

RECEIVED

DEC 10 1991

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

Federal Communications Commission
Office of the Secretary

In the matter of)
)
Amendment of Sections 21.33, 21.901(d)(2) and) RM --
21.901(f)(2) of the Commission's Rules to)
Prohibit Abuses of the Multipoint Distribution)
Service Application Process)

PETITION FOR RULEMAKING

**THE WIRELESS CABLE
ASSOCIATION, INC.**

Paul J. Sinderbrand
Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20005-3919
(202) 789-3400

Its Attorneys

December 10, 1991

No. of Copies rec'd 2411
List A B C D E

TABLE OF CONTENTS

I. INTRODUCTION	1
II. DISCUSSION	6
A. Barring Settlements Will Reduce The Number of Application Mill Generated Filings That Continue To Flood The Domestic Radio Branch.	8
B. The Commission Should Amend Sections 21.901(d)(2) and 21.901(f)(2) Now To Stop Cellular-Style Alliances Before They Develop.	12
III. CONCLUSION	14

EXECUTIVE SUMMARY

With its October 1990 *Report and Order* in General Docket No. 90-54, the Commission made a valiant effort to protect wireless cable operators from the MDS application mills by adopting "first come, first served" processing of applications. However, like cockroaches, the mills have proven remarkably adaptable to the measures designed to exterminate them. Several application mills continue to peddle MDS applications, now representing to purchasers that they will file all of the mutually-exclusive applications sold for given a market on the same day, after which a settlement group will be formed to virtually assure each applicant an interest in the license. In just the first ten months of 1991, 3,923 applications have been filed where virtually identical mutually exclusive applications are submitted simultaneously. Ironically, the new "first come, first served" processing system has inadvertently aided the mills in their marketing, for it provides them with an effective means for controlling the number of applications being filed for a market and improves their prospects for delivering a full market settlement.

To deter this sort of activity, the Commission should bar settlement groups formed to resolve mutually-exclusive applications submitted under the "first come, first served" processing rules. Applicants are not buying 100 to 1 longshots from the mills, they are buying a place in a settlement group. Amend Section 21.33 to eliminate settlements and the Commission will eliminate much of the allure of MDS applications to the mill-generated applicant. In addition, the Commission should amend Sections 21.901(d)(2) and 21.901(f)(2) now to stop cellular-style "alliances" -- before they are embraced by the mills as a mechanism for circumventing WCA's proposed restrictions on the formation of settlement groups.

RECEIVED

DEC 10 1991

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

Federal Communications Commission
Office of the Secretary

In the matter of)
)
Amendment of Sections 21.33, 21.901(d)(2) and) RM --
21.901(f)(2) of the Commission's Rules to)
Prohibit Abuses of the Multipoint Distribution)
Service Application Process)

PETITION FOR RULEMAKING

The Wireless Cable Association, Inc. ("WCA"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, hereby petitions the Commission to adopt the amendments to Sections 21.33, 21.901(d)(2) and 21.901(f)(2) of the Commission's Rule set forth in Exhibit A to prohibit certain abuses of the Multipoint Distribution Service ("MDS")¹ application process that threaten to delay the introduction of wireless cable services to consumers in numerous markets across the country.

I. INTRODUCTION

WCA is the trade association of the wireless cable industry. Its members include the operators of virtually every wireless cable system in operation in the United States, equipment manufacturers, programmers and licensees of the radio licenses that are critical to the distribution of wireless cable services. As such, WCA has a vital interest in the rules and policies that govern the licensing of the MDS facilities that wireless cable system operators employ to distribute programming to their subscribers.

¹ For purposes of this petition, WCA will utilize "MDS" to refer to the E and F Group multichannel MDS channels and the H Group channels recently reallocated to the MDS as of January 2, 1991.

As the Commission is well-aware from both its own records and reports in the trade press,² so-called "application mills" have been drumming up an unprecedented number of applications for new MDS facilities. P.T. Barnum must have been right when he declared that "there's a sucker born every minute," for thousands of MDS applications generated by the application mills have been filed with the Commission since the phenomenon began in 1990. It is, in the words of the *New York Times*, "a speculative frenzy that is likely to cost naive investors dearly."³ Although it is impossible to tell with any precision, recent press reports suggest that MDS application mills may have collected upwards of \$45 million to date.⁴ And, as WCA has learned from conversations with victims of the application mills, many mills appear to have targeted relatively unsophisticated investors who can ill-afford to file speculative MDS applications.

²See, e.g. Higgins, "Regulators Target Wireless Cable Mills", *Multichannel News*, at 1, Nov. 4, 1991)[hereinafter cited as "Regulators Target Wireless Cable Mills"]; Andrews, "Investing In New TV Field Brings Scrutiny," *N.Y. Times*, at 25 (Sept. 2, 1991)[hereinafter cited as "Investing In New TV Field Brings Scrutiny"]; Higgins, "Wireless Mills Assets Frozen, Then Thawed by Court," *Multichannel News*, at 43 (Nov. 11, 1991)[hereinafter cited as "Wireless Mill Assets Frozen"]; "High-Tech Pie In The Sky?," *Business Week*, at 41 (May 6, 1991); "Wireless Cable Marketers Must Change Ads Claims For Applications," *Communications Daily*, at 4 (April 26, 1991); "MMDS Marketer Subject to New Restraining Order," *Communications Daily*, at 2 (April 5, 1991); "FTC Charges Wireless Cable Marketer With Fraud in Application Sales," *Communications Daily*, at 2 (April 2, 1991); "MMDS Application Sellers Hit in Alaska and Hawaii," *Communications Daily*, at 5 (March 13, 1991).

³"Investing In New TV Field Brings Scrutiny," *supra* note 2.

⁴"Regulators Target Wireless Cable Mills," *supra* note 2, at 46.

For several months, WCA has been pressing federal and state authorities to protect the public from the unscrupulous application mills. WCA has been working extensively with, among others, the Federal Trade Commission, the Department of Justice, the Securities and Exchange Commission and the National Association of Attorneys General to put an end to this massive fraud. Already, Alaska, Hawaii, Massachusetts, Michigan, Mississippi and North Dakota have ordered application marketers to cease doing business within their borders, to stop misleading promotional efforts and/or to make formal securities offerings that disclose all potential risks.⁵ However, the wheels of justice have turned slowly and the most brazen application mills appear undeterred.

The application mills have done more than just victimize their customers -- they have overburdened the Commission's MDS application processing system, delaying the introduction of wireless cable service to the public in many areas of the country. Even with recent staffing increases, the Domestic Radio Branch simply lacks the manpower to rapidly process the volume of applications it is receiving. The inability of the Commission to process MDS applications in timely fashion is posing serious problems for the wireless cable industry, for it makes it significantly more difficult for wireless cable operators to secure the channel capacity they need in order to provide a viable service to the public.

First, the sheer volume of applications means that none are processed in timely fashion as a matter of course. Unfortunately, not all of the pending applications are

⁵See "Investing In New TV Field Brings Scrutiny," *supra* note 2, at 25.

speculative filings generated by application mills; many are applications proposing facilities that are critical to legitimate wireless cable system operators. The Commission's recent rule changes, combined with the recent successful launches of new systems in Riverside, California, Tuscan, Arizona and elsewhere, have led to more time-critical applications being filed by wireless cable operators than every before.⁶ However, absent time-consuming and expensive lobbying of the Commission's processing staff, the Eighth Floor, and sometimes even Congress, these critical applications tend to get buried in the avalanche of mill-generated filings. Simply stated, a wireless cable operator must constantly press in order to secure the timely processing of any time-sensitive application. Even then, application processing is taking many months longer than it did before in the pre-mill days. While the Domestic Radio Branch staff generally attempts to be responsive to the needs of wireless cable operators, its efforts are inevitably hampered by the number of mill-generated filings.⁷

⁶These are generally for applications for modifications of licensed facilities to co-locate and/or increase power, amendments to pending lottery-winning applications to co-locate and/or increase power, applications for new stations and applications seeking consent to the assignment of licenses to the wireless operator.

⁷The impact of delays in getting applications on public notice is about to be magnified many-fold. Under current rules, a MMDS applicant serves interference analyses on potentially affected ITFS applicants and licenses when it files its application, starting a 60 day period for petitions to deny. In its *Order on Reconsideration* in General Docket No. 90-54 the Commission amended Section 21.902 of the Rules so that a MMDS applicant cannot even serve potentially affected ITFS applicants or licenses with interference analyses until after the Commission gives public notice that the application is not mutually-exclusive with other applications. From that point, ITFS interests have 120 days to petition to deny. While WCA intends to petition for reconsideration of that aspect of the *Order on Reconsideration*,
(continued...)

Second, the numbers of applications being filed by the mills makes it impossible for the staff to even place new applications in the Commission's unofficial inventory of pending applications in timely fashion. As a result, prospective wireless cable system developers are unable to design new systems with any degree of certainty that those efforts will yield results, for they cannot determine what facilities have been previously proposed and must be protected. It happens too often that a prospective wireless cable operator will spend several thousands of dollars to engineer a system and prepare and file applications, only to discover that its applications are untimely with respect to mill-generated filings submitted earlier, but which had not yet appeared in the Domestic Radio Branch's inventory of pending MMDS applications.

While the Commission itself is powerless to directly attack the marketing activities of the application mills, WCA believes the Commission can reduce the number of applications generated by mills and ease the adverse impact the mills are having on wireless cable by adopting two rather simple rule changes. WCA has carefully reviewed the Communications Act of 1934, the Commission's Rules, past precedent and the needs of the wireless cable industry in an effort to craft a plan that will meet the goal it shares with the Commission -- expediting wireless cable service to the public. From that process, WCA has developed two proposals that, if implemented, will drastically reduce the number

⁷(...continued)

it is obvious that delays in placing applications on public notice will now directly extend the time an applicant must wait for a grant.

of applications being generated by the application mills and promote the rapid licensing of new MDS stations for use in wireless cable systems. The two proposals WCA commends to the Commission are as follows:

1. Amend Section 21.33 to ban settlement agreements among mutually exclusive MDS applicants who submitted their applications after October 31, 1990 (except those that are mutually-exclusive and timely filed with respect to pre-October 31st applications).
2. Amend Sections 21.901(d)(2) and 21.901(f)(2) to bar any person from having any interest in more than one mutually-exclusive MDS application.

The rationale behind each of WCA's proposals is detailed below.

II. DISCUSSION

The Commission has already taken the first essential step towards mitigating the adverse impact of application mills on wireless cable operators. The emergence of the MDS application mills exacerbated what had always been a problem for those attempting to secure channel capacity for a wireless system -- the overfiling of applications. Simply put, for years there had been a small cadre of unscrupulous individuals who would monitor the Commission's public notices and, when the Commission announced that it had accepted an application for a new MDS station, would file a competing application within the cut-off period.⁸ Needless to say, these individuals never had any interest in actually developing

⁸Indeed, the overfiling problem was the reason the Commission decided in 1983 to require all initial MMDS applications to be filed during a single week. *See Amendment of Parts 2, 21, 74 and 94 of the Commission's Rules and Regulations in regard to frequency allocation to the Instructional Television Fixed Service, the Multipoint Distribution Service, and the Private Operational-Fixed Service*, 94 F.C.C.2d 1203, 1265-66 (1983).

a wireless cable system; they were merely looking to extort a financial settlement from the wireless cable operator that filed the initial application. As the application mills began to spring up, they too seized upon the opportunities presented by Commission rules permitting overfilings. Eventually, a situation developed where any MDS application appearing on public notice was virtually certain to be overfiled by mill-generated filings.

With the initial *Report and Order* in General Docket No. 90-54, the Commission took a major step towards eliminating the problems caused by the application mills. In that decision, the Commission amended Parts 1 and 21 so that, ever since the new rules became effective on October 31, 1990, an application in the MDS has been cut off from mutually exclusive applications at midnight of the day that the application is filed.⁹ Those new rules have proven successful -- legitimate wireless system developers can now file necessary MDS applications free from the fear of over-filing.¹⁰ Indeed, for a time "first come, first served" processing had a second salutary effect. Presumably

⁹*Amendment of Parts 21, 43, 74, 78, and 94 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: Private Operational-Fixed Microwave Service, Multichannel Multipoint Distribution Service, Multichannel Multipoint Distribution Service, Instructional Television Fixed Service, and Cable Television Relay Service*, 5 FCC Rcd 6410 (1990).

¹⁰Unfortunately, the same cannot be said of Instructional Television Fixed Service ("ITFS") applications being filed in connection with the development of wireless cable systems. The sixty day ITFS cut-off period affords unscrupulous interests an opportunity to drum up competing interests and hold wireless cable operators hostage.

because the application mills could no longer count on others to identify available markets, the number of MDS applications being filed plummeted.

A. Barring Settlements Will Reduce The Number of Application Mill Generated Filings That Continue To Flood The Domestic Radio Branch.

While "first come, first served" day filing reduced significantly the number of applications being generated by the application mills for a few months, the mills appear to be back in business. Like cockroaches, the mills have proven remarkably adaptable to the measures designed to exterminate them. Several application mills continue to peddle MDS applications, now representing to purchasers that they will file all of the mutually-exclusive applications sold for a given market on the same day, after which a settlement group will be formed to virtually assure each applicant an interest in the resulting license. Ironically, the new "first come, first served" processing system has inadvertently aided the mills in their marketing, for it provides them with an effective means for controlling the number of applications being filed for a market and improves their prospects for delivering a full market settlement.

As a result, there has been a tidal wave of mill-generated MDS applications in recent months. WCA has conducted a detailed analysis of the publicly-available Commission records concerning MDS applications, and uncovered an alarming trend. Attached as Exhibit B is a table listing instances from January 1, 1991 to October 7, 1991 (the last day for which data is available) in which multiple applications were filed for the same site on the same day. As this table illustrates, in just over ten months 3,923

applications have been filed that fit this description. And, the numbers are increasing steadily -- as the table demonstrates, in recent instances the number of applications being filed for the same site on the same day approaches, and sometimes exceeds, 100!

To deter this sort of activity, the Commission should bar the formation of settlement groups formed to resolve mutually-exclusive applications submitted under the "first come, first served" processing rules.¹¹ Based on its discussions with mill-generated applicants and reviews of the mills' marketing materials, their sales presentations and press reports,¹² it is clear to WCA that the possibility of settlement is driving many decisions to purchase MDS applications from the mills. Applicants are not buying a 100 to 1 longshot from the mills, they are buying a place in a settlement group. Eliminate settlements, WCA submits, and the Commission will eliminate much of the allure of MDS applications to the mill-generated applicant.

When the Commission first began in 1985 to utilize lotteries to select among mutually exclusive multichannel MDS applications, it chose to permit settlements among mutually exclusive applicants on the theory that "settlements are in the public interest,

¹¹ Because it is possible (albeit still unlikely) that mutually exclusive applications will be independently filed for two sites in proximity to each other, the Commission should not prevent applicants from entering into technical settlement agreements that result in each of the affected stations being licensed.

¹²See "Wireless Mill Assets Frozen," *supra* note 2; "Regulators Target Wireless Cable Mills," *supra* note 2, at 1.

because they reduce or eliminate administrative burdens, delay and expenses."¹³ That decision was typical of the Commission's views at the time. With 20/20 hindsight, however, it is clear that the Commission was wrong. Indeed, based on its subsequent experience with cellular application mills, the Commission has come to recognize that permitting settlements actually increases administrative burdens, delay and expenses by promoting the filing of applications designed merely to secure a spot in a settlement group. Not surprisingly, then, the Commission has effectively banned settlements among recent cellular applicants.¹⁴

In the cellular service, the Commission has banned partial market settlements in the Rural Service Areas and fill-in areas, although it continues to permit full market settlements. WCA believes, however, that the present MDS situation is distinguishable and that no MDS settlements, whether full or partial, should be permitted. While the Commission permits full settlements in cellular, it does so because, given the vast number of mutually exclusive non-wireline applications being filed, "we do not anticipate that non-

¹³*Amendment of Parts 2, 21, 74 and 94 of the Commission's Rules and Regulations in regard to frequency allocation to the Instructional Television Fixed Service, the Multipoint Distribution Service, and the Private Operational-Fixed Service*, 50 Fed. Reg. 5983, 5989 (1985).

¹⁴*See, e.g. Amendment of the Commission's Rules for Rural Cellular Service*, 4 FCC Rcd 2440 (1988); *Amendment of Part 22 of the Commission's Rules to provide for filing and processing of applications for unserved areas in the Cellular Service and to modify other cellular rules*, FCC 91-306, at ¶¶ 84-85 (rel. Oct. 18, 1991)[hereinafter cited as "*Unserved Areas Order*"].

wireline applicants will realistically be able to effectuate full settlements."¹⁵ By contrast, full market MDS settlements will certainly be possible under "first come, first served" processing where an application mill has coordinated the filing of multiple mutually-exclusive applications on the same day. Holding out the prospect of full market MDS settlements can only encourage mill-generated applicants.

Moreover, because the cellular service employs pre-announced filing windows, it is a virtual certainty that truly independent mutually-exclusive applications will be filed on the same day. It is at least arguable that in such a regulatory environment, affording independent applicants an opportunity to settle could actually expedite service to the public, even if the possibility of settlement did attract some insincere applicants. However, that is not the case under the MDS "first come, first served" processing system, where there are no pre-announced filing windows. Although it is theoretically possible through happenstance that unrelated applicants will file mutually exclusive applications on the same day, the odds are certainly prohibitive. In all likelihood, mutually exclusive applications that are filed on the very same day will be the result of application mill coordination. Thus, while the possibility of settlement will continue to draw insincere MDS applicants, in a "first come, first served" environment there is no longer any countervailing promotion of rapid service by legitimate applicants.

¹⁵*Amendment of the Commission's Rules for Rural Cellular Service*, 1 FCC Rcd 499 (1986).

For these reasons, WCA believes that if the Commission bans the formation of settlement groups among filers of mutually-exclusive applications submitted under the new processing system, it will take a significant step towards depriving application mills of the ability to assure applicants an interest in the license issued for a given market. That, in turn, will almost certainly reduce the number of speculative MDS applications being filed and enhance the ability of wireless cable operators to introduce new service rapidly.

B. The Commission Should Amend Sections 21.901(d)(2) and 21.901(f)(2) Now To Stop Cellular-Style Alliances Before They Develop.

Barring settlement groups alone, however, may not be enough. The individuals behind several of the application mills were charged with fraudulent marketing of cellular applications during the 1980s, and have seized on MDS applications as another vehicle for turning a quick dollar at the cost of an unsuspecting public. Even if the Commission bans settlement agreements, these mills may resuscitate one of their cellular marketing schemes -- the "alliance." In the most popular form of cellular alliance, members each retained their own application on file, but secured an interest of less than 1% in the applications of the other alliance members. Although Sections 21.901(d)(2) and 21.901(f)(2) of the Rules are not entirely clear, they could be interpreted to permit one person to hold more than a 1% interest in one E, F or H Group MDS application, and interests of less than 1% in untold other mutually-exclusive applications.

Section 21.901(d)(2) of the Rules provides that:

Each applicant for facilities in the 2596-2644 MHz band may submit only a single application for the same channel group in each service area. The stockholders holding more than one percent of an entity's stock, the partners, the owners, the trustees, the beneficiaries, the officers, the directors, or any other person or entity holding a similar cognizable interest in one applicant for a service area and channel group, directly or indirectly, must not have a cognizable interest, directly or indirectly, in another applicant for the same service area and channel group. (emphasis added).

Section 21.901(f)(2) is identical, except that it applies to the H Group channels that were reallocated to the MDS in the *Second Report and Order* in General Docket No. 90-54.

The ambiguity arises because the Commission has never been called upon to interpret the underscored phrase, "cognizable interest." In a cellular-style alliance, each applicant retained at least a 50.1% interest in its own application, but transferred interests of less than 1% to each of the other alliance members in return for interests of less than 1% in each of their applications. Based on informal discussions with the Commission's staff, WCA understands that the "cognizable interest" language was intended to bar such activities in the MDS, an interpretation with which WCA agrees. As WCA interprets Sections 21.901(d)(2) and 21.901(f)(2), once an entity has a 1% or more interest in any application for a given market, it is barred from holding any cognizable interest -- even one of less than 1% -- in other applications for the same market.

WCA fears that unless Sections 21.901(d)(2) and 21.901(f)(2) are amended expressly to ban any person from holding any interest in multiple mutually-exclusive applications, the Commission may see the emergence of cellular-style MDS alliances and

an influx of speculative applications (even if the Commission adopts WCA's proposal and traditional MDS settlement groups are banned). Once again, the Commission's handling of the alliance problem in the cellular service provides useful guidance. There, the Commission eliminated the rule permitting applicants to have a 1% interest in multiple applications after finding that "we are not persuaded that the 1% rule effectuates any public purpose except to serve as a possible tool for abuses of our licensing processes."¹⁶ A similar finding is appropriate here -- there is no public interest to be served by permitting any individual to have any attributable interest in multiple mutually-exclusive MDS applications.

III. CONCLUSION

It has always been easier for application mills to find loopholes than for the Commission to close them. In all candor, there can be no assurance that adoption of the foregoing proposals will stop all of the application mills in their tracks.¹⁷ Based on the

¹⁶*Amendment of the Commission's Rules for Rural Cellular Service*, 1 FCC Rcd 499 (1986); *Unserved Areas Order*, *supra* note 14, at ¶¶ 61-65.

¹⁷ At least in theory, there is the risk that some of the application mills will form partnerships as the vehicle by which many individuals can secure an interest in the license for a given market. As recent enforcement actions by several states illustrate, the sale of such partnership interests will generally be subject to federal and state securities laws, including their full disclosure requirements. From WCA's experience, it appears that application mills fear full disclosure like Dracula fears the sun, for most fully educated consumers will not risk scarce capital once they understand the speculative value of MMDS licenses. Thus, WCA suspects that few of the application mills will actually turn to selling partnership interests. More importantly, if WCA's other proposals are adopted, those that do will only be filing a single application for each authorization, minimizing the burden imposed on the staff.

Commission's prior experience with application mills in other services, however, there is good reason to believe that implementation of WCA's proposals will substantially slow the influx of speculative MDS applications. Therefore, WCA recommends these proposed rules to the Commission as the next step in its war against the MDS application mills.

Respectfully submitted,

THE WIRELESS CABLE ASSOCIATION, INC.

By: 
Paul J. Sinderbrand

Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20554
(202) 789-3400

Its Attorneys

December 10, 1991

PROPOSED RULE AMENDMENTS

1. Section 21.33(b) is amended by adding the following sentence at the conclusion thereof:

However, applicants may not enter into such settlements with respect to E, F or H Channel applications filed after October 31, 1990 unless such applications are mutually-exclusive with applications filed on or prior to October 31, 1990.

2. Section 21.901(d)(2) is amended to read:

Each applicant for facilities in the 2596-2644 MHz band may submit only a single application for the same channel group in each service area. The stockholders holding any of an entity's stock, the partners, the owners, the trustees, the beneficiaries, the officers, the directors, or any other person or entity holding any cognizable interest in one applicant for a service area and channel group, directly or indirectly, must not have a cognizable interest, directly or indirectly, in another applicant for the same service area and channel group.

3. Section 21.901(f)(2) is amended to read:

Each applicant for facilities in the 2650-2656 MHz, 2662-2668 MHz, or 2674-2680 MHz frequency bands may submit only a single application for the same frequency band in each service area. The stockholders holding any of an entity's stock, the partners, the owners, the trustees, the beneficiaries, the officers, the directors, or any other person or entity holding any cognizable interest in one applicant for a service area and channel must not have a cognizable interest, directly or indirectly, in another applicant for the same service area and frequency band.

EXHIBIT B

EXAMPLES OF MULTIPLE MMDS FILINGS SINCE 1/1/91

Number of Applications	Market	Filing Date
36	Gunnison, CO	1/09/91
7	Scottsbluff, NE	1/10/91
42	Dover, DE	1/11/91
30	Marshfield, WI	1/22/91
25	Glenwood Springs, CO	2/02/91
45	Richfield, UT	2/04/91
42	Vernal, UT	2/05/91
49	Childress, TX	2/06/91
24	Jal, NM	2/07/91
6	Forks, WA	2/07/91
18	Hannibal, MO	2/20/91
19	Midway, NC	2/26/91
16	Midway, NC	2/27/91
32	Hawthorne, NV	3/01/91
5	Vernal, UT	3/06/91
15	Bellingham, WA	3/06/91
13	Everett, WA	3/06/91
54	Cody, WY	3/06/91
18	Nevada, MO	3/08/91
83	Alpena, MI	3/12/91
63	Hobbs, NM	3/14/91
10	Longview, WA	3/20/91
20	Milan, GA	3/21/91
18	Independence, KS	3/21/91
15	Seminole, MI	3/28/91
7	Presque Isle, ME	4/03/91
22	Trinidad, CO	4/03/91
48	Manistee, MI	4/04/91
33	Big Spring, TX	4/05/91
50	Trenton, NJ	4/09/91
19	Williford, AR	4/15/91

Number of Applications	Market	Filing Date
66	Belhaven, NC	4/22/91
16	Long Branch, NJ	4/24/91
50	Elizabeth, NJ	4/25/91
60	Waynesville, MO	5/07/91
20	Tomah/Mauston	5/22/91
131	Cape Girardeau, MO	5/23/91
25	Holbrook, AZ	5/23/91
11	Brunswick, GA	5/28/91
12	Waycross, GA	5/28/91
45	Paterson, NJ	5/29/91
64	Thomaston, GA	6/04/91
28	San Antonio, TX	6/10/91
98	Kennett, MO	6/10/91
81	Roanoke, AL	6/18/91
25	Tipton, KS	6/19/91
44	Brilliant, AL	6/19/91
54	Fitzgerald, GA	6/19/91
98	Magnolia, AR	6/19/91
130	Leesville, LA	6/24/91
131	Ruston, LA	7/01/91
28	Willcox, AZ	7/02/91
70	Andalusia, AL	7/10/91
28	Fergus Falls, MN	7/11/91
40	Bartlesville, OK	7/15/91
56	Hamburg, AR	7/16/91
50	New Brunswick, NJ	7/18/91
50	Selden, NJ	7/18/91
46	Defiance, OH	7/19/91
100	Mountain Home, AR	7/23/91
69	Marion, VA	7/25/91
98	Ft/ Morgan, CO	7/30/91
45	Big Rapids, MI	7/31/91
37	Alexandria, LA	8/15/91
89	Center, TX	8/15/91
40	Decatur, IN	8/20/91

Number of Applications	Market	Filing Date
30	Deridder, LA	8/23/91
44	Appleton, AR	8/23/91
50	Oceanside, CA	8/26/91
132	San Diego, TX	9/04/91
18	Valley Head, WV	9/06/91
50	Lancaster, CA	9/12/91
33	Rugby, ND	9/20/91
131	Vicksburg, MS	9/23/91
81	Pendleton, OR	9/23/91
22	Pennington Gap, VA	9/23/91
52	Pendleton, OR	9/27/91
70	Mountain Home, ID	9/30/91
101	Colfax, WA	9/30/91
97	Portage, WI	10/02/91
93	Belen, NM	10/07/91