

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

FILED/ACCEPTED  
SEP 22 2009  
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: The Commission

**ENFORCEMENT BUREAU'S REQUEST REGARDING  
PENDLETON C. WAUGH'S APPEAL**

1. On September 8, 2009, Pendleton C. Waugh filed an Appeal with the Commission of the Presiding Judge's Order, FCC 09M-51 (ALJ, rel. August 6, 2009) ("Final Ruling"), adopting a Settlement Agreement to which Mr. Waugh was not a signatory and terminating the above-captioned hearing proceeding. The Enforcement Bureau hereby requests that the Commission either dismiss the Appeal without prejudice to re-filing or stay the pleading cycle relating to the Appeal pending disposition of the case below. 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), staying the effectiveness of his Final Ruling. Thus, the decision

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of the Presiding Judge which is the subject of Mr. Waugh's Appeal has been placed in abeyance, at least temporarily. To the Bureau's knowledge, Mr. Waugh has not withdrawn his Appeal, and, consequently, the Appeal remains pending before the Commission.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 the Appeal, given that the Final Ruling to which Mr. Waugh takes exception has been stayed. Under the circumstances, the Bureau respectfully requests that the Commission either dismiss Mr. Waugh's Appeal without prejudice to re-filing or stay the pleading cycle with respect to the Appeal pending reinstatement of the Presiding Judge's Final Ruling. In the event Mr. Waugh opts to re-file his Appeal at a later date, the Commission lifts any stay of the pleading cycle as to Mr. Waugh's Appeal, or the Presiding Judge lifts the stay on the Final Ruling, the Bureau respectfully requests that it be afforded an opportunity to comment on the merits of the Appeal within 15 days thereafter, as provided for in Section 1.302(g) of the Commission's Rules.

Respectfully submitted,  
Suzanne M. Tetreault  
Acting Chief, Enforcement Bureau



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September 22, 2009

**CERTIFICATE OF SERVICE**

Moris Martinez, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has, on this 22nd day of September 2009, sent by first class United States mail or electronic mail, as noted, copies of the foregoing

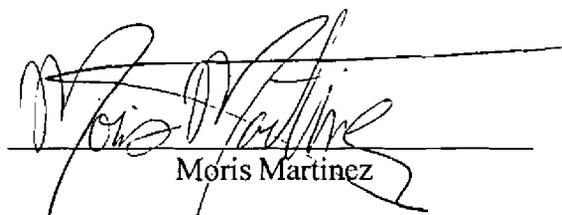
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