

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 90 of the)
Commission's Rules to Facilitate)
Future Development of SMR Systems)
in the 800 MHz Frequency Band)
)
Implementation of Sections 3(n) and 322)
of the Communications Act)
Regulatory Treatment of Mobile Services)
)
Implementation of Section 309(j))
of the Communications Act --)
Competitive Bidding)

PR Docket No. 93-144
RM-8117, RM-8030
RM-8029

GN Docket No. 93-252

PP Docket No. 93-253

To: The Commission

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MOTION FOR EXTENSION OF TIME

Fresno Mobile Radio, Inc.; Madera Radio Dispatch, Inc.; Applied Technology Group, Inc.; G & K Rentals; Alpha Radio Service; Cumulous Communications Corporation; Mobile Communications, Inc.; L. Clarke Phillips; McGee Communications Electronics, Inc.; Ray's Radio, Inc.; Eden Communications, Inc.; X.W. Corporation d/b/a John Mitchell Company; Mobile U.H.F., Inc.; A-1-A Security & Communications; Radiowave Communications, Inc.; Anderson Communications Corporation; Wise Electronics, Inc.; Communications Licensing Consultant; John Cook; Peak Relay; Hi-Desert Communications; Radio Link Company; Columbia Communications, Inc.; Spectrum Communications, Inc.; Americell Communications; Whisler Communications; Spokane Paging & Telecommunications, Inc.; Silke Communications, Inc.; Starfone; Pro Tec Mobile Communications, Inc.; Gila Electronics; Durham

Communications, Inc.; Joriga Electronics; Advanced Communications, Inc.; Bill Ashby; Cindy McGee; GSC Electric & Communications; Specialty Communications; Omni Range Communications; Bran-Dex Wireline Services, Inc.; Communications Center, Inc.; Dakota Electronics; Vantek Communications; Mobile Communications, Inc.; D & D Communications; Dave Fant Company d/b/a Oklahoma Radio Systems; Leon's Radio, Inc.; Total Com, Inc.; CommNet Communications Network, Inc.; Communications Center, Inc.; Viking Communications, Inc.; Communications Electronics; Air Communications; JSM Systems, Inc.; 4X Corporation; Nielson Communications, Inc.; Camel Communications, Inc.; Milwaukee Repeater Service, Inc.; Concept—20 Communications, Inc.; Bandt Communications, Inc.; Supreme Radio Communications, Inc.; Craig Antenna Service; Stateline Communications, Inc.; DeltaCom, Inc.; Electronic Communications Company; Midcom Service; General Communications Company; Johnson Repeater Company; Kay Communication; State Systems Radio, Inc.; Ernst Concrete & Supply Company; Mobile Communications Corporation; Domer Communication, Inc.; E.A. Henson; Donald R. Nelsch d/b/a Donnel Communications; Omnicall; C&C Communications; Billy Rutledge; Robert J. Fetterman d/b/a R.F. Communications; Communicom; Baycomm, Inc.; Centre Communications; American Industrial & Marine Electronics; Charles C. Stull; Ed Lachowicz; Frank Savarese; LP Communications; Commercial Electronics Services, Inc.; C & H Electronic Services, Inc.; Two-Way Radio, Inc. T/A TWR Communications; Action Radio; Mid Atlantic Communications, Inc.; LandAir Communications & Electronics, Inc.; Business Autophones, Inc.; Valley Communications; Specialty Electronics Systems Company, Inc.; Piedmont Electronics Company; VA-KY Communications; LMR International, Inc.; Linden SMR Associates; Atlantic Communications, Inc.; Valley Two Way, Inc.; Golsboro Communications; CoastCom, Inc.; Riley's

Communications, Inc.; Donald Arsenault; Communications Service Center; Lynn D. Clark; T & K Communications, Inc.; Genesee Business Radio Systems, Inc.; Allstate Mobile Communications Corporation; JPJ Electronic Communications, Inc.; Furman Communications, Inc.; Bush Electronics, Inc.; Metro Electronics Service; Central Radio Communications Corporation; Cellular Design Corporation; Mobile Radio Network, Inc.; FM Communications; Waxman Communications Corp.; and Utility Communications, Inc. (the Petitioners); by their attorneys, respectfully request that the Commission extend the time within which comments may be filed in the above-captioned matter. In support of their position, Petitioners show the following.

The face of the Commission's First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rule Making (FCC 95-501) ("SFNPRM") shows a release date of December 15, 1995. However, it is not certain that the document was, in fact, made available to the public in the Commission's Public Affairs office on December 15, 1995. Undersigned counsel's contract supplier of the Commission's daily releases was not able to obtain a copy of the SFNPRM before January 11, 1996. Further, pursuant to the language of the SFNPRM and Section 1.4 of the Commission's Rules, 47 C.F.R. §1.4, the SFNPRM is not to become effective until its publication in the FEDERAL REGISTER. It would be patently unreasonable for the Commission to establish a deadline for the filing of comments which preceeded the legal publication of its action.

Petitioners request that the Commission extend the time for filing comments to the SFNPRM to the thirtieth day following publication in the FEDERAL REGISTER. Such an

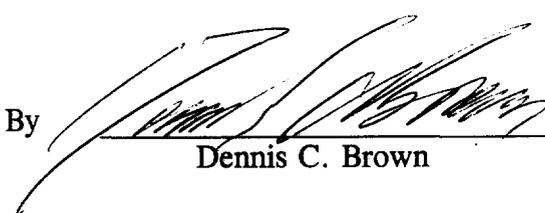
extension will provide the public with a reasonable time within which to file fully considered and useful comments with the Commission.

Conclusion

For all the foregoing reasons, Petitioners respectfully request that the Commission extend the terminal date for the filing of comments in the above captioned matter to the thirtieth day following publication of the document or a summary thereof in the FEDERAL REGISTER.

Respectfully submitted,
FRESNO MOBILE RADIO, INC.;
et al.

By



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Dated: January 16, 1996