

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 332 of the Communications Act)
)
Regulatory Treatment of Mobile)
Services)

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

GN Docket No. 93-252 ✓

To: Chief, Wireless Telecommunications Bureau

MOTION FOR EXTENSION OF TIME

I. INTRODUCTION

1. Pursuant to Section 1.46 of the Rules of the Federal Communications Commission ("Commission"), the American Mobile Telecommunications Association, on behalf of its membership and Nextel Communications, Inc.; Pittencrieff Communications, Inc.; DCL Associates; Atlantic Cellular Company, L.P.; Centennial Telecommunications, Inc.; D&L Communications, Inc.; Davis Electronics, Inc.; Hawaiian Wireless, Inc.; Industrial Communications & Electronics, Inc.; Palmer Communications, Inc. d/b/a Illowa Communications; Potomac Corporation d/b/a Crescent Communications; William R. Miller d/b/a Russ Miller Rental; New England Wireless Partners; Norcal Wireless; Radiophones, JV; Spectrum Resources, Inc.; Spectrum Resources of the Midwest, Inc.; Western Wireless; Mobex Idaho, Inc.; and Mobex North Carolina, Inc. (collectively referred to as "Movants") respectfully request an extension of time to comply with the extended implementation rejustification required in the Commission's First Report and Order

in the above-referenced proceeding,^{1/} as supplemented by the Wireless Telecommunications Bureau ("Bureau") in its June 4, 1996 Public Notice ("June 4 Notice").^{2/} Given the extensive information requested in the June 4 Notice, Movants assert that 13 calendar days is insufficient time to provide this newly requested data, and that the deadline should be extended to July 15, 1996.

II. DISCUSSION

2. On December 15, 1995, the Commission adopted the First R&O, which established new procedures for licensing the top 200 channels in the 800 MHz Specialized Mobile Radio ("SMR") spectrum. As part of that decision, the Commission required licensees so authorized to rejustify their existing extended implementation authorizations.^{3/} This rejustification was required to be submitted within 90 days after the effective date of the First R&O, which is June 17, 1996.^{4/}

3. On June 4, 1996 -- just 13 calendar days prior to the rejustification deadline -- the Commission released a Public Notice, which expanded significantly the data sought by the

^{1/} First Report and Order, Eighth Report and Order, and Second Further Notice Of Proposed Rule Making, 11 FCC Rcd 1463 (1995) ("First R&O") at para. 111.

^{2/} Public Notice, "Recommended Filing Format For 800 MHz SMR Licensees Rejustifying Need For Extended Implementation Authority," DA 96-894, released June 4, 1996.

^{3/} First R&O at para. 111. The June 4 Notice clarified that licensees should consider their extended implementation requests granted for such applications that were granted in the October 31, 1995 Public Notice. Public Notice, "Wireless Bureau Vacates and Supersedes Grants To SMRs Announced By March 17, 1995 Public Notice," released October 31, 1995.

^{4/} The First R&O was effective on March 18, 1996, 30 days after its publication in the Federal Register. Accordingly, the rejustifications are due June 17, 1996.

Commission in the First R&O from licensees seeking to rejustify their extended implementation authorizations. Although Movants have anticipated the rejustification filing since the release of the First R&O, and had been in the process of preparing their submissions based on the text and rules set forth at Decision, the Commission's June 4 Notice has substantially enlarged the scope of their efforts.^{5/} Based on the Commission's just-released "recommendations," Movants must now compile, organize and reformat significant amounts of data prior to submission.

4. Because 800 MHz SMR systems historically have been licensed on a site-by-site and frequency-specific basis, each of the Movants has multiple, multi-frequency licenses -- in some cases, literally thousands of licenses -- granted pursuant to extended implementation authority. The June 4 Notice recommends the submission of extensive data on each such facility. Moreover, these licenses have been granted pursuant to various Commission procedures: some pursuant to a waiver order; some pursuant to a letter order; some pursuant to mere grant of the license; and some pursuant to extended implementation authority as provided in FCC Rule Section 90.629.^{6/} Publication of the June 4 Notice less than two weeks before the filing deadline has left Movants with an

^{5/} Moreover, a number of the Movants were uncertain whether they even had been granted extended implementation for authorizations approved on the October 31, 1995 Public Notice until the Commission's June 4 clarification, making it extraordinarily difficult, and perhaps impossible, to prepare the required showing in just 13 days. See, e.g., Mobex's "Petition for Clarification and Reconsideration" filed March 18, 1996.

^{6/} 47 C.F.R. § 90.629.

insufficient amount of time in which to compile the information requested by the Bureau.

5. Movants recognize, and fully support, the Commission's desire to resolve outstanding matters relating to the future licensing of the upper 200 SMR channels expeditiously. Accordingly, they request only a 28-day extension of time, the minimum needed to respond to the unanticipated scope of the June 4 Notice.

III. CONCLUSION

6. For the reasons expressed herein, Movants respectfully request a 28-day extension for filing extended implementation rejustifications.

Respectfully submitted,

By:



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Dated: June 10, 1996

CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 10th day of June, 1996, mailed a copy of the foregoing Motion for Extension of Time to the following:

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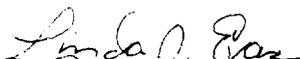
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