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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
**AMERITECH MOBILE SERVICES, INC.** )  
)  
Dismissal of Application for Authorization for )  
Additional Transmitting Facility for Station )  
KNKO716, on 931.3375 MHz, in the Paging and )  
Radiotelephone Service at Boardman, Ohio )  
)  
Revision of Part 22 and Part 90 of the )  
Commission's Rules to Facilitate Future )  
Development of Paging Systems )

File No. 20385-CD-P/ML-96

WT Docket No. 96-18 /

To: Chief, Wireless Telecommunications Bureau

**PETITION FOR RECONSIDERATION**

Ameritech Mobile Services, Inc. (AMSI), by its attorneys, hereby requests, pursuant to Section 1.106 of the Commission's Rules, reconsideration of the action taken by the Chief, Commercial Wireless Division of the Wireless Telecommunications Bureau (Bureau), by Order released December 14, 1998 (DA 98-2545), dismissing the captioned application, supposedly because it is mutually exclusive with one or more other pending applications. However, as will be shown below, if that indeed is the premise of the Bureau's action, the premise is faulty. Accordingly, the Bureau's action is in error and should be rescinded.

In support of this petition, the following is shown:

On October 16, 1995, AMSI filed the captioned application for authority to construct and operate a base station on the frequency 931.3375 MHz at Boardman, Ohio. The captioned

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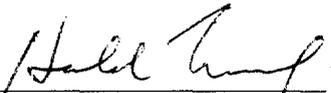
20385-CD-P/ML-96. On May 7, 1996, AMSI filed a minor amendment to the application (Attachment A hereto) in order to demonstrate interference-free operation with respect to a protected co-channel station. The amendment included a letter, from Lehigh (licensee of PRS Station KNKO407 at Pittsburgh, Pennsylvania) to Ameritech Mobile Communications, Inc. (the parent of AMSI), in which Lehigh stated that it would “accept the potential co-channel interference from your proposed 931.3375 MHz site at Boardman, Ohio, consistent with the parties’ 1991 agreement.” The amendment bears the receipt stamp of the Commission’s Office of the Secretary. It should have eliminated any possible mutual exclusivity with other applications since, as shown in Attachment B hereto, the reliable service area contour (RSAC) and interference contour (IC) of the proposed Boardman facility are wholly contained within the composite contours comprising AMSI’s co-channel facilities at New Frank, Lake Milt, Salem, Austintown, Youngstown, Hubbard, Niles and Warren, Ohio, and Lehigh’s co-channel facility at Pittsburgh, Pennsylvania. Because (a) the RSAC and IC of AMSI’s proposed Boardman facility are totally encompassed by the contours of AMSI’s existing co-channel facilities in Ohio and Lehigh’s co-channel facility at Pittsburgh, Pennsylvania; and (b) no other applicant could possibly file an application on 931.3375 MHz demonstrating interference-free operation with respect to AMSI’s and Lehigh’s protected co-channel facilities that would be mutually exclusive with AMSI’s Boardman application (i.e., within 70 miles of the Boardman location), it is clear that the Boardman application cannot be mutually exclusive with any other applications pending as of December 14, 1998. Moreover, even if such mutual exclusivity were to exist, then the Commission is required to use engineering solutions, negotiations, and threshold qualifications in order to avoid mutual exclusivity. Section 309(j)(6)(E) of the Communications Act of 1934, as amended.

Accordingly, it is respectfully submitted that the Bureau erred in dismissing the captioned application. It is therefore requested that the Bureau rescind its Order dismissing the application, reinstate the application nunc pro tunc, and grant the application forthwith.

Respectfully submitted,

**AMERITECH MOBILE  
SERVICES, INC.**

By

  
Harold Mordkofsky  
Richard Rubino  
Its Attorneys

Blooston, Mordkofsky, Jackson  
& Dickens  
2120 L Street, N.W., Suite 300  
Washington, D.C. 20037  
(202) 659-0830

Filed: January 13, 1999

## **Attachment A**



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May 7, 1996

David Furth, Chief  
Commercial Wireless Division  
Wireless Telecommunications Bureau  
2025 M Street, N.W., Room 7002  
Federal Communications Commission  
Washington, D. C. 20554

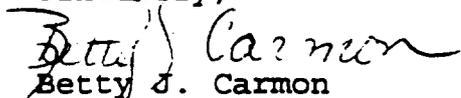
Re: Ameritech Mobile Services, Inc.  
PRS Station KNKO716  
Boardman, Ohio  
File No. 20385-CD-P/ML-96  
MINOR AMENDMENT

Dear Mr. Furth:

Ameritech Mobile Services, Inc. hereby amends the referenced application, which proposes to establish an additional transmitting facility for station KNKO716, on 931.3375 MHz, at Boardman, Ohio. The application indicates at Exhibit 1 that, with regard to co-channel station KNKO407, licensee Lehigh Valley Mobile Telephone Company, Inc agreed to accept interference pursuant to an earlier agreement between the parties. The purpose of the amendment is to provide the attached letter, indicating that Lehigh Valley Mobile Telephone Company, Inc. has changed its name to Lehigh Communications, Inc. The letter also confirms that Lehigh agrees to accept the potential for harmful interference to its protected 931.3375 MHz facility at Pittsburgh, Pennsylvania, from our short spaced facility at Boardman, consistent with the parties' 1991 agreement. Likewise, Ameritech agrees to accept the potential for harmful interference to the proposed Boardman facility which may be caused by the existing Pittsburgh facility. Ameritech provides this letter for the Commission's convenience, to ensure that the Commission has all information needed to promptly act on the referenced application. Because this amendment does not change the technical parameters of the proposed facility in any way, it is minor in nature.

Any questions regarding this filing may be directed to the undersigned at the mailing address listed above, or by phone at 847/765-3828.

Sincerely,



Betty J. Carmon

Manager - FCC/Property Leases & Taxes

Attachment

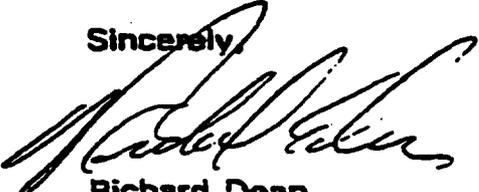
Lehigh Communications, Inc.  
~~LEHIGH VALLEY MOBILE TELEPHONE COMPANY, INC.~~  
Lehigh Tower, East Rock Road  
Allentown, Pennsylvania 18103

Glen Sparks, Manager, RF Services  
Ameritech Mobile Communications, Inc.  
3580 Executive Drive  
Suite 201B  
Uniontown, Ohio 44685-8749

Dear Mr. Sparks:

This letter will confirm that ~~Lehigh Valley Mobile Telephone Company, Inc.~~ <sup>Lehigh Communications, Inc.</sup> agrees to accept potential co-channel interference from your proposed 931.3375 MHz site at Boardman, Ohio, consistent with the parties' 1991 agreement. As you know, the parties have agreed to work together to minimize any such interference.

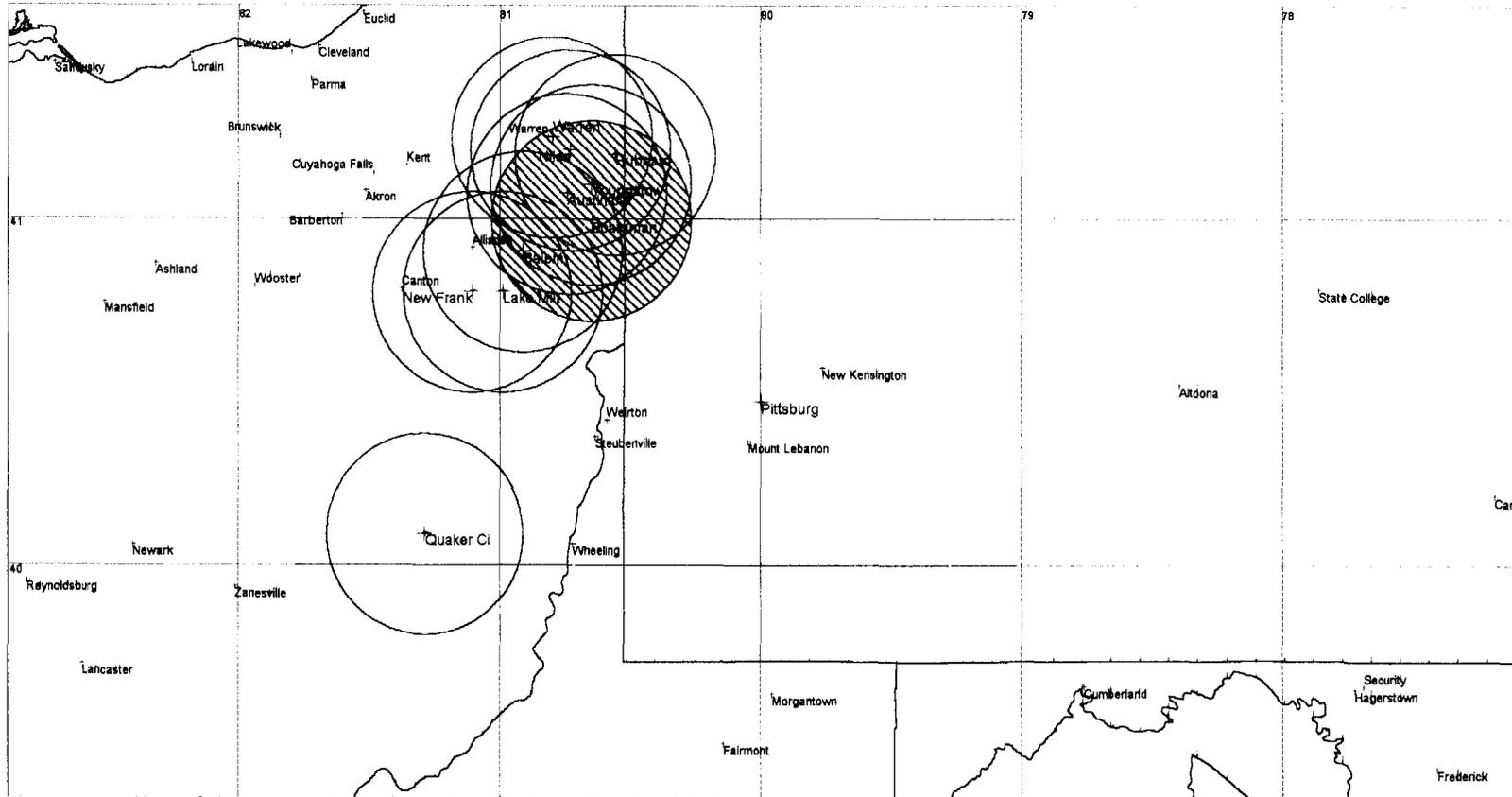
Sincerely,



Richard Dean

## **Attachment B**

### Ameritech Mobile Services, Inc. - Service Area Contours



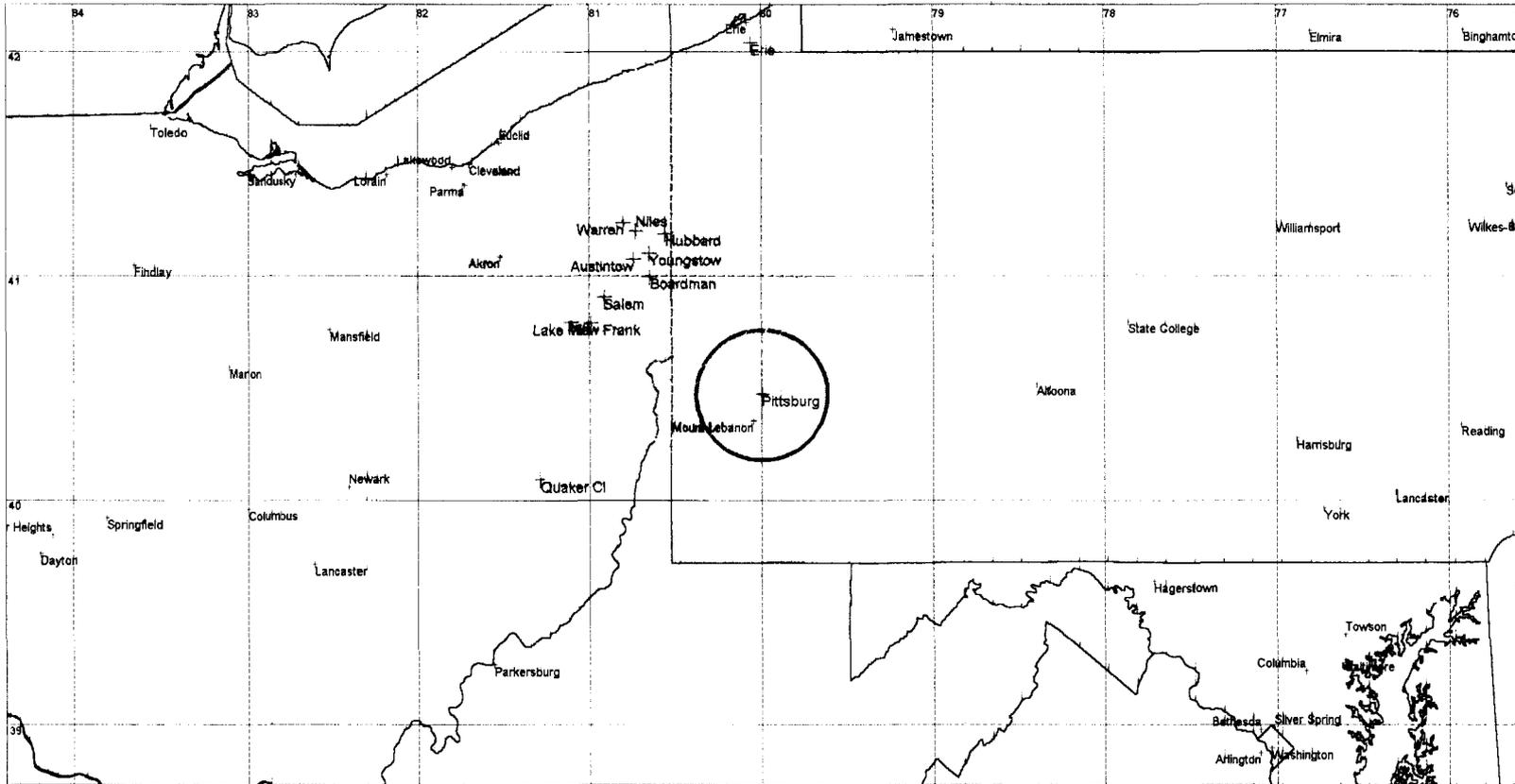
### Lehigh Communications, Inc. - Pittsburgh Interference Contour

Scale 1:2300000

50 Km

— LM Service    - - - LM Interfering    — State Borders    ···· Lat-Lon Grids

### Ameritech Mobile Services, Inc. - Interference Contours



### Lehigh Communications, Inc. - Pittsburgh Service Area Contour

Scale 1:3500000

50 Km

--- LM Service    ... LM Interfering    - - - State Borders    - - - Lat-Lon Grids

## **DECLARATION OF SEAN A. AUSTIN**

I, Sean A. Austin, hereby declare, under penalty of perjury under the laws of the United States, the following:

1. I am employed as Director of Engineering, Commercial Radio, for the law firm of Blooston, Mordkofsky, Jackson & Dickens in Washington, D.C. I have over 17 years of experience in telecommunications, radio frequency propagation and acoustical engineering.

2. I hold the degree of Bachelor of Engineering in Electrical Engineering (BEEE) from The City College School of Engineering of the City University of New York. I have also taken graduate level and professional advancement courses in telecommunications. I am fully qualified to perform the engineering services required in this application, and have been employed as an engineering consultant on numerous occasions.

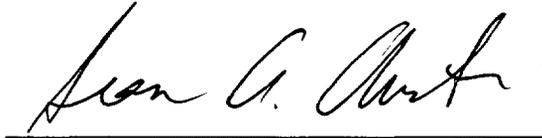
3. I am familiar with Part 22 of the Federal Communications Commission's ("FCC's") Rules, and have prepared or supervised the preparation of the technical portions of numerous applications filed with the FCC.

4. I have been retained by Ameritech Mobile Services, Inc. (AMSI) to prepare this engineering statement. I have either prepared or directly supervised the preparation of all technical information contained in this engineering statement.

5. I have reviewed AMSI's frequency proposal to construct a 931.3375 MHz transmitting facility at Boardman, Ohio. The Boardman application also includes an amendment in which the Commission was notified of Lehigh Communications, Inc.'s (Lehigh) agreement to accept the potential for harmful co-channel interference from AMSI's proposed Boardman facility to its existing co-channel facility at Pittsburgh, Pennsylvania. Based upon my review of this application, I also supervised the preparation of the contour plots depicting the Reliable Service Area Contours (RSAC) and the Interference Contours (IC) for AMSI's co-channel facilities in the area, as well as the RSAC and IC for the co-channel facility licensed to Lehigh at Pittsburgh, Pennsylvania. These plots demonstrate that AMSI's proposed Boardman facility would be wholly encompassed by

the composite contours of Lehigh's Pittsburgh facility and AMSI's nearby co-channel facilities.

Dated this 13th day of January, 1999

A handwritten signature in cursive script, appearing to read "Sean A. Austin", written in black ink. The signature is positioned above a horizontal line.

Sean A. Austin