

Original

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**RECEIVED**

**MAR 24 1995**

In the Matter of )  
 )  
Deferral of Licensing of )  
MTA Commercial Broadband PCS )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

PP Docket No. 93-253

To: The Commission

**DOCKET FILE COPY ORIGINAL**

**RESPONSE TO MOTION FOR EXTENSION OF TIME**

Communications One, Inc., by its attorney, hereby responds to Western PCS Corporation's (WPC) March 22, 1995 Motion for Extension of Time. In response thereto, the following is respectfully submitted:

1) Undersigned counsel received WPC's Motion for Extension of Time in today's mail after Communications One, Inc. had filed its March 24, 1995 Reply to PCS Primeco, L.P.'s Opposition.<sup>1</sup> Despite the fact that undersigned counsel was not contacted concerning WPC's extension request, Communications One, Inc. does not object to the March 29, 1995 extension date WPC requests.<sup>2</sup>

2) WPC appears to be somewhat critical of the fact that Communications One, Inc. did not serve a copy of the Emergency Motion upon it at the time of filing. The MTA auction was ongoing at the time the Emergency Motion was filed. As noted in the Emergency Motion, the Emergency Motion was filed in response to the

<sup>1</sup> Undersigned counsel FAXed a copy of the Reply to WPC's counsel this afternoon at about 1:30 PM.

<sup>2</sup> By acknowledging WPC's pleading we do not mean to imply that service upon it was required. The Emergency Motion was not directed to the merits, i.e., grantability of any application.

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Chairman's February 24, 1995 comments that the Commission might delay the Entrepreneur Block auction pending a decision by the court in the Telephone Electronics Corporation appeals court case. Under the circumstances, service of the Emergency Motion upon every party who might be interested in the Emergency Motion was not practical.<sup>3</sup>

3) We note that WPC attempts to make an issue out of the fact that it has "already paid the United States Treasury millions of dollars in initial upfront payments . . ." Motion for Extension of Time at p. 1. As noted in Communications One, Inc.'s March 24, 1995 Reply, the FCC is statutorily prohibited from considering that fact in making public policy determinations. Reply at p. 4.

WHEREFORE, in view of the information presented herein, Communications One, Inc. consents to the requested extension of time.

Respectfully submitted,  
COMMUNICATIONS ONE, INC.

  
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March 24, 1995

Its Attorney

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<sup>3</sup> In cellular radio proceedings, the FCC did not require service of documents upon a great number of potential participants. The Commission would issue a public notice listing the filing as being available for public review. Indeed, footnote 3 of the Emergency Motion suggested that the Commission could issue a public notice concerning the Emergency Motion if it felt that public notice was required. Because no public notice has issued, we assume the Commission has determined that none is required.

CERTIFICATION

I hereby certify that I have this 24th day of March 1995 sent a copy of the foregoing pleading, by first class United States mail, postage prepaid, to the following:

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