

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

In the Matters of)	
)	
JAMES A. KAY, JR.)	WT Docket No. 94-147
)	
Licensee of One Hundred Fifty Two Part 90)	
Licenses in the Los Angeles, California Area)	
)	
MARC SOBEL AND MARC SOBEL)	WT Docket No. 97-56
D/B/A AIR WAVE COMMUNICATIONS)	
)	
Licensee of Certain Part 90 Licenses)	
in the Los Angeles, California Area)	

MOTION FOR FURTHER EXTENSION OF OPERATING AUTHORITY

James A. Kay, Jr. (“Kay”)¹ and Marc D. Sobel (“Sobel) (jointly, “Petitioners”), pursuant to Sections 301 and 308(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 301 & 308(a), Section 9(b) of the Administrative Procedure Act, 5 U.S.C. § 558(c), and Section 1.41 of the Commission’s Rules and Regulations, 47 C.F.R. § 1.41,² hereby respectfully move the Commission to further extend operating authority pursuant to the licenses listed in Attachment A hereto, in support whereof the following is respectfully shown:

1. In previous filings, Petitioners have moved to extend the operating authority to September 10, 2009.³ It was anticipated that this would allow adequate time for Commission consideration of the August 3, 2005, *Motion to Modify Sanction*. Nevertheless, insofar as the specified date is now approaching, Petitioners are submitting this request for further extension of

¹ As to Call Sign WNXW487 this filing is also presented on behalf of Buddy Corp., an entity wholly owned and controlled by Kay. See Attachment A at n.2.

² A separate application by each of the licensees is being filed concurrently herewith.

³ Previous joint motions were filed on October 17, 2005; January 17, 2006; April 12, 2006; July 19, 2006; October 12, 2006; January 9, 2007; April 11, 2007; July 10, 2007; October 9, 2007; and January 18, 2008; April 17, 2008; July 11, 2008; and September 15, 2008; December 11, 2008; March 13, 2009; and June 9, 2009. In addition, on September 4, 2009, a request was filed for extension of time for the submission of this latest motion and the accompanying individual applications to and including September 18, 2009. (see copy attached)

operating authority, out of an abundance of caution, to ensure adequate time for a final resolution of the *Motion to Modify Sanction*.

2. Accordingly, for the same reasons stated in the previous filings (see footnote 3, above), all of which are still fully applicable, Petitioners respectfully move the Commission to further extend and continue their operating authority for an additional ninety (90) days, to and including December 9, 2009, pending and subject to Commission consideration of and action on the August 3, 2005, *Motion to Modify Sanction*.

Respectfully submitted:



By: _____
Robert J. Keller
Counsel for James A. Kay, Jr., and
Marc Sobel d/b/a Air Wave Communications
Law Offices of Robert J. Keller, P.C.
PO Box 33428 – Farragut Station
Washington, D.C. 20033-0428
202-223-2100

Dated: September 10, 2009

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

ATTACHMENT A
Page 1 of 2

JAMES A. KAY, JR.

<u>Calls Sign</u>	<u>Svc</u>	<u>Exp. Date</u> ⁴
WNIZ676	GX	01/21/1998
WNJA910	YX	06/22/1998
WNJL306	YX	12/22/1997
WNKV762	YX	03/21/1999
WNMT755	GX	05/11/1998
WNMY402	YX	10/31/2000
WNMY773	GX	01/06/1999
WNPJ874	YX	06/07/1998
WNSK552	YX	08/10/1998
WNVL794	GX	02/18/1998
WNVW779	GX	05/11/1998
WNWB268	GX	05/17/1998
WNWB332	GX	05/11/1998
WNWK982	GX	05/11/1998
WNWN703	GX	03/30/1998
WNWQ651	GX	05/11/1998
WNXB280	GX	04/16/1998
WNXG372	GX	05/17/1998
WNXQ353	GX	05/11/1998
WNXQ911	GX	01/27/1998
WNXS450	GX	05/11/1998
WNXS753	GX	01/29/1997
WNXW280	GX	05/11/1998
WNXW327	YX	06/01/1998
WNXW487 ⁵	GB	11/23/1997
WNXW549	GX	05/11/1998
WNYQ437	GX	05/11/1998
WNYR747	GX	05/11/1998
WNZY505	GX	05/11/1998
WNZZ731	GX	09/24/1997
WPAP683	GX	10/05/1997
WPAZ639	GX	06/02/1998
WPBW517	GX	04/08/1998
WPBZ518	GX	08/10/1998

⁴ Timely-filed renewal applications are pending.

⁵ The ordering clause in the Decision identifies this as license of James A. Kay, Jr., but it is actually held by Buddy Corp., and entity wholly owned by James A. Kay, Jr.

ATTACHMENT A
Page 2 of 2

MS AIRWAVES, INC.⁶

<u>Calls Sign</u>	<u>Svc</u>	<u>Exp. Date⁷</u>
KNBT299	GX	04/22/1999
KRU576	GX	04/22/1999
WNPY680	GX	02/24/1999
WNWB334	GX	04/20/1998
WNXL471	GX	07/05/1999
WNYR424	GX	04/22/1998
WPAD685	GX	04/22/1998
WPCA891	GX	04/26/1998
WPCG780	GX	03/01/1999
WPCZ354	GX	06/30/1999
WPDB603	GX	02/04/1999
WPF529	GX	07/05/1999
WPFH460	GX	07/13/1999
WNZC764 ⁸		

⁶ At the time of the decision these authorizations were held by Marc D. Sobel, and individual. Pursuant to pro forma assignment of licenses they are now held by MS Airwaves, Inc., a corporation controlled by Sobel.

⁷ Timely-filed renewal applications are pending.

⁸ This call sign is listed in the ordering clause of the revocation order. Sobel believes that it is no longer an active authorization, but has not yet been able to confirm this, and so he has included it here out of an abundance of caution.

LAW OFFICES
ROBERT J. KELLER, P.C.
P.O. Box 33428 – Farragut Station
Washington, D.C. 20033-0428

Tel: 202.223.2100 ext. 109
Fax: 202.223-2121
Email: rjk@telcomlaw.com

Of Counsel to:
Shainis & Peltzman, Chartered
1850 M Street, N.W. – Suite 240
Washington, D.C. 20036-5803

September 4, 2009

RECEIVED - FCC
SEP - 4 2009
Federal Communications Commission
Bureau / Office

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

In re: WT Docket No. 94-147

James A. Kay, Jr.

Call Signs WNIZ676, WNJA910, WNJL306, WNKV762, WNMT755, WNNMY402, WNNMY773,
WNPJ874, WNSK552, WNVL794, WNVW779, WNWB268, WNWB332, WNWK982, WNNW703,
WNNWQ651, WNXB280, WNXG372, WNXQ353, WNXQ911, WNXS450, WNXS753, WNXW280,
WNXW327, WNXW487, WNXW549, WNYQ437, WNYR747, WNZY505, WNZZ731, WPAP683,
WPAZ639, WPBW517, and WPBZ518 (and Call Sign WNXW48 licensed to Buddy Corp.)

WT Docket No. 97-56

Marc D. Sobel d/b/a Air Wave Communications

MS Airwaves, Inc.

Call Signs SMR Stations KNBT299, KRU576, WNPY680, WNWB334, WNXL471, WNYR424,
WPAD685, WPCA891, WPCG780, WPCZ354, WPDB603, WPF529, WPFH460, and WNZC764

Dear Ms. Dortch:

I am hereby requesting an extension of time, to the extent necessary, in which to file a motion for further extension of operating authority in connection with the above-referenced dockets, and related request as to each of the above-referenced call signs.

These items are being prepared for submission on or before September 10, 2009, but I leaving town today and will not be able to file them before I leave. Further, I will attempt to submit the filing electronically while I am on the road, but may not be able to do so. Out abundance of caution, therefore, I respectfully seek a two week extension of time, to and including September 18, 2009.

Kindly direct any questions or correspondence concerning this matter to the undersigned.

Very truly yours,



Robert J. Keller
Counsel for the Applicants

cc: Parties of Record

Certificate of Service

I, Robert J. Keller, counsel for James A. Kay, Jr., and Marc Sobel d/b/a Air Wave Communications, hereby certify that on this 14th day of September 2009, I caused copies of the foregoing *Motion for Further Extension of Operating Authority* to be served on the following:

William Davenport, Associate Chief
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W. – Room 7-C723
Washington, D.C. 20554

Austin Schlick, General Counsel
Daniel M. Armstrong, Associate General Counsel
Federal Communications Commission
445 12th Street, S.W. – Room 8-B724
Washington, D.C. 20554



Robert J. Keller