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Federal Communications Commission
Office of Secretary

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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico	)	WT Docket No. 97-112
	)	
Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules	)	CC Docket No. 90-6

To: The Commission

OPPOSITION OF 360° COMMUNICATIONS COMPANY TO REQUEST FOR EXTENSION TO FILE COMMENTS

360° Communications Company ("360°")[1] hereby submits its opposition to Petroleum Communications, Inc.'s ("PCI") request for a 30-day extension of time to submit comments on the Commission's Second Further Notice of Proposed Rule Making ("Notice") in the above-referenced proceeding. 360° strongly opposes the requested extension as it would constitute yet another unnecessary delay in remedying an unfortunate and unintentional juxtaposition of conflicting regulatory regimes and, more importantly, in finally permitting the provision of cellular service to customers in the beachfront areas abutting the Gulf of Mexico.

Section 1.46 of the Commission's Rule is clear that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted."[2] PCI has utterly failed to

[1] 360° is the second largest publicly held cellular company in the United States, offering wireless voice and data service to nearly 2.3 million subscribers in more than 100 markets in 16 states. 360° operates a number of cellular systems in Florida that abut the Gulf of Mexico.

[2] 47 C.F.R. § 1.46.

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demonstrate the unique and special circumstances necessary to justify such relief. Indeed, PCI has already had since April 16, 1997, when the Notice was released, to study the proposal and draft comments. This 45-day period is more than sufficient for PCI to collect its thoughts on the matter. This is particularly the case given that PCI has long been on notice that the Commission has been considering proposals to govern the Gulf of Mexico Service Area ("GMSA"). Indeed, it was PCI's appeal of the Commission's Rules in this matter that provided the impetus for the Notice.[3]

Moreover, the grant of an extension of time in this proceeding would be especially contrary to the public interest given the longstanding and acute need for cellular service in land-based areas adjacent to the GMSA. Since May 1994, when the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded the Commission's order redefining the Gulf licensees' CGSAs and establishing procedures for the treatment of unserved areas in the Gulf,[4] land-based carriers abutting the Gulf of Mexico have been effectively precluded from serving the busy beachfront areas in their markets. By restoring the old CGSA definition for the Gulf licensees,[5] yet allowing the implementation of other regulatory changes prohibiting extensions into a licensee's CGSA without its consent, the remand served to prohibit extensions into the GMSA without the Gulf licensee's consent. Because cell contours are not shaped identically to coastal boundaries, and given limitations on transmitter placement, land-based licensees could not provide service to many shoreline areas, including

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[3] *Petroleum Communications, Inc.*, 22 F.3d 1164 (D.C. Cir. 1994).

[4] *Id.*

[5] In the case of the Block A carrier, the CGSA was defined as the western portion of the GMSA; in the case of the Block B carrier, the CGSA was defined as the entire Gulf of Mexico.

barrier islands, consistent with the governing rules. As a result, since May 1994, customers in these coastal markets have been clamoring for better – *and, in some cases, any* – cellular service in the heavily traveled beachfront highways, communities, and recreational areas.

Although the Notice's proposals would address this problem created by the Court's remand, PCI's requested extension would simply further delay this much needed relief for consumers and land-based licensees. Clearly, the public interest is not served by further and unnecessarily delaying the provision of cellular service to these populous beachfront areas. Accordingly, the PCI's request for an extension of time should be promptly denied.

Respectfully submitted,

360° COMMUNICATIONS COMPANY

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May 29, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 1997, I caused copies of the foregoing Opposition of "360° Communications Company to Request for Extension to File Comments" to be mailed via first-class postage prepaid mail to the following:

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