



ORGANIZATION FOR THE PROTECTION  
AND ADVANCEMENT OF SMALL  
TELEPHONE COMPANIES

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AUG 18 1995

August 18, 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, NW  
Washington, DC 20554

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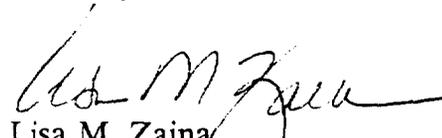
Re: Broadband Personal Communications  
Services C Block Auction and  
Grant of A and B Block Licenses  
PP Docket No. 93-253  
ET Docket No. 92-100

Dear Mr. Caton:

Please find enclosed for filing the original and eleven copies of the Organization for the Protection and Advancement of Small Telephone Companies' comments in the above-captioned proceeding.

Thank you for your assistance in this matter.

Sincerely,

  
Lisa M. Zaina  
General Counsel

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AUG 18 1995

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Broadband Personal Communications )  
Services C Block Auction and )  
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COMMENTS OF  
THE ORGANIZATION FOR THE PROTECTION AND  
ADVANCEMENT OF SMALL TELEPHONE COMPANIES

OPASTCO  
21 Dupont Circle, NW  
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(202) 659-5990

August 18, 1995

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

In the Matter of )  
 )  
Broadband Personal Communications ) PP Docket No. 93-253  
Services C Block Auction and ) ET Docket No. 92-100  
Grant of A and B Block Licenses )

COMMENTS OF THE ORGANIZATION FOR THE PROTECTION  
AND ADVANCEMENT OF SMALL TELEPHONE COMPANIES  
TO EMERGENCY MOTION TO RESCHEDULE C BLOCK AUCTIONS OR  
REVIEW AND CONDITION GRANT OF A AND B BLOCK AUCTIONS

On August 2, 1995, the Rural Ad Hoc PCS Consortium (the "Consortium") filed an emergency motion requesting that the Federal Communications Commission (FCC or Commission) "immediately reschedule the Personal Communications Services ("PCS") C block auction or, alternatively, for the Commission on its own motion to order a review of the grant of PCS licenses for the A and B block and condition these licenses such that their grant date coincides with the date of licensing the first C Block license." The Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) hereby supports the motion to immediately reschedule the C Block auction. However, it does not take a position on the alternate proposal to condition the grant of the A and B band licenses with the date of the licensing of the first C block license.

OPASTCO is a national trade association of more than 450 independently owned and operated telephone companies serving rural areas of the United States and Canada. Its members, which include both commercial companies and cooperatives, are small and

rural LECs serving over 2 million customers. Many of OPASTCO's members are interested in participating in the C Block auctions and are anxious for the process to begin so that they can make PCS available to their customers.

The Consortium correctly points out that the 49% rule is the only portion of the Commission's Sixth R&O<sup>1</sup> that was stayed by the United States Court of Appeals for the District of Columbia Circuit in Omnipoint Corporation v. FCC<sup>2</sup> on July 27, 1995. However, the FCC has postponed the auction, even though it is free to implement its remaining rules and hold an auction for the C Block. Delay of this auction may harm the ability of OPASTCO's small and rural LEC members to bring PCS to their customers.

The FCC developed a bidding process to allow for customers to have access to PCS through a number of different providers and a choice of services. Forcing companies that seek spectrum in the C band to sit idly by while the A and B band licensees deploy their infrastructure and begin service will frustrate this design.

Certainly, OPASTCO recognizes there is potential harm to the bidders choosing to rely on the 49% rule. However, this is a known risk. Each bidder will weigh the possibility of the invalidation of the 49% option. This potential invalidation is a known risk that some bidders may take in order to participate in the auction process. However, the harm and risk attendant to the delay of the C block auctions is an unknown. Thus,

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<sup>1</sup>Communications Act-Competitive Bidding, Sixth Report and Order, 60 Fed. Reg. 37786 (July 21, 1995).

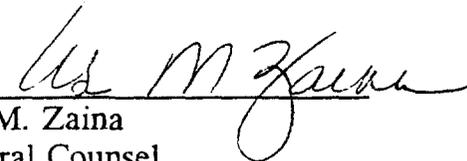
<sup>2</sup>Omnipoint Corporation v. FCC, No. 95-1374 (D.C. Cir. 1995).

this harm and risk to the development of PCS and competition in PCS is immeasurable. As such, OPASTCO believes that it is in the public interest to commence with the auction for the spectrum in the C-Block.

The Commission should grant the Consortium's emergency motion to the extent that it requests the rescheduling of the PCS C Block auctions.

Respectfully submitted,

ORGANIZATION FOR THE  
PROTECTION AND ADVANCEMENT  
OF SMALL TELEPHONE COMPANIES

By:   
Lisa M. Zaina  
General Counsel

OPASTCO  
21 Dupont Circle, NW  
Suite 700  
Washington, DC 20036

August 18, 1995

CERTIFICATE OF SERVICE

I, Vanessa L. Fountain, hereby certify that a copy of OPASTCO's comments was sent on this, the 18th day of August, 1995, by first class United States mail, postage prepaid, to those listed on the attached sheet.

A handwritten signature in cursive script that reads "Vanessa L. Fountain". The signature is written in black ink and is positioned above the printed name.

Vanessa L. Fountain

**Service List**  
**of**  
**PP Docket No. 93-253**  
**ET Docket No. 92-100**

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Commissioner Andrew C. Barrett  
Federal Communications Commission  
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Commissioner Rachelle B. Chong  
Federal Communications Commission  
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Commissioner Susan Ness  
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