

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

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In the Matter of ) WT DOCKET NO. 94-147  
)  
JAMES A. KAY, JR. )  
)  
Licensee of one hundred sixty four Part 90 )  
Licenses in the Los Angeles, California, Area )  
  
To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**WIRELESS TELECOMMUNICATIONS BUREAU'S  
OPPOSITION TO APPLICATION FOR REVIEW**

1. On January 12, 1995, James A. Kay, Jr. ("Kay") filed an "Application for Review" of the Erratum, 51344 (released December 23, 1994), in this proceeding. For the reasons which follow, the Wireless Telecommunications Bureau requests that Kay's Application for Review be denied.

2. By Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing for Forfeiture, FCC 94-315 (released December 13, 1994) ("HDO"), the Commission commenced the instant proceeding and, at ¶ 13, named the Chief, Private Radio Bureau, as a party. Subsequently, on December 23, 1994, the Deputy Chief, Wireless Telecommunications Bureau, released the aforementioned Erratum. The Erratum carried out the ministerial task of conforming the HDO to reflect the results of the Commission's new internal organization. That is, the Erratum changed the docket number from "PR" Docket No. 94-147 to "WT" Docket No. 94-147. It also substituted the Chief, "Wireless Telecommunications Bureau" for the Chief, "Private Radio Bureau" as the appropriate party

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bearing the burdens in this case.

3. The gravamen of Kay's instant Application for Review is that the Wireless Telecommunications Bureau was not named as, and is not properly, a party to this proceeding. The Bureau submits that Kay's argument is meritless.

4. The Wireless Telecommunications Bureau has been authorized to carry out certain functions -- including regulation of Private Land Mobile Radio Services -- that were formerly carried out by the Private Radio Bureau. See Attachment. Thus, in all matters relevant to this proceeding, the Wireless Telecommunications Bureau is in fact the successor to the former Private Radio Bureau. Furthermore, pursuant to § 1.21 of the Commission's Rules, the appropriate bureau chief is deemed a party to a proceeding without the necessity of being named a party in the hearing designation order. Thus, given its role in overseeing the regulation of Private Land Mobile Radio Services, the Wireless Telecommunications Bureau is, by operation of Section 1.21, *automatically* a party to this proceeding.

5. Kay is also wrong to the extent that he argues that there was no delegated authority for the Deputy Chief, Wireless Telecommunications Bureau, to release the Erratum. Kay concedes at page 3 of his Application for Review that the Private Radio Bureau had the delegated authority to make editorial corrections to Commission orders. As the successor to the Private Radio Bureau, the Wireless Telecommunications Bureau assumed the authority to make ministerial corrections in the HDO. Indeed, the Presiding Judge could

have modified the HDO to accurately reflect the recent reorganization.

6. Based on the foregoing, the Wireless Telecommunications Bureau is properly a party in the captioned proceeding, and Kay's arguments to the contrary are meritless.

Accordingly, his Application for Review should be denied.

Respectfully submitted,  
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Chief, Wireless Telecommunications Bureau



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January 27, 1995



# NEWS

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December 1, 1994

## FCC ESTABLISHES WIRELESS TELECOMMUNICATIONS BUREAU

The Commission announced today the establishment of the Wireless Telecommunications Bureau (previously the Wireless Telecommunications Task Force). The Bureau will begin operations immediately.

The Wireless Telecommunications Bureau will handle all FCC domestic wireless telecommunications programs and policies, except those involving satellite communications. Its functions include all activities of wireless telecommunications providers and licensees.

The Bureau also will serve as the Commission's principal policy and administrative resource with regard to spectrum auctions.

Regina M. Keeney has been named as the Chief of the Wireless Telecommunications Bureau and Ralph A. Haller and Gerald P. Vaughan have been named Deputy Bureau Chiefs.

Keeney said, "The Wireless Telecommunications Bureau will ensure that the FCC is at the forefront of policy making for wireless communications services, including cellular, paging, personal communications services, public safety and other commercial and private radio services. Our goals are to promote economic growth, foster competition, and enhance accessibility of emerging technologies to consumers. Additionally, the Bureau will work to foster efficiency and innovation in the allocation and licensing of the electromagnetic spectrum."

The Wireless Telecommunications Bureau will have seven divisions: Commercial Radio Division, Enforcement Division, Policy Division, Auctions Division, Private Radio Division, Licensing Division, and Customer Services Division.

(over)

The Commercial Radio Division will develop policy, rules, and procedures for other authorization and regulation of wireless telecommunications facilities and services. The Division is responsible for rule making and regulatory matters concerning Cellular Services, Personal Communications Services, paging, and Specialized Mobile Radio, Air-Ground, and Basic Exchange Telecommunications Radio Services.

The Enforcement Division will ensure compliance by wireless telecommunications service providers and subscribers with the Communications Act, other statutes, and Commission rules, orders, and policies. This division will administer the FCC's EEO Program for wireless telecommunications service providers, and respond to public information inquiries concerning rates or practices, among other duties.

The Policy Division will, based on major technical, economic, and regulatory developments, legislative actions, and Commission and court decisions, propose and develop Commission rules and policies to govern wireless telecommunications services.

The Auctions Division is responsible for conducting the auctions of the electromagnetic spectrum. These responsibilities include recommending appropriate auction methodology for particular services, marketing, application processing, and development of all auction-related contracts. Additionally, this division will advise the Commission on policy, engineering, and technical matters relating to auctions of spectrum used for other purposes.

The Private Radio Division will handle rule making and regulatory matters concerning Public Safety, Industrial, Land Transportation and other private mobile radio services, Aviation, Marine, Amateur, IVDS, broadcast auxiliary service, Personal Radio Services, point-to-point microwave, antenna tower clearance, and the radio operator examination program. Additionally, this Division will project demand for existing and possible new communications requirements and services.

The Licensing Division will oversee the processing of applications and licensing of Specialized Mobile Radio, paging, Private Land Mobile, private and common carrier microwave, broadcast auxiliary, amateur radio, IVDS, aviation and marine, and General Mobile Radio Services.

The Customer Services Division will be responsible for providing technical assistance to consumers, manufacturers, frequency coordinators, and others on questions related to application processing and licensing in the wireless telecommunications services. The Customer Services Division will also provide automated support, processing, and data services for the Licensing Division and for the Bureau.

Attached is an organizational chart of the Wireless Telecommunications Bureau.

Congressional and Union approval have been received.

Action by the Commission October 17, 1994. Chairman Hundt, Commissioners Quello, Barrett, Ness, and Chong.

-FCC-

News Media contact: Stacey Reuben Mesa at (202) 418-0500.  
Wireless Telecommunications Bureau contacts: Laurence D. Atlas and Daniel B. Phythyon at (202) 632-6940.

**CERTIFICATE OF SERVICE**

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 27th day of January 1995, sent by regular First Class United States mail, copies of the foregoing "Wireless Telecommunications Bureau's Opposition to Application for Review" to:

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Michelle C. Mebane