

FCC MAIL SERVICE

FCC 94-168

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

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In the Matter of	)	
	)	
Amendment of Part 90	)	PR Docket No. 92-209
of the Commission's Rules	)	
to Expand Coordination of	)	RM-7965
the 800 MHz General	)	
Category Channels	)	

MEMORANDUM OPINION AND ORDER

Adopted: June 13, 1994

Released: July 11, 1994

By the Commission: Commissioners Ness and Chong not participating.

1. By this Memorandum Opinion and Order, we dismiss a petition for reconsideration<sup>1</sup> of our Report and Order (R&O)<sup>2</sup> in this proceeding filed by the National Association of Business and Educational Radio, Inc. (NABER). In the R&O we permitted Specialized Mobile Radio (SMR) applicants for conventional systems on General Category frequencies to use the services of any of three frequency coordinators<sup>3</sup> certified to recommend 800 MHz frequencies, rather than requiring them to use the services of NABER.

2. NABER now asserts the following, all of which we addressed in the R&O: first, that the three coordinators should follow "cross-coordination" procedures before submitting applications to the Commission;<sup>4</sup> second, that expanding coordination choices is "inconsistent" with an alleged finding that NABER, as a coordinator, is "the most representative of conventional SMR applicants";<sup>5</sup> and last, that this rule making should be expanded to include non-SMR applicants seeking coordination of General Category frequencies.<sup>6</sup> The Industrial Telecommunications Association, Inc., and the Council of Independent

<sup>1</sup> Petition for Reconsideration, filed July 6, 1993 (Petition).

<sup>2</sup> 8 FCC Rcd 3626 (1993) (R&O), released May 24, 1993.

<sup>3</sup> The Associated Public-Safety Communications Officers, Inc. (APCO), the Industrial Telecommunications Association, Inc. (ITA), and the National Association of Business and Educational Radio, Inc. (NABER).

<sup>4</sup> Petition at 3-5; see R&O at 3628 ¶ 10.

<sup>5</sup> Petition at 5-6; see R&O at 3627 ¶ 8. See generally Report and Order in PR Docket No. 87-213, 5 FCC Rcd 4016, 4022-23 (1990); Report and Order in PR Docket No. 83-737, 103 FCC 2d 1093, 1119-23, 1144-45 (1986).

<sup>6</sup> Petition at 6-7; see R&O at 3627 n. 27.

Communication Suppliers have filed a joint opposition to NABER's petition.<sup>7</sup>

3. Because NABER's petition relies on facts and assertions essentially identical to those already presented in this proceeding and raises issues already addressed in the R&O, there is no basis for granting the petition. See, e.g., Memorandum Opinion and Order, 7 FCC Rcd 1753, 1753 ¶ 3 (1992) (petitions dismissed because, inter alia, arguments were merely repeated). Accordingly, pursuant to Sections 4(i), 303(r), 332(a), and 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 332(a), and 405(a), and Section 1.429(i) of the Commission's Rules, 47 C.F.R. § 1.429(i), IT IS ORDERED that NABER's petition for reconsideration IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

*William F. Caton*  
William F. Caton  
Acting Secretary

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<sup>7</sup> Opposition to Petition for Reconsideration, filed September 9, 1993.