



# PUBLIC NOTICE

Dec 22 11 50 AM '94

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET N.W.  
WASHINGTON, D.C. 20554

DIF 0Y

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

93-253

DA 94-1560

December 21, 1994

## ADDITIONAL COMMENT SOUGHT ON THE COMMISSION'S NARROWBAND PCS ENTREPRENEUR'S BLOCK PROPOSALS

The Commission seeks additional comment on its proposals for establishing narrowband PCS entrepreneur's blocks set forth in the *Third Memorandum Opinion and Order and Further Notice of Proposed Rulemaking* in PP Docket No. 93-253, FCC 94-219 (adopted August 16, 1994) (*Third MO&O/Further Notice*). In particular, comment is requested on these proposals in light of (1) the results of the recent regional narrowband PCS auction, (2) the Commission's reconsideration of its broadband PCS entrepreneur's block rules in the *Fifth Memorandum Opinion and Order* in PP Docket No. 93-253, and (3) the September 22, 1994 U.S./Canada Interim Sharing Arrangement for narrowband PCS frequencies.

In the *Third MO&O/Further Notice*, the Commission sought comment on whether to establish entrepreneurs' blocks in narrowband PCS for certain channels designated for licensing on an MTA or BTA basis. The Commission also asked whether it should extend bidding credits, installment payments, and tax certificates to qualified applicants in order to facilitate participation by entrepreneurs, small businesses, and businesses owned by women and minorities in the provision of narrowband PCS. Finally, the Commission requested comment on whether it should redesignate the BTA-based narrowband PCS channels for licensing on a regional basis to allow entrepreneurs to bid on larger geographic licenses. Although the comment cycle for the *Third MO&O/Further Notice* ended on October 3, 1994, further comment is sought in light of the following subsequent events:

(1) Beginning on October 26, 1994, the Commission conducted the auction for regional narrowband PCS licenses. In that auction, the Commission provided a 40 percent bidding credit to women and minority-controlled firms for 10 of the 30 available licenses. The Commission also offered installment payments and tax certificates to facilitate participation by small businesses and minority and women-owned firms. Twenty of the 28 qualified bidders in the auction identified themselves as small businesses and/or businesses owned by minorities and/or women. All 10 of the licenses for which the 40 percent bidding credit was available were won by such designated entities. See News Release, "FCC Announces Results of PCS Regional Narrowband License Auction" (Nov. 8, 1994); "Regional Narrowband PCS Auction Summary," Visitor's Auction Guide for the Broadband PCS A & B Block Licenses (Dec. 5,

1994). Commenters are invited to address how the performance of designated entities in the regional auctions affects the Commission's entrepreneur's block proposals in the *Third MO&O/Further Notice*.

(2) On November 23, 1994, the Commission released a *Fifth Memorandum Opinion and Order* in PP Docket No. 93-253 (*Fifth MO&O*) resolving petitions for reconsideration of the rules governing competitive bidding for the broadband PCS entrepreneurs' blocks. See *Fifth Memorandum Opinion and Order* in PP Docket 93-253, FCC 94-285, (adopted Nov. 10, 1994). While the Commission generally affirmed its rules for auctioning entrepreneurs' blocks, the *Fifth MO&O* modified and clarified certain aspects of these rules, such as control group equity structures, attribution of non-controlling investors, and affiliation rules. We ask for comment on whether the decisions in the *Fifth MO&O* should be applied to narrowband PCS in the event that the Commission decides to adopt entrepreneurs' blocks for future narrowband PCS auctions.

(3) On September 22, 1994, the United States and Canada entered into an interim sharing agreement with respect to use of narrowband PCS channels in border areas. See *Canadian Interim Sharing Arrangement For Narrowband PCS*, Public Notice, DA 94-1183 (Oct. 21, 1994). Under this agreement, MTA and BTA licensees on certain narrowband PCS channels will not be permitted to locate base stations within 75 miles of the border. These licensees are further prohibited from operating mobile stations in a manner that causes interference to primary Canadian channels. Commenters are invited to address the impact of this agreement on the Commission's pending proposals in the *Third MO&O/Further Notice* for future narrowband PCS licensing.

Comments on these additional issues must be filed on or before January 13, 1995. Reply comments must be filed on or before January 23, 1995. To file formally in this proceeding, you must file an original and four copies of all comments and reply comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and nine copies. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. All comments and reply comments in this proceeding, including those filed in response to this Public Notice, are available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C.

By the Chief, Wireless Telecommunications Bureau

For additional information about this matter contact Sue McNeil or Lisa Warner, Legal Branch, Commercial Radio Division, Wireless Telecommunications Bureau at (202) 418-0602.