P.O. Box 5598
Palm Springs, CA 92262
jaybishopps@aol.com
michellebishopps@aol.com

William D. Silva**
Law Offices of William D. Silva
5335 Wisconsin Ave., NW
Suite 400
Washington, DC 20015-2003
bill@luselaw.com
Attorney for Pendleton C. Waugh

Chief Administrative Law Judge Richard L. Sippel*
Federal Communications Commission
445 12th Street, S.W., Room 1-C768
Washington, DC 20054



David Bradford

* Hand-Delivered and Courtesy Copies Sent Via E-Mail and Facsimile
** Service Copies May Be Sent Via E-Mail (E-Mail service acceptable in lieu of hard copies for files 4 MB or less per agreement.)