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PACIFIC  **TELESIS**
Group - Washington

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 8, 1993

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Mr. Caton:

Re: *Gen. Docket No. 90-314, ET Docket No. 92-100* } *Amendment of the Commission's*
Rules to Establish New Narrowband Personal Communications Services

On behalf of Pacific Bell, please find enclosed an original and six copies of its "*Reply To Oppositions To Petition For Clarification*" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosures

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	GEN Docket No. 90-314
)	ET Docket No. 92-100
Amendment of the Commission's)	RM-7617, RM-7760, RM-7782,
Rules to Establish New)	RM-7860, RM-7977, RM-7978,
Narrowband Personal)	RM-7979, RM-7980, PP-4, PP-5
Communications Services)	PP-11, PP-14, PP-35 through
)	PP-40, PP-53, PP-69, PP-79
)	through PP-85

REPLY TO OPPOSITIONS TO PETITION FOR CLARIFICATION

Pursuant to Rule 1.429(g), Pacific Bell hereby responds to Oppositions filed to its Petition for Clarification. In its Petition for Clarification Pacific Bell requested that the Commission clarify that it did not mean to suggest that pioneer preference licensees will be exempt from license fees.

PageMart, Inc.,¹ American Paging Inc.,² PacTel Paging³ have filed comments agreeing with the principle that pioneer preference licensees should not receive a windfall by being exempt from license fees. However, they differ on what the fee should be. For example, PageMart suggests the pioneer preference licensees pay, "at a minimum the average of the

¹ Opposition and Comments on Petitions for Reconsideration and/or Clarification of PageMart, Inc., October 25, 1993, pp. 10-11 ("PageMart").

² Comments of American Paging, October 25, 1993, pp. 2-4.

³ Comments of PacTel Paging in Support of the Petition for Reconsideration and Clarification of Paging Network, Inc., October 25, 1993, n. 4 ("PacTel Paging").

winning bids for comparable markets, perhaps with a demographic weighing formula or calculated on a per-pop basis."⁴ PacTel Paging suggests that the Commission should not prejudge this issue in this proceeding but should address the issue fully in the Notice of Proposed Rulemaking with respect to auctions, (PP Docket No. 93-253 or the Notice of Proposed Rulemaking on pioneer preference rules, (ET Docket No. 93-266)).⁵ Mobile Telecommunications Technologies Corporation (Mtel) which was awarded a pioneer preference opposes Pacific Bell's position.⁶

We note that in the Notice of Proposed Rule Making with respect to the review of the Pioneer Preference Rules (ET Docket No. 93-266) the Commission specifically indicated that it will consider this issue.⁷ The Commission stated that it would include the submissions in this docket relating to licensee fees for pioneer preference licensees in ET Docket No. 93-266.⁸

The Commission also noted that disposition of pioneer preference requests by Mtel and Volunteers in Technical Assistance were made before Congressional enactment of competitive bidding authority and, "as a matter of equity,

⁴ PageMart, p. 10.

⁵ PacTel Paging, n. 4.

⁶ Opposition of Mobile Telecommunication Technologies Corporation to Petitions for Reconsideration of Paging Network, Inc. and Pacific Bell, October 25, 1993, pp. 5-12.

⁷ In the Matter of Review of the Pioneer's Preference Rules, ET Docket No. 93-266, Notice of Proposed Rulemaking, released October 21, 1993, para. 10.

⁸ Id. at n. 12.

nothing in this review will affect these proceeding."⁹ Pacific Bell agrees that any change in the pioneer preference rules should not be applied retroactively on these two entities. However, we continue to believe that on a going forward basis pioneer preference licensees should be required to pay a fee equal to the lowest winning bid for the appropriate licensing area. We will file additional comments on this issue in our Comments to ET Docket No. 93-266 on November 15, 1993.

Respectfully submitted,

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Date: November 8, 1993

⁹ Id. at para. 18.

CERTIFICATE OF SERVICE

I, Alex Kositsky, certify that the following is true and correct:

I am a citizen of the United States, State of California and over eighteen years of age.

My business address is 140 New Montgomery Street, San Francisco, CA 94105.

On November 8, 1993, I served the attached "Reply to oppositions to petition for clarification" by placing true copies thereof in envelopes addressed to the parties in the attached list which envelopes, with postage thereon fully prepaid. I then sealed and deposited in a mailbox regularly maintained by the United States Government in the City and County of San Francisco, State of California.

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By: _____


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