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

In the Matter of

) EB Docket No. 07-147
)
PENDLETON C. WAUGH, CHARLES M. AUSTIN, and JAY R. BISHOP) File No. EB-06-1H-2112
) NAL/Aect. No. 200732080025
)
PREFERRED COMMUNICATION SYSTEM, INC.) FRN No. 0003769049
)
)
Licensee of Various Site-by-Site Licenses in the Specialized Mobile Radio Service)
)
PREFERRED ACQUISITION, INC.) FRN No. 0003786183
)
)
Licensee of Various Economic Area Licenses in the 800 MHz Specialized Mobile Radio Services)
)

To: The Commission

MOTION TO STRIKE STATEMENT IN SUPPORT OF SETTLEMENT AGREEMENT

1. Pendleton C. Waugh ("Waugh"), by and through counsel, hereby files a Motion to Strike Statement in Support of Settlement Agreement filed by Preferred Investors' Association ("PIA"). PIA describes itself as an unincorporated group of investors and shareholders in Preferred Communications Systems, Inc. ("PCSI"), one of the captioned parties to this proceeding which was terminated when the Judge granted a settlement agreement between PCSI Preferred Acquisitions, Inc. ("PAI"), Charles M. Austin and Jay R. Bishop.¹ Waugh timely appealed the Termination Orders pursuant to Section 1.302 of the Commission's Rules. 47 C.F.R. Sec. 1.302. Oppositions were filed by the Enforcement Bureau and jointly by PCSI, PAI.

¹ The Judge terminated the proceeding by Order (FCC 09M-51, released August 6, 2009), and reterminated the proceeding in a Memorandum Opinion and Order (FCC 09M-57, released September 25, 2009) (collectively, "Termination Orders").

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Austin and Bishop, and Waugh has filed a Reply. PAI is not a party to this proceeding and its Statement should be stricken. In support, the following is shown.

2. On June 23, 2009, PAI filed a Motion to Intervene in this proceeding. Therein it contended that it should be permitted to intervene, in part, because:

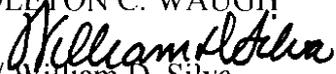
The interests of PIA members and the interests of the corporation are not being adequately represented before the FCC. Austin is an individual party in the proceeding and has been representing PCSI as its sole officer. * Mr. Austin is neither experienced nor qualified in these matters. PCSI requires independent counsel to avoid conflicts and to provide competent representation. (* footnote omitted).

Motion to Intervene, p. 2. In addition to potential conflicts of interest, PAI expressed concern that, "Any monetary forfeiture, for example, should be assessed against the named individuals, including Austin, not PCSI." *Id.* at p.3. The Presiding Judge denied intervention noting that shareholder derivative complaints are not properly litigated before the Commission and that PAI had not demonstrated how it would assist the Judge in resolving the issues before him. Order, FCC 09M-48, released July 16, 2009.

3. Now, PAI apparently is satisfied with a settlement which requires PCSI to pay the government One Hundred Thousand Dollars, and was negotiated, entered into, and approved in violation of the Commission's Rules. It has still failed to demonstrate how its intervention would be helpful to the Commission and its effort to influence the Commission in this matter is nothing more than officious intermeddling through an unauthorized pleading. Its Statement should be stricken.

WHEREFORE, the premises considered, the Statement in Support of Settlement Agreement, should be stricken.

Respectfully submitted,
PENDLETON C. WAUGH

By: 
William D. Silva

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His Attorney
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November 23, 2009

CERTIFICATE OF SERVICE

I, William D. Silva, certify that I have caused a copy of the foregoing "Motion to Strike Statement in Support of Settlement Agreement" to be sent by electronic mail, this 23rd day of November, 2009, to the following:

Hon. Richard L. Sippel
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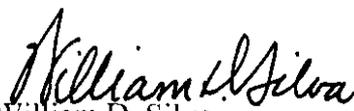
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and to counsel for PA1 by first class mail, postage prepaid, at the following address:

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/s/ William D. Silva
William D. Silva