



FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

May 14, 2009

DA 09-1071

*Via First Class Mail and Facsimile*

Mr. Robert M. Jackson  
Blooston, Mordkofsky, Dickens,  
Duffy & Prendergast, LLP  
2120 L Street, NW, Suite 300  
Washington, DC 20037

**Re: Auction 73 Applications of Club 42 CM Limited Partnership (File Nos. 0003383865 and 0003383873); Renewal Application of Kankakee Cellular, LLC (File No. 0003637485)  
Request for Extension of Time To File Response**

Dear Mr. Jackson:

By letters dated April 14, 2009, DA 09-823 and DA 09-824, the Commission provided your clients, Club 42 CM Limited Partnership ("Club 42") and Kankakee Cellular, LLC ("Kankakee Cellular"), with an opportunity to respond to the allegations raised in the Amended Complaint in U.S. *ex rel.* Stephen Kaffee, *et al.* v. Raveesh K. Kumra, *et al.* (D.D.C. filed Dec. 30, 2008) ("Letters of Inquiry"). We requested that you provide a written response and any supporting documentation you deem pertinent in responding to these allegations no later than May 4, 2009.

By letter dated May 4, 2009, you requested an extension of three weeks, until May 25, 2009, in which to submit the response of Club 42 and Kankakee Cellular ("Extension Request"). In support of the requested extension of time, you state that the intended targets of the qui tam complaint are Mr. Raveesh Kumra and his family, and that the qui tam complaint is part and parcel of civil litigation initiated by Stephen Kaffee and Richard Rodriguez in California state court. The Extension Request asserts that, until April 29, 2009, Mr. Kumra and his family had been preparing for the scheduled June 1, 2009, commencement of a trial in California state court. (On April 29, 2009, according to your letter, the trial was continued until September 21, 2009.) You state that, since March 31, 2009, the discovery process and trial preparation had been all consuming of the time of Mr. and Mrs. Kumra, preventing the preparation of a response to the Letters of Inquiry by the original May 4, 2009 deadline.

The requested extension of time was opposed by Stephen Kaffee and Richard Rodriguez, by letter from their counsel, E. Ashton Johnston, dated May 5, 2009 ("Opposition Letter"). The Opposition Letter states that Mr. Kaffee and Mr. Rodriguez are interested parties in this matter

(they are the relators who filed the subject qui tam complaint). The Opposition Letter disputes the claim in the Extension Request that the matters raised in the qui tam complaint and the Letters of Inquiry are “part and parcel” of the California state court civil litigation. The Opposition Letter asserts that the Letters of Inquiry involve statements made to the Commission with respect to the Club 42 applications to obtain Auction 73 licenses and the Kankakee Cellular license, and have no legal or factual connection to the California litigation. The Opposition Letter alleges that various parties, including some controlling parties, associated with Club 42 and Kankakee Cellular are not affected by the California state court proceedings and there is no apparent reason why these parties are not providing the necessary input for response to the Letters of Inquiry.

Finally, the Opposition Letter states that the new response filing date requested in the Extension Request would fall after the current May 22, 2009, deadline for opposing the above-referenced Kankakee Cellular renewal application, thus denying interested parties the opportunity to review the response to the Letters of Inquiry prior to that deadline. In the event the Commission extends the date for Club 42 and Kankakee Cellular to respond to the Letters of Inquiry, the Opposition Letter urges the Commission also to extend the date for opposing the Kankakee Cellular renewal application.

You replied to the Opposition Letter on behalf of Club 42 and Kankakee Cellular by letter dated May 6, 2009 (“Reply Letter”). The Reply Letter alleges that Mr. Kaffee and Mr. Rodriguez lack standing to oppose the Extension Request. The Reply Letter reiterates many of the assertions contained in the Extension Request. In addition, the Reply Letter asserts that the response to the Letters of Inquiry involves FCC-related matters that are not limited to Club 42 and Kankakee Cellular, given the contents of the qui tam complaint, and that a three-week extension is the minimum needed to prepare a complete consolidated response. Finally, in light of the concerns raised by the Opposition Letter about the proposed extended Letters of Inquiry response date being after the date on which oppositions are due regarding the Kankakee Cellular renewal application, the Reply Letter urges the Commission to withdraw the public notice listing the license renewal application as accepted for filing, and to reissue the public notice after the Commission has evaluated the Club 42/Kankakee Cellular response to the Letters of Inquiry.

While we are concerned about the length of the requested extension of time, as it would more than double the period of time provided for Club 42 and Kankakee Cellular to respond to the Letters of Inquiry, we nonetheless find that you have demonstrated good cause to extend the period of time for responding to the Letters of Inquiry to May 26, 2009.<sup>1</sup> Grant of the requested extension of time will help to ensure that Club 42 and Kankakee Cellular have an adequate opportunity to prepare a complete response to the Letters of Inquiry.

In addition, we are extending the date for opposing grant of the above-referenced pending Kankakee Cellular application until two weeks after the response to the Letters of Inquiry is now due, or until June 9, 2009. Grant of this extension will provide interested parties with an

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<sup>1</sup> Since May 25, 2009, the requested new filing date, is a federal holiday, we extend the response date to the next business day, or May 26, 2009.

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opportunity to review the Club 42 and Kankakee Cellular response before the date on which any opposition to the Kankakee Cellular renewal application must be filed.

Sincerely,

Katherine M. Harris  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

cc: E. Ashton Johnston  
Christine McLaughlin  
Puneet Wadhwa