

~~CONFIDENTIAL~~

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, DC 20554

In the Matter of )  
)  
Deferral of Licensing of MTA Commercial ) PP Docket No. 93-253  
Broadband PCS )  
) ET Docket No. 92-100  
Implementation of Section 309(j) of the )  
Communications Act — )  
Competitive Bidding )

DOCKET FILE COPY ORIGINAL

To: The Commission

**OPPOSITION**

PCS PRIMECO, L.P. ("PRIMECO")<sup>1</sup> hereby opposes the Application for Review and Request for Stay ("Application") filed May 12, 1995 by the National Association of Black Owned Broadcasters, Inc., the National Association for the Advancement of Colored People, Washington Bureau, and Percy E. Sutton ("NABOB, *et al.*"). For the reasons discussed herein, in PRIMECO's Consolidated Opposition, filed May 19, 1995, and in PRIMECO's Opposition to Petition to Deny, filed this date, the NABOB Application should be summarily denied.<sup>2</sup>

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<sup>1</sup> PRIMECO is a limited partnership comprised of PCSCO Partnership (owned by NYNEX PCS, Inc. and Bell Atlantic Personal Communications, Inc.) and PCS Nucleus, L.P. (owned by AirTouch Communications, Inc. and U S WEST, Inc.). PRIMECO was a winning bidder in the MTA PCS Block A/B auction. On April 5, 1995, PRIMECO submitted eleven long-form applications seeking license authorizations for its winning MTA markets.

<sup>2</sup> The NABOB filing improperly combined an application for review with a request for stay of the MTA licensing process (*see* 47 C.F.R. § 1.44(e)). On May 19, 1995, PRIMECO filed a Consolidated Opposition responding, *inter alia*, to NABOB's stay request. On this date, PRIMECO is also filing an Opposition to another filing made by NABOB, *et al.*, a Petition to Deny the 99 Block A/B MTA PCS license applications. *See* discussion *infra* at 2. PRIMECO incorporates by reference these other filings. To the extent a waiver of the page limits is needed for purposes of acceptance of these incorporated filings herein, PRIMECO hereby requests such waiver.

By their Application, NABOB, *et al.* ostensibly seek Commission review of an Order of the Chief, Wireless Telecommunications Bureau, denying an Emergency Motion to Defer MTA PCS Licensing filed by Communications One, Inc. (“CI”).<sup>3</sup> On May 12, NABOB, *et al.* also filed a separate Petition to Deny and Request for Stay (“Petition”).<sup>4</sup> By this latter pleading, NABOB, *et al.* sought to deny all 99 of the broadband MTA PCS applications (including PRIMECO’s 11 MTA applications), and again sought to stay the MTA licensing process. While filed in separate proceedings, the NABOB Petition and Application pleadings are substantively very similar.<sup>5</sup> In the Application, NABOB, *et al.* have not presented reasons why the *CI Order* should be reversed; instead, NABOB, *et al.* again seek a stay of the A/B licensing process — and they present the same arguments in support thereof.

For the reasons stated in PRIMECO’s Consolidated Opposition, filed May 19, 1995, and in its Opposition to Petition to Deny, filed this date, the NABOB arguments are

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<sup>3</sup> See *CI Emergency Motion*, filed March 8, 1995; *Deferral of Licensing of MTA Commercial Broadband PCS*, PP Docket No. 93-253, ET Docket No. 92-100, DA 95-806 (released April 12, 1995) (“*CI Order*”).

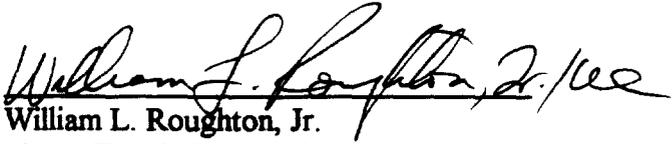
<sup>4</sup> See NABOB Petition to Deny and Request for Stay, filed May 12, 1995. On May 19, PRIMECO filed a Consolidated Opposition to both NABOB stay requests. See n. 2 *supra*.

<sup>5</sup> Indeed, the bulk of the pleadings are identical.

unfounded, unsupported and wholly without merit. PRIMECO hereby incorporates by reference these filings and asks the Commission to summarily deny the NABOB Application.

Respectfully submitted,

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May 25, 1995

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I, Jo-Ann Grayton, do hereby certify that a copy of the foregoing "Opposition" was served this 25th day of May, 1995 by first class United States mail, postage prepaid, to the following:

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