

Dockets

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WT Docket No. 97-115

Released: October 15, 1998

**MOBILEMEDIA CORPORATION DEBTOR-IN-POSSESSION,
AND ARCH COMMUNICATIONS GROUP, INC.
SEEK FCC CONSENT TO TRANSFER CONTROL OF LICENSES**

Pleading Cycle Established

Report No. LB -99-05

On September 2, 1998, MobileMedia Corporation, Debtor-in-Possession ("MobileMedia"), and Arch Communications Group, Inc. ("Arch") (collectively "Applicants") filed Applications for Transfer of Control and a Petition to Terminate and for Special Relief, seeking Commission consent to effectuate a merger and reorganization. Specifically, the Applicants seek Commission consent, under section 310(d) of the Communications Act, 47 U.S.C. § 310(d), to effectuate a merger transaction which, when completed, would result in (1) the transfer of control of MobileMedia to Arch, as Arch will be constituted at the time of the merger; (2) the *pro forma* assignment of all of MobileMedia licenses and authorizations to a single subsidiary MobileMedia License Co. L.L.C.; and (3) the transfer of control of Arch to a new, widely dispersed group of investors.

On September 11, 1998, the Assistant General Counsel of the Commission's Administrative Law Division directed the Wireless Telecommunications Bureau (Bureau) to proceed with the processing of these transfer of control applications in accordance with the Bureau's usual procedures and to report to the Commission by filing a pleading in this proceeding providing the Bureau's analysis, as appropriate, concerning the grantability of the applicants' applications. *Mobile Media Corporation, et al. Applicant for Authorizations and Licensee of Certain Stations in Various Services*, WT Docket No. 97-115, FCC 98I-39, Order, adopted September 14, 1998. On September 25, 1998, the Assistant General Counsel ordered

that the deadline for filing comments or petitions to deny on all aspects of the Applicant's proposal shall be established by the Bureau in a Public Notice when the applications are accepted for filing. *Mobile Media Corporation, et al. Applicant for Authorizations and Licensee of Certain Stations in Various Services*, WT Docket No. 97-115, FCC 98I-40, Order, adopted September 25, 1998.

This Public Notice establishes the pleading cycle in this proceeding. The deadline for filing petitions to deny, formal petitions for other forms of relief, and other comments is **November 16, 1998**. Oppositions to petitions and other reply comments must be filed by **November 27, 1998**.

MOBILEMEDIA APPLICATIONS

SECTION 310 APPLICATIONS

Part 22 - Narrowband Paging and Air-Ground Radiotelephone Service

The following 13 applications for consent to transfer control from MobileMedia Corporation, Debtor-in-Possession, to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of MobileMedia Corporation, Debtor-in-Possession, have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
50007	FWS Radio, Inc., Debtor-in-Possession	KNKI465 et al.
50008	Mobile Communications Corporation of America, Debtor-in-Possession	KDS460 et al.
50009	MobileComm Nationwide Operations, Inc., Debtor-in-Possession	KNKG815 et al.
50010	MobileComm of Florida, Inc., Debtor-in-Possession	KIA955 et al.
50011	MobileComm of the MidSouth, Inc., Debtor-in-Possession	KAF250 et al.
50012	MobileComm of the Northeast, Inc., Debtor-in-Possession	KCC483 et al.
50013	MobileComm of the Southeast, Inc., Debtor-in-Possession	KNKJ386 et al.
50014	MobileComm of the Southwest, Inc., Debtor-in-Possession	KDS451 et al.
50015	MobileComm of Tennessee, Inc., Debtor-in-Possession	KDS452 et al.
50016	MobileComm of the West, Inc., Debtor-in-Possession	KAQ628 et al.
50017	MobileMedia DP Properties, Inc., Debtor-in-Possession	KDS397 et al.
50018	MobileMedia Paging, Inc., Debtor-in-Possession	KAA209 et al.

Air-Ground Radiotelephone Service

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
22778-CG-TC-98	MobileMedia DP Properties, Inc., Debtor-in-Possession	KNKO580 et al.

Part 24 - Narrowband Personal Communications Service

The following two applications for consent to transfer control from MobileMedia Corporation, Debtor-in-Possession, to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of MobileMedia Corporation, Debtor-in-Possession, have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
50019	MobileMedia PCS, Inc., Debtor-in-Possession	KNKV214 et al.
50020	MobileMedia Communications, Inc., Debtor-in-Possession	KNKV207

Part 25 - Fixed Satellite Service

The following application for consent to transfer control from MobileMedia Corporation, Debtor-in-Possession, to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of MobileMedia Corporation, Debtor-in-Possession, have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
(SES-T/C-19980902-01287)	MobileMedia Paging, Inc., Debtor-in-Possession	E930331 et al.

The following seven applications for consent to transfer control from MobileMedia Corporation, Debtor-in-Possession, to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of MobileMedia Corporation, Debtor-in-Possession, have been assigned the file numbers noted below in this service:

Private Carrier Paging Service

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
911087	MobileComm of the Northeast, Inc., Debtor-in-Possession	WNIR387 et al.
911083	MobileMedia Paging, Inc., Debtor-in-Possession	KNNF600 et al.

Business Radio Service

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
911089	MobileComm of the MidSouth, Inc., Debtor-in-Possession	WNYA560 et al.
911088	MobileComm of the Northeast, Inc., Debtor-in-Possession	WNRH787
911086	MobileComm of the Southeast Private Carrier Operations, Inc., Debtor-in-Possession	WNCY941 et al.
911085	MobileMedia DP Properties, Inc., Debtor-in-Possession	KNNF432 et al.
911084	MobileMedia Paging, Inc., Debtor-in-Possession	KL7419 et al.

Part 101 - Common Carrier Point-to-Point Microwave Service

The following four applications for consent to transfer control from MobileMedia Corporation, Debtor-in-Possession, to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of MobileMedia Corporation, Debtor-in-Possession, have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
9713737	MobileComm of the Northeast, Inc., Debtor-in-Possession	WLL898 et al.
9713735	MobileComm of the West, Inc., Debtor-in-Possession	WDU308 et al.
9713736	MobileMedia DP Properties, Inc., Debtor-in-Possession	WFY861 et al.
9713738	MobileMedia Paging, Inc., Debtor-in-Possession	WFY948 et al.

ARCH APPLICATIONS

SECTION 310 APPLICATIONS

Part 22 - Narrowband Paging, Rural Radiotelephone and Air-Ground Radiotelephone Services

The following 15 applications for consent to transfer control from the Existing Shareholders of Arch Communications Group, Inc. to the New Shareholders of Arch

Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of Arch Communications Group, Inc. have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
50021	Arch Paging, Inc.	KDS762 et al.
50022	Westlink Licensee Corporation	KAF241 et al.
50023	Westlink of New Mexico Licensee Corporation	KKH476 et al.
50024	Arch Southeast Communications, Inc.	KFL876 et al.
50025	The Beeper Company of America, Inc.	KAF636 et al.
50026	Arch Connecticut Valley, Inc.	KCB892 et al.
50027	Becker Beeper, Inc.	KNLM443 et al.
50028	Cascade Mobile Communications LP	KNKI641 et al.
50029	Kelleys Licensee Corporation	KOA733
50030	Arch Michigan, Inc.	KKB613 et al.
50031	Answer Iowa Licensee Corporation	KAL879 et al.
50032	Arch Capitol District, Inc.	KAA814 et al.

Air-Ground Radiotelephone Service

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
22779-CG-TC-98	Westlink of New Mexico Licensee Corporation	WXR919
22780-CG-TC-98	Arch Capitol District, Inc.	KUC954

Rural Radiotelephone Service

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
22781-CR-TC-98	Arch Southeast Communications, Inc.	KLU50 et al.

Part 25 - Fixed Satellite Service

The following two applications for consent to transfer control from the Existing Shareholders of Arch Communications Group, Inc. to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of Arch Communications Group, Inc. have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
(SES-T/C-19980902-01288)	Westlink Licensee Corporation	E930077
(SES-T/C-19980902-01298)	Arch Paging, Inc.	E940347

Part 90 - Private Land Mobile Radio Services

The following 17 applications for consent to transfer control from the Existing Shareholders of Arch Communications Group, Inc. to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of Arch Communications Group, Inc. have been assigned the file numbers noted below in this service:

Private Carrier Paging Service

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
911094	Arch Paging, Inc.	KNNG389 et al.
911095	Westlink Licensee Corporation	KNGJ215
911096	Arch Southeast Communications, Inc.	KNNF531 et al.
911097	Arch Communications Services, Inc.	KNNM421 et al.
911098	Arch Connecticut Valley, Inc.	WPFH574 et al.
911099	Westlink of New Mexico Licensee Corporation	WPKJ982
911100	Arch Capitol District, Inc.	WPEI788 et al.
911101	Nationwide 929.8875 LLC	KNNF609 et al.
911102	Arch Michigan, Inc.	WPEI810 et al.

Business Radio Service

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Sign</u>
911103	Arch Southeast Communications, Inc.	KNNI382 et al.
911104	Westlink Licensee Corporation	KNHH823 et al.
911105	Arch Connecticut Valley, Inc.	WNKT914 et al.
911106	Arch Communications Services, Inc.	WPJW953 et al.
911107	Arch Paging, Inc.	WNGU433 et al.
911108	Arch Capitol District, Inc.	WPCC643 et al.

Business Radio Service (PMRS)

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Sign</u>
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911109 Arch Connecticut Valley, Inc. KNJV556

Specialized Mobile Radio Service

File Nos. Licensee Call Sign

911110 Arch Connecticut Valley, Inc. WNAU450

Part 101 - Common Carrier Point-to-Point Microwave Service

The following five applications for consent to transfer control from the Existing Shareholders of Arch Communications Group, Inc. to the New Shareholders of Arch Communications Group, Inc. the site specific licenses and authorizations held or requested by subsidiaries of Arch Communications Group, Inc. have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
9713739	Arch Paging, Inc.	WGX343 (LEAD of 15)
9713740	Westlink Licensee Corporation	WGX437 (LEAD of 10)
9713741	Arch Capitol District, Inc.	WHQ965 (LEAD of 20)
9713742	Westlink of New Mexico Licensee Corporation	WHE427 (LEAD of 6)
9713743	Arch Connecticut Valley, Inc.	WLK723 (LEAD of 8)

Part 101 - Private Operational Fixed Microwave Service

The following 3 applications for consent to the transfer of control from the Existing Shareholders of Arch Communications Group, Inc. to the New Shareholders of Arch Communications Group, Inc. for site specific licenses and authorizations held or requested by subsidiaries of Arch Communications Group, Inc. have been assigned the file numbers noted below in this service:

<u>File Nos.</u>	<u>Licensee</u>	<u>Call Signs</u>
911091	Westlink Licensee Corporation	KEZ49
911092	Arch Connecticut Valley, Inc.	WNTF824
911093	Arch Paging, Inc.	WNES202 (LEAD of 4)

OTHER ISSUES

The Applicants also request a temporary waiver of the Narrowband PCS spectrum aggregation limit contained in section 24.101 of the Commission's rules. *See Applications, Vol. I at 12-18* Section 24.101 of the Commission's rules prohibit an entity from having a five percent or greater interest in more than three Narrowband PCS licenses in a given geographic area. 47 C.F.R. § 24.101. The Applicants request that the Commission permit Arch to hold these licenses until 90 days after completion of the spectrum cap rulemaking proceeding. *Applications, Vol. I at 12, citing Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS, Further Notice of Proposed Rulemaking, 12 FCC Rcd 12972 (1997).*

In addition, the Applicants also request that the Commission grant Arch standard license authority to operate certain stations which MobileMedia is currently operating under a grant of interim operating authority. *Id.* at 18-20. Because these authorizations were not timely constructed, the Commission declared these authorizations to be automatically terminated, but granted MobileMedia authority to operate these facilities on an interim basis until the Commission takes further action. *Id.* The Applicants request that Arch be granted standard operating authority for these facilities so it can operate them after consummation of the transaction. *Id.*

Pursuant to Section 1.1117, 47 C.F.R. § 1.1117, the Applicants also request a waiver and refund of the filing fees for the applications for consent to transfer control of MobileMedia's licenses because MobileMedia and its subsidiaries have filed under Chapter 11 of the U.S. Bankruptcy Code in order to restructure more than \$1.1 billion in debt. *Applications, Vol. I at 20-23.*

On October 6, 1998, MobileMedia and Arch supplemented the Application to reflect a revision in the transaction to incorporate a Market Price Protection Mechanism that may result in certain existing parties receiving additional equity in Arch. Because one of these parties is non-U.S. entity, the Applicants request permission to exceed the 25% statutory benchmark for indirect foreign ownership of a Commission licensee. *See 47 U.S.C. § 310(b)(4).*

GENERAL INFORMATION

By this Public Notice, the Bureau finds, upon initial review, that the transfer of control of license applications listed below are accepted for filing. The Commission reserves the right to return any applications if, upon further examination, they are determined to be defective and not in conformance with the Commission's rules or policies.

Final action will not be taken on these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30-day notice period. *See 47 U.S.C. § 309(c).* Persons wishing to file petitions to deny or formal petitions for other forms of relief,

and other persons wishing to file comments, must do so no later than **November 16, 1998**. Oppositions to petitions and other reply comments shall be filed no later than **November 27, 1998**. All filings concerning any or all of the matters referenced in this Public Notice should refer to **WT Docket No. 97-115 and Report No. LB-99-05**, as well as reference specific file numbers of the individual applications or other matters to which the filing pertains.

An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 1919 M St., N.W., Room 222, Washington, D.C. 20554, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c). In addition, one copy of each pleading must be delivered to each of the following locations: (1) the Commission's duplicating contractor, International Transcription Services, Inc. ("ITS"), 1231 20th St., N.W., Washington, D.C. 20036; (2) John Riffer, Assistant General Counsel, Administrative Law Division, Office of the General Counsel, 1919 M Street, N.W. Washington, D.C. 20554; (3) John Schauble, Wireless Telecommunications Bureau, Enforcement Division, 2025 M Street, N.W., Washington, D.C. 20554; (4) Jonathan Radin, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, Room 700, Washington, D.C. 20554; (5) Private Wireless Division, Wireless Telecommunications Bureau, Public Reference Room, 1270 Fairfield Road, Gettysburg, PA 17325; and (6) International Bureau, Room 803, 2000 M St., N.W., Washington, D.C. 20554; and (7) Office of Public Affairs (OPA), Wireless Telecommunications Bureau, Room 5608, 2025 M Street, N.W., Washington, D.C. 20554; .

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Washington, DC 20036 (202) 857-3800. The applications and documents are also available for public inspection and copying during normal reference room hours at the following Commission offices.

Office of Public Affairs (OPA)
Reference Operations Division
Room 5608
2025 M Street, N.W.
Washington, D.C. 20554
(Part 22 and Part 24)

Wireless Telecommunications Bureau
(Gettysburg)
Public Reference Room
1270 Fairfield Road
Gettysburg, PA 17325
(Part 90 and Part 101)

International Bureau
Public Reference Room
Room 102
2000 M Street, N.W.
Washington, D.C. 20554
(Part 25)

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