

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

**In Re: Application of Convey Communications Inc. and Green Eagle Networks, Inc.
For Assignment of Authorization of PCS Licenses, File Number 0003926139; Green
Eagle Communications, Inc. Petition for Declaratory Ruling and Request for
Waiver of Section 20.5 (a) of the Commission's Rules**

**RESPONSE TO OPPOSITION TO PETITION TO DENY APPLICATIONS OF
CONVEY COMMUNICATIONS, INC. AND GREEN EAGLE NETWORKS INC.
AND TO DENY, PETITION OF GREEN EAGLE COMMUNICATIONS, INC.
FOR A DECLARATORY RULING UNDER SECTION 310(b)(4) OF THE
COMMUNICATIONS ACT OF 1934, AS AMENDED AND REQUEST FOR
WAIVER OF THE COMMISSION'S RULES**

Michael J. Tracy (Tracy) and Tracy Broadcasting Corp. (TBC) (collectively, Petitioners), pursuant to Section 309 of the Communications Act of 1934 as amended (Act), hereby submit this Response to Opposition to Petition to Deny Applications of Convey Communications, Inc. and Green Eagle Networks, Inc. and to deny Petition of Green Eagle Communications, Inc. for a Declaratory Ruling under Section 3210(b)(4) of the Communications Act of 1934 as amended and request for Waiver of the Commission's Rules. The Response was filed with the Wireless Telecommunications Bureau ("Bureau") of the Federal Communications Commission ("Commission" or "FCC") on September 23 by William Becker as a Director of Convey Communications, Inc. and by Larry L. Becker, son of William Becker, as President of Green Eagle Networks, Inc.

THE PARTIES AND STATEMENT OF FACTS

The applicants contend that that the Petitioner(s) have made a number of false accusations, unsupported allegations and the like without any basis in fact, and throughout their Response have attempted to divert the attention of the Commission while avoiding credible answers to the concerns of the Petitioner. The facts portrayed by the Petitioner are legitimate and relevant to the matter before the Commission. The Petitioner did ask the Commission to rule on matters over which it has no jurisdiction, but rather presented relevant information which it asks the Commission to consider in matters over which it does have jurisdiction.

THE PETITION WAS UNTIMELY FILED

The Petitioner does acknowledge the filing date of the Petition to Deny was beyond the 14-Day Notice Period. In the event the Commission denies the Petition on the basis of an untimely filing, The Petitioner hereby asks the Commission to consider the original Petition to Deny and this response to the opposition of the Applicant, and all matters relevant thereto, as a Formal Complaint before the Commission and therefore requests the Commission to afford this matter the review which the Petitioner believes is necessary to fully evaluate the legitimacy of the Applicant's application.

THE PETITIONER DOES NOT LACK STANDNG

The Petitioner does not lack standing as parties in interest and the applicant has failed to recognize the lawsuit against Telemetrix which is pending in Scotts Bluff County Nebraska, a copy of which was provided the Commission with the original filing of the Petitioner. To the contention that the Petitioner(s) may be damaged by Telemetrix/Convey's efforts to move assets from the corporation prior to the Petitioner(s) day in court, the applicant has offers no solution. The Applicant persists in asking for the Commission to grant an application which would allow the Applicant to move assets which are the subject of an unresolved lawsuit which contains substantiated allegations of fraudulent conveyance. As there are no proceeds to Telemetrix or Convey for this transfer of the licenses other than those contained in the dubious nature of agreements made between insiders of this publicly traded corporation, the Petitioner notes that the

Applicant has not suggested or offered a supercilious bond to the Petitioner in an amount that would equate to the value of the proceeds of a sale of the licenses at question.

The applicant argues that the Petitioners cannot show (1) a personal injury-in-fact that is (2) 'fairly traceable' to the defendant's conduct and (3) redressable by the relief requested." Interestingly this characterization presented by the Applicant is precisely one of the major matters of concern by the Petitioner(s) and is the subject of the pending trials in the State of Nebraska. Therefore the FCC, in holding the matter in abeyance would be meeting the criteria set for the by the Applicant in their response. And if the Commission views this matter as a Formal Complaint, the unresolved matters pending trial ultimately would necessarily be of concern to the Commission.

THE PETITION CONTAINS UNSUPPORTED CONCLUSIONS

The Petitioner is without an alternative other than to base present conclusions on the past conduct of the applicant(s). To the extent that no SEC investigations or enforcement proceedings are identified by the Petitioner, the applicant has identified a valid point. Therefore concurrent with this response, a copy of all matters which are pending before the Commission and the courts, as well as the concerns of the Petitioner will be sent to the SEC with a request for the commencement of an investigation.

In Number 12 of the Applicants Response, the applicant itself contends that Michael J. Tracy may have issues at the FCC. The Applicant continues to represent all things imaginable in their pleadings in order to divert the attention of the Commission from the

matters raised by the Petitioner. The Applicant has referenced Opinion and Order dated February 28, 2007 which is dated prior to dates of the referenced GreenFly LLC auction applications. The matter of the default of Convey Communications, formerly known as Tracy Corporation II was resolved and a matter of Commission record prior to the time Mr. Tracy filed application(s) on behalf of GreenFly LLC. This entire matter was beyond even an association with Mr. Tracy in as much as The Petition for Reconsideration was originally filed by Convey on December 3, 2004. Mr. Tracy has not been associated with Convey as an officer or director of the applicant since his resignation which was effective November 30, 2004 which is obviously prior to Convey's filing of their Petition for Reconsideration.

None the less, to be certain the information before the Commission is clear, let it be known that Mr. Tracy did discuss the issue of his potential status as a "Former Defaulter" with the Wireless Bureau prior to the time of submission of the GreenFly Application to Bid in Auction 71. At the time of the alleged default by Convey Mr. Tracy was not in control of Convey and was working under the direction of the Telemetrix Board of Directors of which William Becker was and remains as Chairman and whom had relegated the responsibility of accounting and financial matters to the Chief Financial Officer of the Corporation, a Mr. Jay Doyle. Upon Mr. Tracy's full disclosure of this situation, The Wireless Bureau, suggested that Mr. Tracy clearly show his association with Tracy Corporation II in the Application to Bid In Auction 71 and also file an attachment with the application fully disclosing Mr. Tracy's relationship with Tracy

Corporation II. Mr. Tracy did take this action and filed the following statement as an attachment to the application:

“Michael J. Tracy holds a disclosable interest in the FCC Regulated Business Tracy Corporation II (FRN 0002378172) through an 18% ownership of Telemetrix Inc. Tracy Corporation II is a wholly owned subsidiary of Telemetrix Inc. Telemetrix Inc. has not established itself as separate FCC Regulated Business.

Michael J. Tracy does not have control of either Telemetrix Inc. or Tracy Corporation II and neither of these entities are affiliates of GreenFly LLC.”

By the standard set forth by the Applicant, Messrs. William Becker and Larry Becker through their related and controlled entities, as set forth in the Application of Convey Communications Inc. and Green Eagle Networks, Inc. For Assignment of Authorization of PCS Licenses, File Number 0003926139; Green Eagle Communications, Inc. Petition for Declaratory Ruling and Request for Waiver of Section 20.5 (a) of the Commission’s Rules, have failed to fully disclose their attributable ownership interests and positions of control prior and subsequent to the aforementioned Default of the Applicant and are the only parties to this proceeding which have not felt it necessary to advise the Commission of their position as parties in control of a “Defaulter,” now “Former Defaulter.”

CONCLUSION

As previously set forth, the Petitioner wishes to have consideration of this matter changed to a Formal Complaint before the Commission.

Dated: September 28, 2009

Respectfully submitted,

Michael J. Tracy
and
Tracy Broadcasting Corporation Debtor-in-Possession

By Michael J. Tracy, President

CERTIFICATE OF SERVICE

I, Michael J. Tracy, do hereby certify that on this 8th day of October 2009, the foregoing **RESPONSE TO OPPOSITION TO PETITION TO DENY APPLICATIONS OF CONVEY COMMUNICATIONS, INC. AND GREEN EAGLE NETWORKS INC. AND TO DENY, PETITION OF GREEN EAGLE COMMUNICATIONS, INC. FOR A DECLARATORY RULING UNDER SECTION 310(b)(4) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED AND REQUEST FOR WAIVER OF THE COMMISSION'S RULES** was served on the following person by first-class United States mail, postage prepaid:

Audrey Rasmussen
Hall Estill
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20036

/s/ Michael J. Tracy