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

FILED/ACCEPTED

AUG 24 2009

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/Act. 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: The Commission

**ENFORCEMENT BUREAU'S REQUEST
REGARDING MICHAEL D. JUDY APPEAL**

1. On August 13, 2009, Michael D. Judy filed an Appeal with the Commission of the Presiding Judge's Order, FCC 09M-51 (ALJ, rel. August 6, 2009) ("Final Ruling"), terminating the above-captioned hearing proceeding and dismissing as moot Mr. Judy's previously-filed motion to intervene. The Enforcement Bureau hereby requests the Commission either to dismiss without prejudice or hold in abeyance Mr. Judy's Appeal. In support whereof, the Bureau shows the following.

2. On August 20, 2009, the Presiding Judge issued Order, FCC 09M-53 (ALJ (rel. August 20, 2009), in which he stayed the effectiveness of his Final Ruling. Thus,

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the decision of the Presiding Judge which is the subject of Mr. Judy's subject Appeal has been placed in abeyance, at least temporarily. In his Order staying the Final Ruling, the Presiding Judge acknowledged that Mr. Judy had filed an Appeal with the Commission, and he invited Mr. Judy to withdraw his Appeal in light of the August 20, 2009, subsequent Order. To the Bureau's knowledge, Mr. Judy has not withdrawn his Appeal, and, thus, the Appeal remains pending before the Commission.

3. The Bureau submits that there is no basis at this time for the Commission to act on Mr. Judy's Appeal, given that the Final Ruling which is the subject of his request for relief has been stayed. Accordingly, the Bureau respectfully requests that the Commission either dismiss Mr. Judy's Appeal without prejudice to re-filing it or stay his Appeal pending disposition below of related matters by the Presiding Judge. In the event Mr. Judy opts to re-file his Appeal at a later date or if the Commission lifts a stay of his Appeal, the Bureau respectfully requests that it be afforded an opportunity to comment on the merits of Mr. Judy's Appeal at that time.

Respectfully submitted,
Suzanne M. Tetreault
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August 24, 2009

CERTIFICATE OF SERVICE

David Bradford, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has, on this 24th day of August, 2009, sent by first class United States mail or electronic mail, as noted, copies of the foregoing

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