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

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In the Matter of)	
)	
Amendment of the Commission's)	
Rules to Establish New)	GEN Docket No. 90-314 ✓
Personal Communications Services)	ET Docket No. 92-100
in the 2 GHz Band)	
)	RM-7617, RM-7760, RM-7782, RM-7860,
Amendment of the Commission's)	RM-7977, RM-7978, RM-7979, RM-7980
Rules to Establish New Narrowband)	
Personal Communications Services)	

ERRATUM

Released: April 27, 1995

On March 3, 1995, the Commission released the full text of a Memorandum Opinion and Order (Order) in the captioned matter (FCC 95-92). Several corrections to the text of the Order are necessary, as follows:

1. On page 8, paragraph 14 is corrected by adding the word "Accordingly," before "IT" and, also, by removing the word "FURTHER."
2. On page 8, paragraph 15 is corrected by removing the word "Accordingly," and, also, by adding the word "FURTHER" after "IS" and before "ORDERED."

There are also several corrections to the appendix to the Order, "Appendix A: Final Rules," as released and as subsequently published in the Federal Register, on March 15, 1995, at 60 FR 13915. The final rules that are the subject of these corrections supersede Sections 24.101(b) and 24.229(c) of Title 24, Code of Federal Regulations, as of the original effective date of publication of those Sections in the Federal Register.

Accordingly, the Order, Appendix A, is corrected as follows:

§ 24.101 [Corrected]

1. In § 24.101, paragraph (b), line one, the word "has" is removed and the words "applies for a license after August 16, 1994 or has a license transferred to it after that date and the party has" are added in its place.

§ 24.229 [Corrected]

2. Amendatory instruction number 4 is corrected as follows:

§ 24.229 Frequencies.

* * * * *

(c) PCS licensees shall not have an ownership interest in frequency blocks that total more than 40 MHz and serve the same geographic area. For purposes of this section, PCS licensees are:

(1) Any institutional investor, as defined in § 24.720(h), with an ownership interest of 10 or more percent in a broadband PCS license; and

(2) Any other entities having an ownership interest of 5 or more percent or other attributable ownership interest, as defined in § 24.204(d), in a PCS license.

Example 1: Company A, which is a rural telephone company with no cellular interests, buys a 7 percent stake in a 30 MHz BTA that constitutes 8 percent of the population in MTA 1, which encompasses BTA 1. It is then offered an opportunity to buy 8 percent of the equity in a 30 MHz license in MTA 1. It cannot accept this offer because it would be over the 5 percent threshold on two overlapping PCS licenses. Its status as a rural telephone company has no impact on the 5 percent threshold for PCS licensees.

Example 2: (1) Company A has two investors, Company B and Company C. Company B owns 15 percent of Company A. Company C, a rural telephone company, owns 25 percent of Company A. Company B and Company C do not have any interests in each other.

(2) Company B has 100 percent ownership of cellular license 1 that covers 20 percent of the pops in BTA 1 and 6 percent of the pops in MTA 1. Company C owns 25 percent of cellular license 2 that covers 20 percent of the pops in BTA 2 and 6 percent of the pops in MTA 1. Company A has no separate cellular interests. MTA 1 encompasses both BTA 1 and BTA 2.

(3) Company A cannot purchase 30 MHz of spectrum in BTA 1. Such a purchase would put Company B over the aggregation limit of 40 MHz in BTA 1 because it would have over 5 percent ownership of the PCS license in addition to its cellular license.

(4) Company A can, however, purchase 30 MHz in BTA 2 or MTA 1 because Company C is a rural telephone company, and thus Company C's interest in cellular license 2 falls below the 40 percent threshold and is not counted against the spectrum cap. If Company C were not a rural telephone company, then Company A could not acquire 30 MHz in BTA 2 or MTA 1 because its partners in those licenses would be over the spectrum cap.

(5) Company B can also buy 30 MHz in BTA 2 or MTA 1 as long as Company A does not also buy 30 MHz in BTA 2 or MTA 1 because Company B and Company C have no joint ownership.

(6) Company C can also buy 30 MHz in BTA 1 or 2 or MTA 1 as long as Company A does not also buy in the region where Company C buys. If Company A were to buy a 30 MHz MTA 1 license, then Company B and Company C would be prohibited from acquiring either of the BTAs because they would be over the 5 percent threshold for PCS spectrum in the same region.

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FEDERAL COMMUNICATIONS COMMISSION



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