

**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 CONTINUATION OF OPERATING AUTHORITY

James A. Kay, Jr. (“Kay”)¹ and Marc D. Sobel (“Sobel) (jointly, “Licensees”), 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 move the Commission to further extend operating authority pursuant to the licenses listed in Attachment A hereto, pending final action on the Licensees’ petition for reconsideration of the Commission’s action in the *Memorandum Opinion and Order* (“MO&O”) in the captioned matter (FCC 10-55, rel. Apr. 12, 2010), in support whereof, the following is respectfully shown:

1. In prior filings, Licensees moved to extend operating authority to June 10, 2010, pending and subject to Commission consideration of and action on the August 3, 2005, *Motion to*

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.

*Modify Sanction.*³ In the MO&O released on April 12, 2010, the Commission granted continued operating authority “until 12:01 A.M. on the 11th day after release of” the MO&O.⁴ Licensees are filing, separately from this motion, a timely petition for reconsideration of the MO&O and a request to stay its effectiveness. This instant motion is submitted, out of an abundance of caution, insofar as necessary to maintain effectiveness of the licenses in the interim.⁵

2. Accordingly, for the reasons stated herein and for additional reasons stated in the separately filed request for stay, Licensees respectfully request that operating authority be continued pending Commission consideration of and action on the petition for reconsideration of the MO&O.

Respectfully submitted:



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Dated: April 21, 2010

³ Previous joint motions were filed 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; June 9, 2009; September 15, 2009; December 9, 2009; and March 2, 2010.

⁴ The Commission granted each of the past motions (see n.3, above), but it granted the March 10, 2010, motion (which sought continuation to June 10, 2010) only in part, extending operating authority only to the termination date specified in the order. *MO&O* at ¶9 & n.10.

⁵ These periodic filings are likely superfluous and unnecessary in light of Licensees' pending *Motion for Stay Pending Action on Motion to Modify* filed in this matter on August 23, 2005.

ATTACHMENT A

JAMES A. KAY, JR.

<u>Calls Sign</u>	<u>Svc</u>	<u>Exp. Date</u> *
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**	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

MS AIRWAVES, INC.***

<u>Calls Sign</u>	<u>Svc</u>	<u>Exp. Date</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

* Timely-filed renewal applications are pending.

** 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 Mr. Kay.

*** 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 Mr. Sobel.

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 21 day of April 2010, I caused copies of the foregoing *Motion for Continuation 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
Federal Communications Commission
445 12th Street, S.W. – Room 8-B724
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Robert J. Keller