

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of )  
)  
Implementation of Section 309(j) of the )  
Communications Act - Competitive Bidding )  
for Commercial Broadcast and Instructional )  
Television Fixed Service Licenses )  
)  
Reexamination of the Policy Statement )  
on Comparative Broadcast Hearings )  
)  
Proposals to Reform the Commission's )  
Comparative Hearing Process to Expedite )  
the Resolution of Cases )  
)

MM Docket No. 97-234

GC Docket No. 92-52

GEN Docket No. 90-264

TO: The Full Commission

**PETITION FOR PARTIAL RECONSIDERATION**

William B. Grant ("Grant"), by his attorney, hereby respectfully requests the full Commission to partially reconsider its First Report and Order, in this proceeding, as follows:<sup>1</sup>

1. William B. Grant tr/as Grantell Broadcasting Company, is the licensee of AM Broadcast Station WYLS and FM Broadcast Station WSLY, York, Alabama. Mr. Grant has been planning to make a major change in the location of WYLS(AM). He has also been planning to file applications for at least one new FM translator station. However, he has been unable to file these applications, because of the freeze which the Commission imposed on the acceptance and processing of applications for new translator stations and major changes in AM broadcast stations, pending the

<sup>1</sup>The Report was published on September 11, 1998, at 63 FR 48615 (September 11, 1998).

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transition to a system of government auctions, mandated by the Balanced Budget Act of 1997.

2. By its First Report and Order in this proceeding, the Commission adopted rules to implement the auction system. However, the Commission did not lift the freeze on FM translator applications, nor did it lift the freeze on applications for new AM stations and major changes for AM stations. Instead, it proposes to adopt a new system under which such applications can be filed only during specified periods of time (windows) to be announced by the FCC. In making the determination to go to a "window system", the Commission remarked that it had proposed such a system in its Notice of Proposed Rule Making in this proceeding, and that no opposing comments had been received.

3. The Notice of Proposed Rule Making was a lengthy document, dealing with many weighty issues, many of them pertaining to the disposition of applications which had already gone through hearing proceedings and to the future auctioning of new FM and TV channels worth many millions of dollars. Mr. Grant did not realize that the Notice of Proposed Rule Making contained anything which would impact his plans to file a major change application in the AM broadcast service or an application for a new FM translator. Had he known that the Notice of Proposed Rule Making impacted his plans, he certainly would have filed comments. In those comments, Grant would have opposed the window system. Such a system makes absolutely no sense when applied to AM and translator applications. The purpose of the window system, basically, is to insure a maximum financial return to the United States Treasury, when spectrum becomes available to be auctioned. It is extremely doubtful, however, whether there will ever be any auctions of FM translators or new or major change AM applications. Such applications are rarely subject to competing applications which would require any auction. In those rare instances in which competing

applications are filed, the applicants are usually able to resolve conflicts by amicable arrangements amongst themselves. Indeed, Section 309(j)(6)(E) of the Communications Act, enacted by the Congress as part of the Balanced Budget Act, imposes an affirmative obligation on the Commission “to continue to use engineering solutions, negotiation, threshold qualifications, service regulations, and other means in order to avoid mutual exclusivity in application and licensing proceedings”.

4. The adoption of a window system for AM and translator applications threatens a chaotic situation. It is also a step backwards from the Commission’s efforts, exemplified in its streamline proceedings, to allow marketplace forces to govern the allocation of spectrum as opposed to government edict. Under the window system, consulting engineers are likely to be grievously overloaded when a window opens for the filing of AM and translator applications. This will increase the likelihood of mistakes and impose additional costs on applicants such as Grant.

5. The demand system of allocation used by the FCC in the AM and translator service for more than 50 years has worked just fine. It should not be changed. On those rare occasions when an application is filed which becomes the subject of a competing application, the Commission will simply designate the applications for auction instead of designating them for hearing.

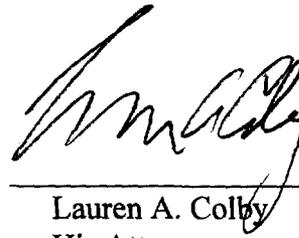
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Respectfully submitted,

WILLIAM B. GRANT

By: \_\_\_\_\_



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