

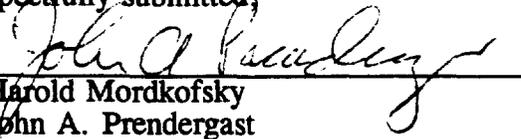
public, it is respectfully submitted that the Commission must provide for full protection of existing control link operations.

**CONCLUSION**

In light of the foregoing, it is respectfully requested that the Commission modify its rules adopted in the above caption proceeding in the manner discussed above.

Respectfully submitted,

By:

  
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Filed: April 11, 1997

**ATTACHMENT A**

Teletouch Licenses, Inc.

Penasco Valley Telephone Cooperative, Inc.

Valley Answering Service

AzCOM Paging, Inc.

Oregon Telephone Corporation

Ventures in Paging L.C.

Professional Answering Service, Inc.

Prairie Grove Telephone Company

Cascade Utilities, Inc.

Cleveland Mobile Radio Sales, Inc. and Telephone & Two-Way

Lubbock Radio Paging Service, Inc.

Radiotelephone of Maine

Radio Paging Service

Omnicom

# United States Senate

WASHINGTON, D.C. 20540

February 9, 1996

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Chairman Hundt:

We continue to support your efforts and those of the entire Federal Communications Commission ("Commission" or "FCC") to carry out the intent of Congress that the Commission grant mutually exclusive applications for authorizations in certain radio services on the basis of competitive bidding, as authorized by the Omnibus Budget Reconciliation Act of 1993 ("1993 Budget Act" or "'93 Act").

In granting authority to the FCC to award such authorizations by auction, Congress expressly limited that authority to situations involving mutually exclusive applications. Moreover, Section 117 of the 1993 Budget Act, now codified at 47 U.S.C., section 309(j)(6)(E), directed the Commission to make every effort to avoid mutually exclusive application situations by use, among other things, of engineering solutions such as frequency coordination and amendments to eliminate mutually exclusive situations. The opportunity to generate revenues was not to be used as justification for ignoring this direction.

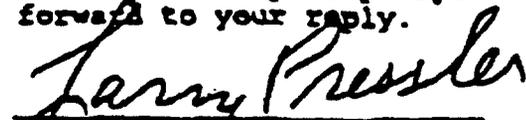
While some segments of the industry have expressed concern about Commission action regarding allocation of specific portions of the electromagnetic spectrum, our concern is with the larger issue of Commission implementation of Congressionally-imposed responsibilities under the '93 Act. We are particularly interested in the Commission's treatment of its auction authority under the Notice of Proposed Rulemaking and Order, FCC 95-500, (the "Order") covering the proposed revision of rules governing processing of 39 GHz applications.

We wholly support spectrum auctions, where reasonable, appropriate and truly representative of Congressional intent. By virtue of either completing the application process or amending already submitted applications to eliminate mutual exclusivity concerns, applicants have in essence established a fairly reasonable expectation that they would not be subjected to the competitive bidding process. In considering the public interest

to generate revenues under the '93 Act, Congress determined that the promotion of more competitive services for the public and more efficient use of spectrum were of paramount importance when compared to allocation by competitive bidding.

It therefore seems anomalous to the clearly expressed intent of Congress within the Act that applicants who have completed the application process would subsequently be exposed to having to compete for that spectrum in auctions. Clarification of the Commission's reasoning and interpretation of its auction authority under the 1993 Budget Act would be appreciated.

Thank you for your prompt attention in this matter. We look forward to your reply.

  
Larry Pressler

  
Thomas Paschle



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 96-930  
June 10, 1996

## FCC CLARIFIES PROCESSING OF LICENSE APPLICATIONS UNDER INTERIM PAGING RULES

In the *Notice of Proposed Rulemaking* adopted on February 8, 1996,<sup>1</sup> the Commission suspended acceptance of new paging applications in conjunction with a proposal to convert Part 22 and Part 90 paging channels from site-by-site licensing to licensing on a geographic area basis.<sup>2</sup> In the *First Report and Order (Order)* adopted on April 23, 1996,<sup>3</sup> the Commission adopted interim measures governing licensing of paging systems for the pendency of the rulemaking proceeding. Since the adoption of the *Order*, some paging licensees have sought clarification whether applications for paging sites filed under the interim rules will be processed prior to the implementation of any new licensing procedures. The Wireless Telecommunications Bureau will process all initial paging applications received through July 31, 1996 under the interim rules. All such applications that are subject to public notice procedures will be placed on public notice for the applicable period, and competing applications will be accepted. The Bureau also intends to process initial applications filed after July 31, 1996. However, the extent to which post-July 31 applications are processable may be affected by the timing of a final order in the proceeding and the transition to new licensing rules.

For further information please contact Mika Savir or Rhonda Lien at (202) 418-0620.

<sup>1</sup> Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, WT Docket No. 96-18, FCC 96-52, *Notice of Proposed Rulemaking*, \_\_ FCC Rcd \_\_ (released Feb. 9, 1996) (summarized in 61 Fed. Reg. 06199 (Feb. 16, 1996)) (*Notice*).

<sup>2</sup> *Id.* at ¶¶ 139-142.

<sup>3</sup> *First Report and Order*, WT Docket No. 98-18, FCC 96-183 (adopted April 22, 1996) (*Order*).

## SERVICE LIST

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