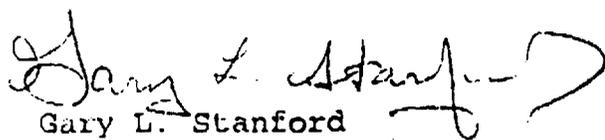


WNYC849 was issued to Computer Consultants & Systems on December 31, 1991.

KAE5211 was issued to Harold R. Pick & Kurt A. Skagge dba Computer Consultants & Systems on December 27, 1988, but expired on December 27, 1993.

The Commission Seal, affixed hereunder, shall be judicially recognized, pursuant United States Code Section 154(h).

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the Federal Communications Commission to be affixed, this 14th day of February, 1995.



Gary L. Stanford
Associate Bureau Chief
Office of Operations - Gettysburg
Wireless Telecommunications Bureau

EXHIBIT B

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
GETTYSBURG, PA

I, Gary L. Stanford, hereby certify that the attached are true and correct copies of pending applications on file with the Commission and that I am official custodian of the same:

Harold Pick dba Computer Consultants & Systems
File #6J4055, for the assignment of call sign WQZ896.

Harold Pick dba Communications Consultants & Systems
File #625596, for the assignment of call sign WNN0861.

Harold Pick dba Communications Consultants & Systems
File #621260, for the assignment of call sign KNIL649.

The Commission Seal affixed hereunder shall be judicially recognized pursuant to United States Code Section 154(h).

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the Federal Communications Commission to be affixed, this 14th day of February, 1995.



Gary L. Stanford

Gary L. Stanford
Associate Bureau Chief
Office of Operations - Gettysburg
Wireless Telecommunications Bureau

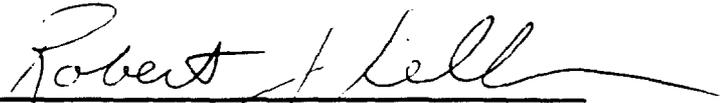
RECEIVED FEB 15 1995

EXHIBIT C

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 1996, I have caused copies of the foregoing *Petition for Reconsideration* (submitted in connection with the reinstatement of Business Radio Service Station WNZB276) to be sent by first class United States mail, to the following:

Harold Pick
350 Mesa Drive
Santa Monica, California 90402



Robert J. Keller

LAW OFFICE OF ROBERT J. KELLER, P.C.
2000 L Street, N.W. - Suite 200
Washington, DC 20036
202-416-1670

ATTACHMENT NO. 2

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

RECEIVED
MAR 20 '96
FEDERAL COMMUNICATIONS COMMISSION
SECRETARY

In the Matter of)
)
HAROLD PICK)
)
Reinstatement of Canceled License for)
Call Sign WNZB262 Operating on the)
Frequencies 812/857.9125 MHz)

FCC File No. _____

To: Chief, Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

James A. Kay, Jr. ("Kay"), Viking Freight Systems, Inc. ("Viking"), and Duke Salisbury, Chapter 7 Trustee for Harold Pick d/b/a Communications Consultants Systems ("Trustee"), by their respective attorneys and pursuant to Section 1.106(b) of the Commission's Rules and Regulations, 47 C.F.R. § 1.106(b), hereby seek reconsideration of the Wireless Telecommunications Bureau action reinstating the captioned authorization of Harold Pick ("Pick"), in support whereof the following is respectfully shown:

1. In connection with proceedings arising out of a petition for bankruptcy filed by Harold Pick, on May 12, 1995, the United States Bankruptcy Court for the Central District of California issued an *Order Authorizing Chapter 7 Trustee to Sell Assets of the Estate* in Case No. LA93-38738LF ("Order").¹ The Order authorized Trustee to sell the assets, including WNZB262, to Kay or his assignee. The *Order* is now, and at all relevant times has remained, in full force

¹ A copy of the *Order* is appended hereto as Attachment No. 1.

and effect and has been neither stayed nor set aside by any judicial authority. For consideration received,² Trustee executed and caused to be filed with the Commission, on or about September 26, 1995, an FCC Form 405A requesting cancellation of the captioned authorization. A copy of that submission is appended hereto as Attachment No. 2.

2. According to FCC records, of which official notice may be taken, the captioned authorization was in fact canceled and the call sign purged from the FCC's license database no later than October 17, 1995. It appears, however, that the authorization was reinstated on or about February 26, 1996, more than four months after it was canceled. There was no public notice of this action, no actual notice to Trustee, and attempts to obtain an explanation from Bureau staff have been thus far unfruitful.

3. Pursuant to the *Order*, Trustee had the legal and judicially conferred right to cause the captioned license to be canceled or assigned to its designee. Prior to submitting the FCC Form 405A, bankruptcy counsel for Trustee contacted Bureau staff to inquire about appropriate procedure and provided Bureau staff with a copy of the *Order*. Bureau staff provided Trustee with the

² Kay successfully bid for the rights to direct the assignment and/or cancellation of the authorization. Viking (the licensee of Station KNG484, which operates on the same frequency as the captioned Pick facility), contracted with Kay to arrange for the cancellation of the authorization. Thus, Pick no longer has any rights in the authorization. Even if his license were still valid, however, Viking has determined that Pick's operation of the captioned facility is unlawful in at least two respects: (1) Pick is providing commercial service to others in violation of a specific prohibition against SMR use of this channel, and (2) Pick is operating the system in trunked mode without the consent of Viking (a co-channel licensee within 70 miles of Pick), without authority from the Commission, and in contravention of specific FCC regulations. Viking has for years received substantial interference from Pick's improper co-channel operations, and the problem continues to this day. The instant pleading, however, is limited to the issue of the improper reinstatement of the Pick authorization. Viking will address Pick's rules violations and continued unlawful harmful interference in a separate pleading.

requisite FCC Forms 405A and with a certified list of the licenses held by Harold Pick. Trustee followed the procedures suggested by Bureau staff. Thus, the cancellation was within the rights of the Trustee, in full accordance with Commission procedure, and was pursued in good faith.

4. The Bureau's inexplicable reinstatement of the authorization is clearly unlawful. Assuming for the sake of argument the Bureau had some basis for the action, it was without power to reinstate the authorization. Section 1.113(a) of the Commission's Rules provides that an action taken under delegated authority may be set aside *sua sponte* by such designated authority only within thirty days of the action. 47 C.F.R. § 1.113(a). The reinstatement in this case came more than four months after the action canceling the license. Moreover, it was done without notice to Trustee.

5. There is no evidence in the public record that any party timely submitted a petition for reconsideration or an application for review within 30 days of the cancellation,³ and if any such petition was filed, it was not served on Trustee as required by Section 1.47(g) of the Rules.⁴ The only possible explanation, therefore, is that there were informal communications between Mr. Pick and Bureau staff leading to the reinstatement. If this is the case, then both Pick and Bureau staff have engaged in a blatant violation of the Commission's *ex parte* rules as well as an unlawful interference with Mr. Kay's and Trustee's rights under the Order.

³ See 47 C.F.R. §§ 1.106(f) & 1.115(d).

⁴ See 47 C.F.R. § 1.47(g).

WHEREFORE, it is requested that the February 26, 1986, action by the Bureau reinstating the captioned authorization be reconsidered and promptly set aside.

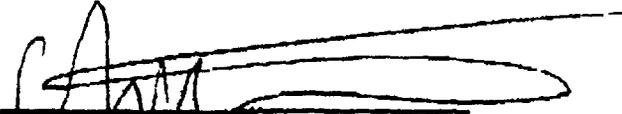
Respectfully submitted,

James A. Kay, Jr. and
Viking Freight Systems, Inc.

By: 
Robert J. Keller
Their Attorney

Law Office of Robert J. Keller, P.C.
2000 L Street, N.W. - Suite 200
Washington, D.C. 20006
202-416-1670

Duke Salisbury, Chapter 7
Trustee for Harold Pick

By: 
Annie Verdree
His Attorney

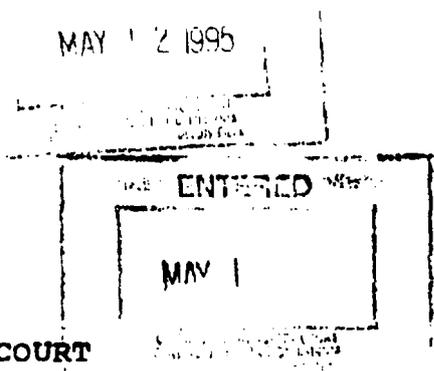
Lewis, D'Amato, Brisbois & Biagaard
Center Town Building - Suite 1400
650 Town Center Drive
Costa Mesa, California 92626
714-545-9200

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LEWIS, D'AMATO, BRISBOIS, & BISGAARD
ANNIE VERDRIES, ESQ. - ATTORNEY BAR NO. 91049
650 Town Center Drive, Suite 1400
Costa Mesa, California 92626-1970
(714) 545-9200

MAY 12 1995

Attorneys for Chapter 7 Trustee
DUKE SALISBURY



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:	)	Case No.:	LA93-38738LF
	)	Chapter	7
HAROLD RUDOLPH PICK	)	ORDER AUTHORIZING CHAPTER 7	
COMMUNICATIONS CONSULTANTS	)	TRUSTEE TO SELL ASSETS OF THE	
SYSTEMS, COMPUTER CONSULTANTS	)	ESTATE	
SYSTEMS)		
	)	DATE:	March 8, 1995
	)	TIME:	10:00 a.m.
Debtor.	)	CTRM:	1675

8 - 1995

The continued hearing on Trustee's Motion for Order Approving Sale of Property of the Estate was held on March 8, 1995 at 10:00 a.m. in courtroom 1675 before the Honorable Lisa Hill Fenning, United States Bankruptcy Judge. Annie Verdries of Lewis, D'Amato, Brisbois & Bisgaard appeared on behalf of Duke Salisbury, Chapter 7 Trustee; Jeffrey Cohen of Mickelson & Pavone appeared on behalf of James Kay, a creditor and prospective purchaser; Joe Bogden of Manatt, Phelps & Phillips appeared on behalf of Motorola, Inc., a creditor; Harold Pick appeared in pro se and Gerard Pick was present in court.

The court having reviewed the pleadings and records on file

LEWIS, D'AMATO
BRISBOIS & BISGAARD
Lawyers
650 Town Center Drive
Suite 1400
Costa Mesa, CA 92626
(714) 545-9200

1 herein, and having heard argument of counsel and the Debtor, and
2 good cause appearing therefor, orders:

3 IT IS ORDERED the Motion to Sell Assets of the Estate to
4 James A. Kay or his assignee for the sum of \$35,500.00 is approved
5 effective May 15, 1995.

6 IT IS FURTHER ORDERED that the Trustee is authorized to sell
7 the licenses and call signs issued by the Federal Communications
8 Commission, listed in Exhibit "A" attached hereto and the pending
9 applications for call signs and licenses with the Federal
10 Communications Commission listed in Exhibit "B" attached hereto.

11 The trustee is further authorized to sell the estate's
12 interest in the repeater tone panels, micro systems, power supply
13 systems, amplifiers, splitters, dispatch trunking logic systems,
14 antennas, cables, isolators and transmit combiner system located at
15 Mt. Lukens, Saddle Peak and Oat Mountain as listed in Exhibit "C"
16 attached hereto.

17 The purchase price for all the above identified items is
18 \$35,500.00 cash, all due and payable immediately.

19 James A. Kay or his assignee is a good faith purchaser for
20 value.

21
22 Dated: _____

LISA HILL FENNING
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

FEDERAL COMMUNICATIONS COMMISSION

GETTYSBURG, PA U.S.A.

STATEMENT OF RECORD

I, Gary L. Stanford, state that I am duly appointed and authorized Associate Bureau Chief, Office of Operations, Wireless Telecommunications Bureau of the Federal Communications Commission and that as part of my duties as delegated official, I have the care, custody and control of all official records pertaining to the business of the said Commission's Gettysburg office.

I further state that, in my official capacity, I have caused a search to be made of the records of said Commission to verify the call signs:

WPCB783 was issued to Harold Pick dba Communications Consultants & Systems on April 21, 1993.

WPFJ421 was issued to Harold Pick on July 21, 1994.

WNZB276 was issued to Harold Pick dba Computer Consultant & Systems on March 1, 1994.

WPEF931 was issued to Harold Pick on February 24, 1994.

WNPP680 was issued to Harold Pick dba Communications Consultants & Systems on June 9, 1993.

WNYR742 was issued to Harold Pick dba Computer Consultants & Systems on March 23, 1992.

WPBB920 was issued to Harold Pick dba Computer Consultants & Systems on November 20, 1992.

WNWB345 was issued to Harold Pick dba Computer Consultant & Systems on September 1, 1992.

WNZB262 was issued to Harold Pick dba Communications Consultants & Systems on April 13, 1992.

WNZG388 was issued to Harold Pick dba Computer Consultant & Systems on May 5, 1992.

WIK855 was issued to Harold Pick dba CCS Communications on April 3, 1991.

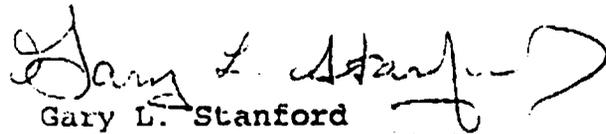
WNUR393 was issued to Computer Consultants & Systems on October 26, 1990.

WNYC849 was issued to Computer Consultants & Systems on December 31, 1991.

KAE5211 was issued to Harold R. Pick & Kurt A. Skagge dba Computer Consultants & Systems on December 27, 1988, but expired on December 27, 1993.

The Commission Seal, affixed hereunder, shall be judicially recognized, pursuant United States Code Section 154(h).

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the Federal Communications Commission to be affixed, this 14th day of February, 1995.



Gary L. Stanford
Associate Bureau Chief
Office of Operations - Gettysburg
Wireless Telecommunications Bureau

EXHIBIT B

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
GETTYSBURG, PA

I, Gary L. Stanford, hereby certify that the attached are true and correct copies of pending applications on file with the Commission and that I am official custodian of the same:

Harold Pick dba Computer Consultants & Systems
File #614055, for the assignment of call sign WQZ896.

Harold Pick dba Communications Consultants & Systems
File #625596, for the assignment of call sign WNN0861.

Harold Pick dba Communications Consultants & Systems
File #621260, for the assignment of call sign KNIL649.

The Commission Seal affixed hereunder shall be judicially recognized pursuant to United States Code Section 154(h).

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the Federal Communications Commission to be affixed, this 14th day of February, 1995.



Gary L. Stanford

Gary L. Stanford
Associate Bureau Chief
Office of Operations - Gettysburg
Wireless Telecommunications Bureau

RECEIVED FEB 15 1995

EXHIBIT C

NOTE TO USERS OF THIS FORM:

Physically attach this form as the last page of the proposed Order or Judgment.
Do not file this form as a separate document.

In re HAROLD PICK dba COMMUNICATIONS CONSULTANT SYSTEMS Debtor.	(SHORT TITLE)	CHAPTER <u>7</u> CASE NUMBER: LA93-38738LF
--	---------------	--

**NOTICE OF ENTRY OF JUDGMENT OR ORDER
AND CERTIFICATE OF MAILING**

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

1. You are hereby notified, pursuant to Local Bankruptcy Rule 116(1)(a)(iv), that a judgment or order entitled (*specify*):
ORDER APPROVING SALE OF PROPERTY OF THE ESTATE

was entered on (*specify date*):

2. I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on (*specify date*):

Dated:

1993

JON D. CERETTO
Clerk of the Bankruptcy Court

By: MD
Deputy Clerk

LEWIS, D'AMATO, BRISBOIS & BISGAARD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

LAWYERS

SUITE 1400

650 TOWN CENTER DRIVE
CENTER TOWER BUILDING
COSTA MESA, CALIFORNIA 92626
TELEPHONE (714) 545-9200

INLAND EMPIRE OFFICE

TRI-CITY CORPORATE CENTRE
SUITE 600
650 EAST HOSPITALITY LANE
SAN BERNARDINO, CALIFORNIA 92408
TELEPHONE (909) 387-1130

LOS ANGELES OFFICE

SUITE 1200
221 NORTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

SAN FRANCISCO OFFICE

SUITE 1900
601 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 382-2580

SAN DIEGO OFFICE

SUITE 800
550 WEST "C" STREET
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 233-1006

SACRAMENTO OFFICE

METRO CENTER
2720 GATEWAY OAKS DRIVE, SUITE 250
SACRAMENTO, CALIFORNIA 95833-3501
TELEPHONE (916) 564-5400

FACSIMILES:

COSTA MESA: (714) 850-1030
LOS ANGELES: (213) 250-7900
SAN DIEGO: (619) 233-8887
SAN FRANCISCO: (415) 434-0882
SAN BERNARDINO: (909) 387-1138
SACRAMENTO: (916) 564-5444

ANNIE VERDRIES

September 18, 1995

File No. 22206-004

Terry L. Fishel, Chief
Land Mobile Branch
Licensing Division
WIRELESS TELECOMMUNICATIONS BUREAU
1270 Fairfield Road
Gettysburg, PA 17325

Re: **Harold Pick dba Communications Consultants and Systems
Business Radio Service Station WNZB262
Base/Mobile Frequencies 857.9125 MHz
Malibu (Los Angeles) CA**

Dear Mr. Fishel:

On behalf of Duke Salisbury, Chapter 7 Trustee for Harold Pick dba Communications Consultants Systems, we submit herewith, in duplicate on FCC Form 405A, formal notification of the closure of the above-referenced station, and respectfully request cancellation of the license for call sign WNZB262.

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

Very truly yours,

LEWIS, D'AMATO, BRISBOIS & BISGAARD


ANNIE VERDRIES

AV/lac
Enclosure

DATA95CM: 32481.1

FCC 405A

Approved by OMB
3060-0107
Expires 4/30/95
See instructions for
public burden estimate.

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

FOR
FCC
USE
ONLY

PRIVATE RADIO APPLICATION
FOR RENEWAL, REINSTATEMENT AND/OR NOTIFICATION
OF CHANGE TO LICENSE INFORMATION

1. APPLICANT NAME HAROLD PICK DBA COMMUNICATIONS CONSULTANTS & SYSTEMS
BY DUKE SALISBURY, CHAPTER 7 BANKRUPTCY TRUSTEE

2. MAILING ADDRESS (Line 1) ~~310 MESA AVE BOX~~ 1990 South Bundy Drive, Suite 395

MAILING ADDRESS (Line 2)

3. CITY ~~SANTA MONICA~~ LOS ANGELES

4. STATE
CA

5. ZIP CODE
~~90402~~ 90025

6. CALL SIGN OR OTHER FCC IDENTIFIER
WNZB262

7. FEE TYPE CODE

8. FEE MULTIPLE

9. FEE DUE

FOR FCC USE ONLY

\$ 0

10. PURPOSE OF APPLICATION

RENEWAL OF LICENSE (FEE REQUIRED)

REINSTATEMENT OF LAND MOBILE LICENSE
(FEE REQUIRED)

NOTIFICATION OF NAME CHANGE WITHOUT CHANGE
IN OWNERSHIP, CORPORATE STRUCTURE OR ENTITY
(NO FEE REQUIRED)
FORMER NAME OF LICENSEE:

NOTIFICATION OF MAILING ADDRESS CHANGE
(NO FEE REQUIRED)

NOTIFICATION OF STATION CLOSURE.
CANCEL LICENSE LISTED IN ITEM 6
(NO FEE REQUIRED)

LAND MOBILE NOTIFICATION OF CANCELLATION FOR
CONVERSION TO PRIVATE CARRIER, (NO FEE REQUIRED)
CANCEL THE FOLLOWING LICENSES:

11. RADIO SERVICE
GB

12. LOCATION OF TRANSMITTER(S). (GIVE DESCRIPTION OF LOCATION SUCH AS STREET,
CITY, STATE, COORDINATES, ETC.)

13. FILE NUMBER

SADDLE PEAK

14. CLASS OF STATION(S)

FB2

CERTIFICATION

1. Applicant waives all claims for the use of any specific frequency regardless of prior use by license or otherwise.
2. Applicant will have unlimited access to the radio equipment and will control access to exclude unauthorized persons.
3. Neither applicant nor any member thereof is a foreign government or representative thereof.
4. Applicant certifies that all statements made in this application and attachments are true, complete, correct and made in good faith.
5. Applicant certifies that the signature that appears on this application is that of a person with the proper authority to sign on behalf of the party represented, as stated in U.S.C., Title 47, Section 1.913.
6. By checking YES, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits, that includes FCC benefits, pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

YES

NO

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

→ SIGNATURE Duke Salisbury, Trustee

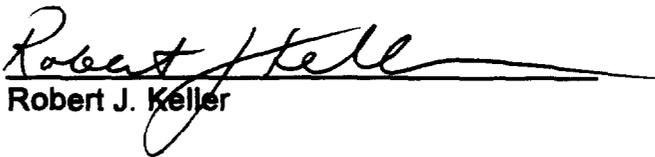
DATE 5-23-95

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March, 1996, I have caused copies of the foregoing *Petition for Reconsideration* (submitted in connection with the reinstatement of Call Sign WNZB262) to be sent by first class United States mail, to the following:

Harold Pick
350 Mesa Drive
Santa Monica, California 90402


Robert J. Keller

LAW OFFICE OF ROBERT J. KELLER, P.C.
2000 L Street, N.W. - Suite 200
Washington, DC 20036
202-416-1670

ATTACHMENT NO. 3

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 14 1997

In re: HAROLD PICK,
Debtor.

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

HAROLD PICK,

No. 96-56777

Appellant,

BAP# CC-95-01670-MeRUV

vs.

MOTOROLA, INC., et al.,

Appellees.

ORDER

Appellant has failed to file the opening brief. This appeal is therefore dismissed for failure to prosecute. 9th Cir. R. 42-1. Appellees' motion to dismiss is denied as moot.

For the Court:

CATHY A. CATTERSON
Clerk of the Court



Cathie A. Gottlieb
Deputy Clerk
Ninth Cir. R. 27-7/Appendix A,
General Orders for the
United States Court of Appeals

pro 4.7