

**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 20 and 24 of the)	WT Docket No. 96-59
Commission's Rules -- Broadband)	
PCS Competitive Bidding and the)	
Commercial Mobile Radio Service)	
Spectrum Cap)	
)	
Amendment of the Commission's)	GN Docket No. <u>90-314</u>
Cellular PCS Cross-Ownership Rule)	

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MOTION TO ACCEPT LATE-FILED REPLY

Omnipoint Corporation ("Omnipoint"), by its attorneys, hereby requests that the Commission accept the attached Reply to the Cellular Telephone Industry Association's August 28, 1996 Opposition to Omnipoint's July 31, 1996 petition for reconsideration (the "Petition") of the Commission's Report and Order.¹ In filing its Opposition, CTIA failed to serve either Omnipoint or its counsel. As a result, when Omnipoint filed its consolidated reply to other oppositions on September 10, 1996, it was unaware of the CTIA pleading and did not respond to it. Because the issues in this proceeding are of such critical importance to the wireless industry and because Omnipoint's failure to respond to CTIA on September 10 was through no fault of its own, Omnipoint believes it is in the public interest for the Commission to accept the attached Reply.

We note that CTIA's failure to serve Omnipoint with a timely copy of its August 28 Opposition clearly violates the Commission's rules. See 47 C.F.R. §§ 1.429(f) ("Oppositions to a

¹ Report and Order, WT Dkt. No. 96-59, GN Dkt. No. 90-314, FCC 96-278 (rel. June 24, 1996) ("Report and Order").

petition for reconsideration . . . need be served . . . on the person who filed the petition.") and
1.47 (rule articulates clear mandatory service procedures). Omnipoint suggests that the
Commission may well choose to strike the CTIA pleading from the record.

Respectfully submitted,

OMNIPOINT CORPORATION

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