

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Investigation of)
)
DAIGNEAULT COMMUNICATIONS, INC.)
)
 Licensee of Trunked Commercial 800 MHZ)
 Specialized Mobile Radio Stations WPF249,)
 Cedar City, Utah; WNVR312, Lehi, Utah;)
 WNSS471, Las Vegas, Nevada; and KNRT885,)
 Milford, Utah; Industrial Business Stations)
 WPDG227, nationwide; WPDP899, nationwide;)
 and WPJI349, Dallas, Texas; and Conventional)
 Commercial 800 MHZ Specialized)
 Mobile Radio Station WPFX964, Memphis,)
 Tennessee.)
)
DAIGNEAULT COMMUNICATIONS, INC.)
)
 Request for Special Temporary Authority) File No.

MEMORANDUM OPINION AND ORDER

Adopted: April 30, 1998

Released: April 30, 1998

By the Chief, Wireless Telecommunications Bureau:

1. The Chief, Wireless Telecommunications Bureau, by delegated authority, has before him: (a) the results of an investigation into alleged non-compliance of the Commission's Rules by Daigneault Communications, Inc. ("DCI"), licensee of the above-captioned stations; (b) a Settlement Agreement, executed by each of the principals of DCI and the Chief, Enforcement and Consumer Information Division, Wireless Telecommunications Bureau; and (c) a Request for Special Temporary Authority, filed on March 23, 1998, by DCI. For the reasons that follow, we believe it is in the public interest to adopt the Settlement Agreement,

grant the Request for Special Temporary Authority, and terminate this investigatory proceeding.

2. A Bureau investigation of DCI revealed that between March 1996 and September 1996, DCI filed applications with the Commission for 135 Industrial Business 470-515 MHz Station licenses in the greater Washington, D.C. metropolitan area on behalf of 88 individuals. It appears that DCI solicited the individuals to be applicants, paid each a sum of money to be an applicant, and promised each person an additional sum of money to assign to DCI any license that was ultimately granted to the individual. It further appears that none of the individuals had any prior experience as an FCC applicant or licensee, and none had any financial stake in his or her application or license. It further appears that DCI prepared each of the license applications, selected the location of each of the proposed stations, conducted frequency coordination, and initiated negotiations for the construction of the stations independently of the persons on whose behalf the applications were filed and in whose name the licenses were granted. All of the applications were granted. None of the stations was ever constructed. The Bureau believes that DCI's alleged activities raised possible undisclosed real party-in-interest, unauthorized transfer of control, and abuse of process concerns.

3. The Bureau's Enforcement and Consumer Information Division has reached an agreement with DCI that will resolve this proceeding. The terms and conditions of the agreement are contained in the attached executed Settlement Agreement. Among other things, the Settlement Agreement contemplates that DCI will relinquish the above-captioned licenses within ten days of adoption of the instant MO&O.

4. We have reviewed the Settlement Agreement and evaluated the circumstances of this proceeding. We believe that the public interest would be served by approving the attached Settlement Agreement and terminating this investigatory proceeding.

5. DCI seeks Special Temporary Authority ("STA") to continue operating Stations WNVR312, WNSS471, WPJI349, and WPFX964 for up to 60 days following release of the instant MO&O. In support, DCI states that it requires a reasonable period of time to move existing customers from these four stations to other non-DCI facilities. Under the circumstances, we believe that the public interest would be served by granting DCI's request for an STA in order to assure that DCI's existing customer base is moved to other systems without disruption of service. We caution DCI that extensions of this STA are not contemplated and requests for such will not be entertained.

6. ACCORDINGLY, IT IS HEREBY ORDERED, pursuant to delegated authority, that the Settlement Agreement IS ADOPTED.

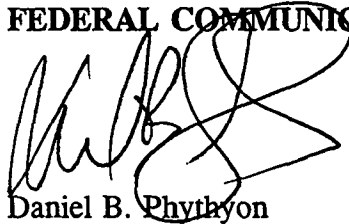
7. IT IS FURTHER ORDERED that the Request for Special Temporary Authority,

filed by DCI on March 23, 1998, IS GRANTED, and DCI shall be permitted to continue operating Stations WNVN312, WNSS471, WPJI349, and WPFX964 for up to 60 days following the release of this MO&O in a manner consistent with the authorizations for these stations and in compliance with all applicable Commission Rules and Regulations.

8. IT IS FURTHER ORDERED that DCI shall notify the Commission in writing within five days after DCI has ceased operating each of the four stations for which the STA has been granted.

9. IT IS FURTHER ORDERED, that the above-captioned investigatory proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Daniel B. Phythyon

Chief, Wireless Telecommunications Bureau