

ORIGINAL

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

RECEIVED

JAN 13 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of Part 22 and Part 90)
of the Commission's Rule to Facilitate)
Future Development of Paging Systems)
)
)

WT Docket No. 96-18

To: The Commission

**CLEAR PAGING, INC.
PETITION FOR RECONSIDERATION**

Pursuant to Federal Communications Commission ("Commission") Rule 1.429, 47 C.F.R. § 1.429, Clear Paging, Inc. ("Clear Paging") hereby petitions the Commission for reconsideration of portions of the Commercial Wireless Division's Order released on December 14, 1998 in the above-captioned proceeding.¹

BACKGROUND

In February 1997, the Commission released the Second Report and Order and Further Notice of Proposed Rulemaking ("Second Report and Order") in WT Docket 96-18.² In the Second Report and Order, the Commission adopted final rules pursuant to its authority to transition to geographic area licensing for exclusive, non-nationwide paging channels in the 35-36

¹Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging System, WT Docket No. 96-18, Order, 1998 FCC LEXIS 6308 (Dec. 14, 1998).

²Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging System, WT Docket No. 96-18, Second Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 2732 (1997).

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MHz, 43-44 MHz, 152-159 MHz, 454-460 MHz, 929-930 MHz, and 931-932 MHz bands and to utilize competitive bidding to select among mutually exclusive applications for geographic area non-nationwide paging licenses.³ The Commission also stated that all pending mutually exclusive paging applications would be dismissed and that all pending paging applications filed after July 31, 1996, except those applications for nationwide or shared channels, would be dismissed.⁴ Furthermore, the Commission delegated authority to the Wireless Telecommunications Bureau (“Bureau”) to dismiss the described applications.⁵ Several parties filed petitions for reconsideration of the Commission’s decision to dismiss all pending mutually exclusive paging applications and all paging applications filed after July 31, 1996.

On December 14, 1998, the Bureau’s Commercial Wireless Division released the Order, which dismissed three categories of paging applications: (1) all pending mutually exclusive paging applications in the frequency bands listed above pursuant to the Second Report and Order; (2) all pending paging applications, other than those for nationwide or shared channels, filed after July 31, 1996, pursuant to the Second Report and Order; and (3) all pending paging applications that request spectrum previously assigned to another licensee on an exclusive basis pursuant to 47 C.F.R. § 22.128(e)(2).⁶ The first category of dismissals caused 28 of Clear Paging’s applications to be dismissed and the third category of dismissals caused five of Clear Paging’s applications to be dismissed. Therefore, Clear Paging is an interested person. Clear Paging petitions the

³Id.

⁴Id., ¶ 6.

⁵Id., ¶ 227.

⁶Order, ¶¶ 4, 6-8.

Commission to reconsider the Order to the extent that it dismisses the majority of these applications.⁷

ARGUMENT

I. The Dismissal Of Pending Mutually Exclusive Paging Applications Is Contrary To Law.

The Commercial Wireless Division's dismissal of "[a]ll pending mutually exclusive paging applications" is both contrary to law and egregiously unfair to all applicants that relied on the Commission's rules when filing their applications. As an initial matter, the dismissal of these applications is premature. The Order states that petitions for reconsideration of the Second Report and Order are still pending and notes that if the petitions are granted the dismissed applications will be reinstated.⁸ The principle of administrative efficiency dictates that no action should be taken regarding the pending mutually exclusive applications until the petitions for reconsideration are resolved.

On a substantive level, the dismissal of all pending applications is contrary to law because it evidences the retroactive application of the newly adopted licensing rules to applications filed under a different regulatory scheme. Clear Paging filed the relevant paging applications in 1995

⁷Clear Paging petitions the Commission for reconsideration of the dismissal of all pending mutually exclusive paging applications, which the Order dismissed citing the Second Report and Order. The applications have the following file numbers: 2395195, 2396995, 2397095, 2397295, 2412495, 2421195, 2422795, 2420995, 2427395, 2430495, 2457195, 2467095, 3248596, 3248996, 3252396, 3259096, 3259196, 3259296, 3259596, 3265896, 3266496, 3267096, 3535495, 3541295, 3544995, 3545495, 3556295, and 3556895. Clear Paging petitions the Commission for reconsideration of the dismissal of the following pending paging applications, which the Order dismissed citing 47 C.F.R. § 22.128(e)(2): 3254996 (Jeffersonville, GA); 3266796 (Hamage, MS); and 3266996 (Royce, MS).

⁸Order, ¶ 5.

and 1996. The new licensing rules became effective on May 12, 1997.⁹ The retroactive application of the Commission's competitive bidding rules to pending applications is impermissible because the Commercial Wireless Division, acting for the Commission, only has authority to prospectively apply these rules. Section 309(j) of the Communications Act of 1934, as amended, requires that "[f]or each class of licenses or permits that the Commission grants through the use of a competitive bidding system, the Commission shall, by regulation establish a competitive bidding methodology."¹⁰ Thus, the Commission can only use competitive bidding to grant licenses after it issues competitive bidding rules. Once the Commission issues competitive bidding rules, it cannot use them to process applications that were previously filed.

The retroactive application of rules is not favored because parties should be able to rely on lawful regulations when planning future actions.¹¹ The D.C. Circuit has held that the retroactive application of a new rule is inappropriate when the "ill effect of the retroactive application" of the rule outweighs the "mischief" of frustrating the interest the rule promotes."¹² In this situation, the retroactive application of the Commission's new licensing procedures for paging services has a significant negative effect on applicants who filed applications years ago and who have made business plans relying on the processing of those applications under the rules in effect at filing. Clear Paging, as an existing service provider, has invested a substantial amount of funds into

⁹See Second Report and Order, ¶ 225.

¹⁰47 U.S.C. § 309 (j)(3).

¹¹Yakima Valley Cablevision, Inc. v. FCC, 794 F.2d 737, 745-46 (D.C. Cir. 1986).

¹²Maxcell Telecom Plus, Inc. v. FCC, 815 F.2d 1551, 1554 (D.C. Cir. 1987) (quoting SEC v. Chenery Corp., 332 U.S. 194, 203 (1947)).

developing and maintaining its current paging network. Moreover, Clear Paging, as well as other existing licensees, has had its applications pending for over two years. The Commission's adoption of competitive bidding rules, together with the Commercial Wireless Division's decision to dismiss all pending applications, is fundamentally unfair to applicants that have already waited at least two years for the Commission to process their applications. The dismissal of the applications for licenses requested by Clear Paging prevents Clear Paging from expanding service to existing and prospective customers. If the Commission determines that competitive bidding rules govern the pending mutually exclusive applications, the Commission should limit the pool of applications to those already on file with the Commission, rather than dismissing those applications and allowing anyone to apply for available mutually exclusive licenses.

In addition, the retroactive application of the competitive bidding rules to pending applications, by dismissing them, would violate the Commission's cut-off rules.¹³ The Commission must follow its own rules and should not support this departure from its rules.¹⁴ Enforcement of the cut-off rules fosters the equitable treatment of applicants that submit timely applications.¹⁵ Moreover, Section 309, which requires the Commission to grant licenses for mutually exclusive applications by using competitive bidding procedures, instructs the Commission to develop a bidding system that expedites the provision of service to the public.¹⁶

¹³See 47 C.F.R. § 22.131 (b).

¹⁴ Reuters, Ltd. v. FCC, 781 F.2d 946, 950-51 (D.C. Cir. 1986).

¹⁵See McElroy Electronics Corp. v. FCC, 86 F.3d 248, 257 (D.C. Cir. 1986); Florida Institute of Technology v. FCC, 952 F.2d 549, 554 (D.C. Cir. 1992).

¹⁶47 U.S.C. § 309 (j)(3)(A).

The dismissal of pending paging applications in the Order, coupled with the Commission's inability to auction all available paging licenses simultaneously,¹⁷ will cause substantial delays in the commencement of service in the areas for which the dismissed applicants requested a licence. As such, the Order impedes the public interest objective of Section 309.

As detailed above, the retroactive application of the Commission's competitive bidding rules, by dismissing pending applications, causes a significant adverse impact on paging service providers and the public. Applying the competitive bidding rules prospectively, and thereby permitting the processing of pending mutually exclusive paging applications, will not harm the interests promoted by the competitive bidding rules. Under the interim application processing rules adopted in the First Report and Order in the proceeding, incumbent paging licensees would only be able to expand existing service areas on a very limited basis.¹⁸ Furthermore, the interim rules permitted competing applications to be filed against incumbents.¹⁹ Therefore, if the Commission processed the pending applications of incumbent licensees, such as Clear Paging, any intrusion by pending applications into currently unlicensed service areas would be minimal and would occur in a competitive environment. Thus, instead of dismissing pending paging applications, the Commission should process all applications on file prior to the issuance of the Second Report and Order.

¹⁷Second Report and Order, ¶ 97.

¹⁸Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, First Report and Order, 11 FCC Rcd 16570, ¶ 26 (1996).

¹⁹Id.

II. Clear Paging's Applications Did Not Request Spectrum That Was Assigned To Another Licensee On An Exclusive Basis.

The Order, citing 47 C.F.R. § 22.128(e)(2), dismisses all applications that requested spectrum that was assigned to another licensee on an exclusive basis. However, Section 22.128(e)(2) does not mandate the dismissal of Clear Paging's applications for licenses in Jeffersonville, Georgia; Hamage, Mississippi; and Royce, Mississippi. Clear Paging's applications for paging licenses for transmitters to be located at the listed sites requested a frequency of 931.6125 MHz.²⁰ Section 22.65 of the Commission's rules requires the minimum distance separation between co-channel fixed transmitters operating at a 931 MHz frequency, such as those operated by Clear Paging, to be 70 miles.²¹ The attached engineering charts depict the three requested transmitter sites, each at the center of a circle with a 70 mile radius.²² In each instance, the 70 mile surrounding area includes white areas and cross-hatched areas. Based on a comprehensive review of the Commission's database and other available Commission information, the white areas are neither currently licensed nor are they the subject of pending license applications. The Commission's records also indicate that the cross-hatched areas represent paging areas exclusively licensed to Clear Paging for the 931.6125 frequency.²³ The grant of Clear Paging's applications would only expand its current service area and would not cause any interference with other service providers. Therefore, Clear Paging's applications should not be

²⁰See Clear Paging application nos. 3254996 (Jeffersonville, GA); 3266796 (Hamage, MS); and 3266996 (Royce, MS) (Exhibit 1).

²¹47 C.F.R. § 22.65.

²²See Exhibit 2; Declaration of T. Tutterow (Exhibit 3).

²³Declaration of T. Tutterow (Exhibit 3).

dismissed for requesting spectrum assigned to another licensee. Indeed, the presence of other Clear Paging 931.6125 MHz facilities nearby makes it impossible to license any entity other than Clear Paging for the 931.6125 MHz frequency at the proposed transmitter sites. Moreover, even if the Commission had initially incorrectly determined that there was another licensee that had an exclusive right to the requested spectrum, former Section 22.501(p)(2), which remains in effect, states that the Commission would not have to limit its analysis to the specific frequency requested by Clear Paging.²⁴

The Order does not indicate that the Commission attempted to identify the licensees that possessed an exclusive license to operate at the frequencies requested in pending applications or that the Commission considered frequencies other than those specifically requested in pending applications. The Commission erroneously concluded that Clear Paging's applications for the three listed sites requested spectrum that was already assigned to another licensee. Thus, Clear Paging requests that the Commission reinstate and process these applications.

²⁴The Commission has been applying former Section 22.501(p)(2) of its rules because the Commission stayed the effective date of certain new Part 22 Rules that, in part, replaced old Section 22.501. Westlink License Corp., 13 FCC Rcd 17729, n.6 (1998).

CONCLUSION

Based on the foregoing, Clear Paging respectfully requests the Commission to grant its Petition for Reconsideration.

Respectfully submitted,



Richard Rubin
Debra A. McGuire
Fleischman and Walsh, L.L.P.
1400 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20036
(202) 939-7900

Counsel for Clear Paging, Inc.

January 13, 1999

91956

EXHIBIT 1

FLEISCHMAN AND WALSH, L. L. P.

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

AARON I. FLEISCHMAN

FLEISCHMAN AND WALSH, P. C.

**CHARLES S. WALSH
ARTHUR H. HARDING
STUART F. FELDBERG
RICHARD RUBIN
JEFFREY L. HARDIN
STEPHEN A. BOUCHARD
R. BRUCE SECHNER
HOWARD S. SHAPIRO
CHRISTOPHER G. WOOD
SETH A. DAVIDSON
MITCHELL F. BRECHER
JAMES F. MORIARTY
MATTHEW D. ENNER
JILL RLEPPE McCLELLAND
PETER T. NOONE
REGINA FAMILIETTI PACE
TERRI B. NATOLI *
RHETT D. WORKMAN
CRAIG A. GILLEY
MARR F. VILARDO
PETER J. BARRETT
KIMBERLY A. KELLY
ROBERT E. STUP, JR. **
DONALD N. DOWIE, JR. ***
SCOTT H. KESSLER******

**1400 SIXTEENTH STREET, N. W.
WASHINGTON, D. C. 20036**

**(202) 838-7900
FACSIMILE (202) 745-0918
INTERNET fw@fw-law.com**

July 30, 1996

* VIRGINIA BAR ONLY
** PENNSYLVANIA BAR ONLY
*** WASHINGTON AND MARYLAND BARS ONLY
**** NEW YORK AND NEW JERSEY BARS ONLY

VIA HAND DELIVERY

**William F. Caton, Secretary
Federal Communications Commission
Common Carrier Land Mobile
P.O. Box 358130
Pittsburgh, PA 15251-5130**

**Re: Clear Paging, Inc.
FCC Form 600 - Application for 931 MHz Paging License
to Expand an Existing System
KNKP785
Jeffersonville, GA**

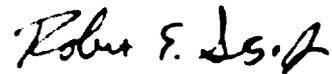
Dear Mr. Caton:

Transmitted herewith, on behalf of Clear Paging, Inc. ("Clear Paging"), is the original and two paper copies of a FCC Form 600 for an additional paging transmission site to expand an existing system. This application is filed pursuant to the interim rules for filing of common carrier and private carrier paging applications, adopted in the Commission's *First Report and Order* at WT Docket No. 96-18. Transmitted herewith additionally is a check in the amount of \$265.00 to cover the requisite filing fees. The requisite microfiche master and copies are also transmitted herewith.

Federal Communications Commission
July 30, 1996
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Do not hesitate to contact the undersigned should there be any questions concerning this matter.

Sincerely,



Robert E. Stup, Jr.
Counsel to Clear Paging, Inc.

Enclosures

42194 14015

**Application for Mobile Radio Service Authorization
or Rural Radiotelephone Service Authorization**

FEE Use Only

FILING FEE

(a) Fee Type Code	(b) Fee Multiple	(c) Fee Due for Fee Type Code in (a)	(d) Total Amount Due	FEE Use Only
CMR	1	\$ 265.00	\$ 265.00	

APPLICANT

1. Legal Name of Applicant CLEAR PAGING, INC.		2. Voice Telephone Number (800) 767-5438	
3. Assumed Name Used for Doing Business (if any)		4. Fax Telephone Number (404) 256-0938	
5. Mailing Street Address or P.O. Box 6100 Lake Forest Drive, Suite 310			
ATTENTION: Stephen F. Johnston, Jr.			
6. City Atlanta		7. State GA	8. Zip Code 30328

9. Name of Contact Representative (if other than applicant) Robert E. Stup, Jr.		10. Voice Telephone Number (202) 939-7900	
11. Firm or Company Name Fleishman and Walsh, LLP		12. Fax Telephone Number (202) 745-0916	
13. Mailing Street Address or P.O. Box 1400 Sixteenth Street, N.W., Suite 600			
14. City Washington		15. State DC	16. Zip Code 20036

CLASSIFICATION OF FILING

17. This filing is a (an) (N) New application Amendment to a pending application	
18. Does the applicant believe that this filing should be classified as MINOR under 47 U.S.C. § 309? (N) Yes No Does not apply	
19. If not minor under 47 U.S.C. § 309, classification for purposes of competitive bidding: (I) Initial Modification Renewal	
20. If this filing is in reference to an existing station Call sign of existing station: KNKP 785	21. If this filing is an amendment to a pending application: File number of pending application: Date filed:

NATURE OF SERVICE

22. This filing is for authorization to provide or use the following type(s) of radio service (C) Commercial mobile Private mobile Both commercial and private mobile Fixed			
23. Users are or will be: (P) Public subscribers Eligibles Internal		24. Status (P) Profit Not for profit	
25. Interconnected service? (Y) Yes No	26. Radio Service code (CD)	27. Type of operation code (OP)	

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental effect as defined by 47 CFR 1.1307? (N) Yes No
 If "yes", attach environmental assessment as required by 47 CFR 1.1308 and 47 CFR 1.1311

ALIEN OWNERSHIP

29. Is the applicant a foreign government or the representative of any foreign government? (N) Yes No

30. Is the applicant an alien or the representative of an alien? (N) Yes No

31. Is the applicant a corporation organized under the laws of any foreign government? (N) Yes No

32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign government? (N) Yes No

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? (N) Yes No
 If "yes", attach exhibit explaining nature and extent of alien or foreign ownership or control

BASIC QUALIFICATIONS

34. Has the applicant or any party to this application or amendment had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission? (N) Yes No
 If "yes", attach exhibit explaining circumstances.

35. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? (N) Yes No

36. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? (N) Yes No

37. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? (N) Yes No

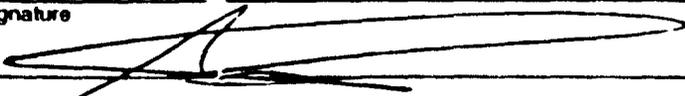
38. Does the undersigned certify (by responding "Y" to this question), that neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 2 USC § 862, because of a conviction for possession or distribution of a controlled substance? (Y) Yes No
 See 47 CFR 1.2002(L) for the meaning of "party to the application" for these purposes

CERTIFICATION

The APPLICANT waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

39. Applicant is a (an) Individual Unincorporated Association Partnership Corporation Government Entity

40. Typed name of person signing 41. Title
Stephen F. Johnston, Sr. President

42. Signature 43. Date
 July 26, 1996

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Administrative Information

Personal Communications Service
Cellular Radiotelephone Service
Paging and Radiotelephone Service
Rural Radiotelephone Service
Offshore Radiotelephone Service
Air-ground Radiotelephone Service

FCC Use Only

PURPOSE OF FILING

MAJOR

A1. The purpose of this filing is to:

(L)

Enter one or more letters that correctly describe the purpose of this filing

- A request an initial authorization for a new system or station, additional channels or spectrum (all)
- B request authorization or amend a pending application to change a channel or channel block (all)
- C request a partial assignment of a radio station authorization (all)
- D request authorization for facilities for which environmental assessment is required (all)
- E request authorization for facilities for which international coordination is required (all)
- F request a developmental authorization (CD, CL, CR)
- G request regular authorization for facilities operating under developmental authority (CD, CL, CR)
- H amend a pending application to substantially change the technical proposal (CD, CR)
- I request authorization for a cellular facility that would produce a de minimis SAB extension (CL)
- J amend a pending application to modify a CGSA to include area not previously proposed (CL)
- K request that a CGSA boundary be determined using an alternative method (CL)
- L request authorization for a new or expanded service area on a requested channel (CD)
- M request authorization for one or more new or relocated fixed stations (CD)
- N request authorization to increase the ERP and/or antenna height AAT of a fixed station (CD)
- Q request authority to provide commercial paging service using a broadcast station subcarrier (CD)
- P request authorization for a Commercial Aviation ground station location to be established (CG)
- Q request authorization for a new or relocated General Aviation ground station (CG)
- R request authorization for a new/relocated rural/offshore central office/interoffice station (CR, CO)

MINOR

- S request authorization for one or more minor change(s) to an existing system or station (all)
- T effect a minor amendment of a pending application (all)
- U request an extension of time to complete construction of one or more facilities (all)
- V request authorization for a new or relocated rural or offshore subscriber station (CR, CO)
- W request to consolidate separately authorized facilities (all)

MARKET / CHANNEL BLOCK

A2. Market Designator	A3. Channel Block	A4. Sub Market Designator	A5. Market Name
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CONTROL POINTS

A6. Control Point Number	A7. Location Street Address, City or Town, State	A8. Telephone Number	A9. Action Requested Add Delete
		()	
		()	
		()	

TECHNICAL DATA (Individual Channel Assignment)
Schedule B Personal Communications Service (Narrowband) Paging and Radiotelephone Service Rural Radiotelephone Service Air-ground Radiotelephone Service (General Aviation) Offshore Radiotelephone Service

FCC Use Only

LOCATION

B1. Action Requested (A) Add Delete Modify		B2. FCC Location Number (Key to Schedule F) A	
B3. Street Address or other Description of Location <p style="text-align: center;">2.4 km WSW (258 Deg) of Jeffersonville</p>			
B4. City Jeffersonville			
B5. County Twiggs			B6. State GA
B7. NAD 27 North Latitude (DD-MM-SS) <p style="text-align: center;">32 ° 40 ' 59 "</p>	B8. NAD 27 West Longitude (DDD-MM-SS) <p style="text-align: center;">83 ° 22 ' 17 "</p>		FCC Use Only
B9. NAD 83 North Latitude (DD-MM-SS) <p style="text-align: center;">32 ° 41 ' 00 "</p>	B10. NAD 83 West Longitude (DDD-MM-SS) <p style="text-align: center;">83 ° 22 ' 17 "</p>		

If changing antenna location, provide coordinates, FCC location number and datum for old location:

B11. North Latitude (DD-MM-SS) <p style="text-align: center;">. . .</p>	B12. West Longitude (DDD-MM-SS) <p style="text-align: center;">. . .</p>	B13. FCC Location Number
		B14. Datum (NAD 27 or NAD 83)

SUPPLEMENTARY LOCATION INFORMATION

B15. Is this location North of Line A or East of Line C ? (N) Yes, North of Line A Yes, East of Line C No
B16. Is this location within 200 kilometers of the U.S. - Mexico border ? (N) Yes No

Complete the following for any adjacent markets within 200 kilometers of this location

B17. Adjacent Market Designator	B18. Adjacent Market Name	B19. Shortest Distance to Adjacent Market (kilometers)

ANTENNA

B20. Action Requested (A) Add Delete Modify Collinear Dipoles	B21. Status (P) Existing Proposed ANTEL	B22. Antenna Number BCD 87010
B23. Type Collinear Dipoles	B24. Manufacturer ANTEL	B25. Model Number BCD 87010
B26. Height of Center of Radiation AAT (meters) 119	B27. Beamwidth of Main Lobe (degrees) Omnidirectional	B28. Height to Tip AGL (meters) 82

TRANSMITTERS FOR ANTENNA

B29. Transmitter Number	B30. Action Requested Add Delete Modify	B31. Channel Center Frequency (MHz)	B32. Transmitter Class Code	B33. Non-standard Emission Type Designator	B34. Maximum Transmitting ERP
I	A	931.6125	FBBS		2477
II					
III					
IV					

RADIAL DATA FOR ANTENNA

Azimuth (degrees from true North)	B35. Antenna Height AAT (meters)	B36. Transmitter I ERP (Watts)	B37. Transmitter II ERP (Watts)	B38. Transmitter III ERP (Watts)	B39. Transmitter IV ERP (Watts)
0°	131	2477			
45°	113	2477			
90°	103	2477			
135°	111	2477			
180°	121	2477			
225°	145	2477			
270°	122	2477			
315°	103	2477			

POINTS OF COMMUNICATION FOR ANTENNA

B40. Action Requested Add Delete	B41. Transmitter Number	B42. Location (City or Town, State)	B43. North Latitude (DD°MM'SS")	B44. West Longitude (DDD°MM'SS")	B45. Subscriber Call Sign

Clear Paging, Inc.

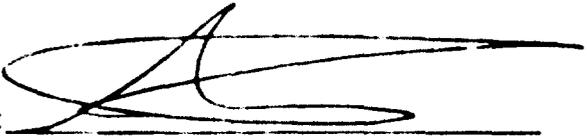
Statement of Purpose of Filing

Pursuant to the interim rules for filing of common carrier and private carrier paging applications, adopted in the Commission's *First Report and Order* at WT Docket No. 96-18¹, Clear Paging Inc. ("Clear Paging") hereby applies for an additional transmission site to expand an existing system. This application is permissible under the interim rules because Clear Paging hereby certifies that (1) it is an incumbent paging licensee on a non-nationwide CCP channel and (2) the proposed site of this application is within 65 kilometers (40 miles) of an authorized and operating transmission site on the same channel as the proposed site, and that Clear Paging either received an authorization for such operating site on or before February 8, 1996, or filed an application for such operating site on or before September 30, 1995. The requisite certification is separately attached to this application.

¹In the Matter of Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, First Report and Order, WT Docket No. 96-18 (Apr. 23, 1996) as modified by Order on Reconsideration of First Report and Order (June 11, 1996).

CERTIFICATION OF APPLICANT

Pursuant to Section 22.106 of the Commission's Rules, 47 C.F.R. § 22.106, as modified by the interim procedures for filing of common carrier and private carrier paging applications, I hereby certify that Clear Paging, Inc. is an incumbent common carrier paging licensee on a non-nationwide CCP channel, and that the proposed site of this application is within 65 kilometers (40 miles) of an authorized and operating transmission site on the same channel as the proposed site, and that Clear Paging either received an authorization for such operating site on or before February 8, 1996, or filed an application for such operating site on or before September 30, 1995.

By: 

Stephen F. Johnston, Sr.
President, Clear Paging, Inc.

Date: July 26, 1996

RESM2149 IN0415

ENGINEERING SPECIFICATIONS OF PROPOSED SYSTEM

A. FREQUENCY 931 6125 MHz

B. TRANSMITTER SITE 2.4 km WSW (258 Deg) of Jeffersonville
Jeffersonville (Twiggs), GA

North Latitude	32 °	40 '	59 "	
West Longitude	83 °	22 '	17 "	
Ground Elevation (metres)	163	AMSL	(535 ft)	
Radiation Center (metres)	81	AGL	(266 ft)	
Antenna Tip (metres)	82	AGL	(269 ft)	

C. POWER AND EQUIPMENT

P_o	-	-3.01	dBk	(500 W)	Transmitter, Type Accepted, 500 W
L_{ll}	-	-2.55	dB		Tx Line, 84.0 m LDF 6-50
L_{con}	-	-0.5	dB		Jumper, Connector, and Filter Loss
G_{ta}	-	10.0	dB		Antenna, ANTEL, Type BCD 87010
<hr/>					
ERP	=	3.94	dBk	(2477 W)	

Polarization Vertical

D. TERRAIN DATA

Azimuth degs T	Average Radial Elevation metres	Antenna Radiation Center Above Radial Elevation metres	Effective Radiated Power		Contour Distances (km)	
			dBk	Watts	Service	Interference
N 0 °E	113	131	3.94	2477	32.2	80.5
45	131	113	3.94	2477	32.2	80.5
90	141	103	3.94	2477	32.2	80.5
135	133	111	3.94	2477	32.2	80.5
180	123	121	3.94	2477	32.2	80.5
225	99	145	3.94	2477	32.2	80.5
270	122	122	3.94	2477	32.2	80.5
315	141	103	3.94	2477	32.2	80.5
Average	125	119				

E. MISCELLANEOUS DATA

Analysis included all co-channel
appls, pend & licensed within 223.7 km

CONSULTING ENGINEERS
ARTHUR K. PETERS

SCHEDULE F

Antenna Structure Data

(All Services)

FCC Use Only

Licensee Name CLEAR PAGING, INC.	Radio Service CD	Call Sign or Station Location (City, State) KMMP 785
--	----------------------------	--

STATUS AND IDENTIFYING INFORMATION

LOC	F1 Location Number	F2. New or Existing	F3. Call Sign of Existing Station	F4. Radio Service	F5 Tower Owner's Name and Telephone Number
A		E	Not Known		On File ()
B					()
C					()
D					()
E					()
F					()

STRUCTURE TYPE AND HEIGHT

LOC	F6. Figure Number (see reverse)	F7. Structure Type	F8 Height of Support Structure (b) (meters)	F9. Overall Height of Structure (d) (meters)	F10. FCC Tower Number
A	1	TOWER c = 163 m	79	84	14386
B					
C					
D					
E					
F					

FAA NOTIFICATION

LOC	F11. FAA notified? Yes No	F12 Date FAA Notification Filed	F13 FAA Regional Office Notified	F14 FAA Study Number
A	N*			S0-0E-3745
B				
C				
D				
E				
F				

* Existing tower, no height increase.

FCC 600 Main Form	FEDERAL COMMUNICATIONS COMMISSION FCC MELLON JUL 31 1996 Application for Mobile Radio Service Authorization or Rural Radiotelephone Service Authorization	Approved by OMB 3060-0623 Expires 10/31/97 Est. Avg. Burden Hours Per Response: 4 Hrs
		FCC Use Only (File Number) FEE Use Only

FILING FEE

(a) Fee Type Code	(b) Fee Multiple	(c) Fee Due for Fee Type Code in (a)	(d) Total Amount Due	FEE Use Only
CMD	1	\$ 265.00	\$ 265.00	

APPLICANT

1. Legal Name of Applicant CLEAR PAGING, INC.		2. Voice Telephone Number (800) 767-5438	
3. Assumed Name Used for Doing Business (if any)		4. Fax Telephone Number (404) 256-0938	
5. Mailing Street Address or P.O. Box 6100 Lake Forest Drive, Suite 310 ATTENTION: Stephen F. Johnston, Jr.			
6. City Atlanta		7. State GA	8. Zip Code 30328
9. Name of Contact Representative (if other than applicant) Robert E. Stup, Jr.		10. Voice Telephone Number (202) 939-7900	
11. Firm or Company Name Fleishman and Walsh, LLP		12. Fax Telephone Number (202) 745-0916	
13. Mailing Street Address or P.O. Box 1400 Sixteenth Street, N.W., Suite 600			
14. City Washington		15. State DC	16. Zip Code 20036

CLASSIFICATION OF FILING

17. This filing is a (an) (N) <u>New application</u> <u>Amendment to a pending application</u>	
18. Does the applicant believe that this filing should be classified as MINOR under 47 U.S.C. § 309? (N) <u>Yes</u> <u>No</u> <u>Does not apply</u>	
19. If not minor under 47 U.S.C. § 309, classification for purposes of competitive bidding: (I) <u>Initial</u> <u>Modification</u> <u>Renewal</u>	
20. If this filing is in reference to an existing station: Call sign of existing station: KNLP 967	21. If this filing is an amendment to a pending application: File number of pending application: _____ Date filed: _____

NATURE OF SERVICE

22. This filing is for authorization to provide or use the following type(s) of radio service: (C) <u>Commercial mobile</u> <u>Private mobile</u> <u>Both commercial and private mobile</u> <u>Fixed</u>			
23. Users are or will be: (P) <u>Public subscribers</u> <u>Eligibles</u> <u>Internal</u>		24. Status: (P) <u>Profit</u> <u>Not for profit</u>	
25. Interconnected service? (Y) <u>Yes</u> <u>No</u>		26. Radio Service code: (CD)	
27. Type of operation code: (OP)			

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental effect as defined by 47 CFR 1.1307 ? If "yes", attach environmental assessment as required by 47 CFR 1.1308 and 47 CFR 1.1311.	(N) Yes No
--	---------------------------

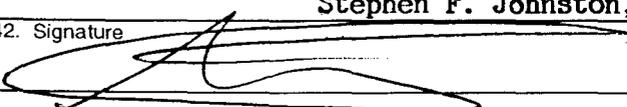
ALIEN OWNERSHIP

29. Is the applicant a foreign government or the representative of any foreign government ?	(N) Yes No
30. Is the applicant an alien or the representative of an alien ?	(N) Yes No
31. Is the applicant a corporation organized under the laws of any foreign government ?	(N) Yes No
32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign government ?	(N) Yes No
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country ? If "yes", attach exhibit explaining nature and extent of alien or foreign ownership or control.	(N) Yes No

BASIC QUALIFICATIONS

34. Has the applicant or any party to this application or amendment had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission ? If "yes", attach exhibit explaining circumstances.	(N) Yes No
35. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court ?	(N) Yes No
36. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition ?	(N) Yes No
37. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items ?	(N) Yes No
38. Does the undersigned certify (by responding "Y" to this question), that neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 USC § 862, because of a conviction for possession or distribution of a controlled substance ? See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.	(Y) Yes No

CERTIFICATION

The APPLICANT waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.	
39. Applicant is a (an) (C) Individual <u>U</u> ncorporated Association Partnership <u>C</u> orporation <u>G</u> overnment Entity	
40. Typed name of person signing <div style="text-align: center; font-weight: bold;">Stephen F. Johnston, Sr.</div>	41. Title <div style="text-align: center; font-weight: bold;">President</div>
42. Signature 	43. Date <div style="text-align: center; font-weight: bold;">July 26, 1996</div>
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).	

Administrative Information

Personal Communications Service
Cellular Radiotelephone Service
Paging and Radiotelephone Service
Rural Radiotelephone Service
Offshore Radiotelephone Service
Air-ground Radiotelephone Service

FCC Use Only

PURPOSE OF FILING

A1. The purpose of this filing is to:

(**L**)

Enter one or more letters that correctly describe the purpose of this filing

MAJOR

- A request an initial authorization for a new system or station; additional channels or spectrum (all)
- B request authorization or amend a pending application to change a channel or channel block (all)
- C request a partial assignment of a radio station authorization (all)
- D request authorization for facilities for which environmental assessment is required (all)
- E request authorization for facilities for which international coordination is required (all)
- F request a developmental authorization (CD, CL, CR)
- G request regular authorization for facilities operating under developmental authority (CD, CL, CR)
- H amend a pending application to substantially change the technical proposal (CD, CR)
- I request authorization for a cellular facility that would produce a de minimis SAB extension (CL)
- J amend a pending application to modify a CGSA to include area not previously proposed (CL)
- K request that a CGSA boundary be determined using an alternative method (CL)
- L request authorization for a new or expanded service area on a requested channel (CD)
- M request authorization for one or more new or relocated fixed stations (CD)
- N request authorization to increase the ERP and/or antenna height AAT of a fixed station (CD)
- Q request authority to provide commercial paging service using a broadcast station subcarrier (CD)
- P request authorization for a Commercial Aviation ground station location to be established (CG)
- Q request authorization for a new or relocated General Aviation ground station (CG)
- R request authorization for a new/relocated rural/offshore central office/interoffice station (CR, CO)

MINOR

- S request authorization for one or more minor change(s) to an existing system or station (all)
- T effect a minor amendment of a pending application (all)
- U request an extension of time to complete construction of one or more facilities (all)
- V request authorization for a new or relocated rural or offshore subscriber station (CR, CO)
- W request to consolidate separately authorized facilities (all)

MARKET / CHANNEL BLOCK

A2. Market Designator	A3. Channel Block	A4. Sub-Market Designator	A5. Market Name
-----------------------	-------------------	---------------------------	-----------------

CONTROL POINTS

A6. Control Point Number	A7. Location Street Address, City or Town, State	A8. Telephone Number	A9. Action Requested Add Delete
		()	
		()	
		()	

FCC
600
Schedule B

FEDERAL COMMUNICATIONS COMMISSION

Technical Data

(Individual Channel Assignment)

Personal Communications Service (Narrowband)
Paging and Radiotelephone Service
Rural Radiotelephone Service
Air-ground Radiotelephone Service (General Aviation)
Offshore Radiotelephone Service

Approved by OMB
3060-0623
Expires 10/31/97
Est. Avg. Burden Hours
Per Response: 4 Hrs.

FCC Use Only

LOCATION

B1. Action Requested (A) <u>Add</u> <u>Delete</u> <u>Modify</u>		B2. FCC Location Number (Key to Schedule F) A	
B3. Street Address or other Description of Location 3.0 km SE of Hamage			
B4. City Hamage			
B5. County Marion			B6. State MS
B7. NAD 27 North Latitude (DD-MM-SS) 31 ° 12 ' 20 "	B8. NAD 27 West Longitude (DDD-MM-SS) 89 ° 55 ' 20 "		FCC Use Only
B9. NAD 83 North Latitude (DD-MM-SS) 31 ° 12 ' 21 "	B10. NAD 83 West Longitude (DDD-MM-SS) 89 ° 55 ' 20 "		

If changing antenna location, provide coordinates, FCC location number and datum for old location:

B11. North Latitude (DD-MM-SS) ° ' "	B12. West Longitude (DDD-MM-SS) ° ' "	B13. FCC Location Number
° ' "	° ' "	B14. Datum (NAD 27 or NAD 83)

SUPPLEMENTARY LOCATION INFORMATION

B15. Is this location North of Line A or East of Line C ? (N) Yes, North of Line <u>A</u> Yes, East of Line <u>C</u> <u>No</u>
B16. Is this location within 200 kilometers of the U.S. - Mexico border ? (N) <u>Yes</u> <u>No</u>

Complete the following for any adjacent markets within 200 kilometers of this location:

B17. Adjacent Market Designator	B18. Adjacent Market Name	B19. Shortest Distance to Adjacent Market (kilometers)

ANTENNA

B20. Action Requested (A) <u>A</u> dd <u>D</u> elete <u>M</u> odify	B21. Status: (P) <u>E</u> xisting <u>P</u> roposed	B22. Antenna Number
B23. Type Collinear Dipoles	B24. Manufacturer ANTEL	B25. Model Number BCD 87010
B26. Height of Center of Radiation AAT (meters) 115	B27. Beamwidth of Main Lobe (degrees) Omnidirectional	B28. Height to Tip AGL (meters) 82

TRANSMITTERS FOR ANTENNA

B29. Transmitter Number	B30. Action Requested <u>A</u> dd <u>D</u> elete <u>M</u> odify	B31. Channel Center Frequency (MHz)	B32. Transmitter Class Code	B33. Non-standard Emission Type Designator	B34. Maximum Transmitting ERP
I	A	931.6125	FBBS		2460
II					
III					
IV					

RADIAL DATA FOR ANTENNA

Azimuth (degrees from true North)	B35. Antenna Height AAT (meters)	B36. Transmitter I ERP (Watts)	B37. Transmitter II ERP (Watts)	B38. Transmitter III ERP (Watts)	B39. Transmitter IV ERP (Watts)
0°	122	2460			
45°	148	2460			
90°	147	2460			
135°	141	2460			
180°	102	2460			
225°	91	2460			
270°	97	2460			
315°	71	2460			

POINTS OF COMMUNICATION FOR ANTENNA

B40. Action Requested <u>A</u> dd <u>D</u> elete	B41. Transmitter Number	B42. Location (City or Town, State)	B43. North Latitude (DD°MM'SS")	B44. West Longitude (DDD°MM'SS")	B45. Subscriber Call Sign

**FCC
600**

FEDERAL COMMUNICATIONS COMMISSION
SCHEDULE F
Antenna Structure Data
(All Services)

Approved by OMB
3060-0623
Expires 10/31/97
Est. Avg. Burden Hours
Per Response: 4 Hrs.

FCC Use Only

Licensee Name CLEAR PAGING, INC.	Radio Service CD	Call Sign or Station Location (City, State) KNLP 967
--	----------------------------	--

STATUS AND IDENTIFYING INFORMATION

LOC	F1. Location Number	F2. New or Existing	F3. Call Sign of Existing Station	F4. Radio Service	F5. Tower Owner's Name and Telephone Number
A		E	Not Known		On File ()
B					()
C					()
D					()
E					()
F					()

STRUCTURE TYPE AND HEIGHT

LOC	F6. Figure Number (see reverse)	F7. Structure Type	F8. Height of Support Structure (b) (meters)	F9. Overall Height of Structure (d) (meters)	F10. FCC Tower Number
A	1	TOWER c = 119 m	79	85	10151
B					
C					
D					
E					
F					

FAA NOTIFICATION

LOC	F11. FAA notified? Yes No	F12. Date FAA Notification Filed	F13. FAA Regional Office Notified	F14. FAA Study Number
A	N *			77-AS0-472-0E
B				
C				
D				
E				
F				

* Existing tower, no height increase.

Clear Paging, Inc.

Statement of Purpose of Filing

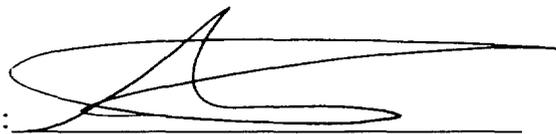
Pursuant to the interim rules for filing of common carrier and private carrier paging applications, adopted in the Commission's *First Report and Order* at WT Docket No. 96-18¹, Clear Paging Inc. ("Clear Paging") hereby applies for an additional transmission site to expand an existing system. This application is permissible under the interim rules because Clear Paging hereby certifies that (1) it is an incumbent paging licensee on a non-nationwide CCP channel and (2) the proposed site of this application is within 65 kilometers (40 miles) of an authorized and operating transmission site on the same channel as the proposed site, and that Clear Paging either received an authorization for such operating site on or before February 8, 1996, or filed an application for such operating site on or before September 30, 1995. The requisite certification is separately attached to this application.

¹In the Matter of Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, *First Report and Order*, WT Docket No. 96-18 (Apr. 23, 1996) as modified by *Order on Reconsideration of First Report and Order* (June 11, 1996).

CERTIFICATION OF APPLICANT

Pursuant to Section 22.106 of the Commission's Rules, 47 C.F.R. § 22.106, as modified by the interim procedures for filing of common carrier and private carrier paging applications, I hereby certify that Clear Paging, Inc. is an incumbent common carrier paging licensee on a non-nationwide CCP channel, and that the proposed site of this application is within 65 kilometers (40 miles) of an authorized and operating transmission site on the same channel as the proposed site, and that Clear Paging either received an authorization for such operating site on or before February 8, 1996, or filed an application for such operating site on or before September 30, 1995.

By: _____



Stephen F. Johnston, Sr.
President, Clear Paging, Inc.

Date: July 26, 1996

FLEISCHMAN AND WALSH, L. L. P.

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

AARON I. FLEISCHMAN

FLEISCHMAN AND WALSH, P. C.

CHARLES S. WALSH
ARTHUR H. HARDING
STUART F. FELDSTEIN
RICHARD RUBIN
JEFFRY L. HARDIN
STEPHEN A. BOUCHARD
R. BRUCE BECKNER
HOWARD S. SHAPIRO
CHRISTOPHER G. WOOD
SETH A. DAVIDSON
MITCHELL F. BRECHER
JAMES F. MORIARTY
MATTHEW D. EMMER
JILL KLEPPE McCLELLAND
PETER T. NOONE
REGINA FAMIGLIETTI PACE
TERRI B. NATOLI *
RHETT D. WORKMAN
CRAIG A. GILLEY
MARK F. VILARDO
PETER J. BARRETT
KIMBERLY A. KELLY
ROBERT E. STUP, JR. **
DONALD N. DOWIE, JR. ***
SCOTT H. KESSLER ****

1400 SIXTEENTH STREET, N. W.
WASHINGTON, D. C. 20036

(202) 939-7900
FACSIMILE (202) 745-0916
INTERNET fw@fw-law.com

July 30, 1996

* VIRGINIA BAR ONLY
** PENNSYLVANIA BAR ONLY
*** WASHINGTON AND MARYLAND BARS ONLY
**** NEW YORK AND NEW JERSEY BARS ONLY

VIA HAND DELIVERY

William F. Caton, Secretary
Federal Communications Commission
Common Carrier Land Mobile
P.O. Box 358130
Pittsburgh, PA 15251-5130

Re: **Clear Paging, Inc.**
FCC Form 600 - Application for 931 MHz Paging License
to Expand an Existing System
KNLP967
Hamage, MS

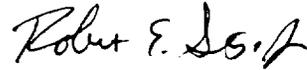
Dear Mr. Caton:

Transmitted herewith, on behalf of Clear Paging, Inc. ("Clear Paging"), is the original and two paper copies of a FCC Form 600 for an additional paging transmission site to expand an existing system. This application is filed pursuant to the interim rules for filing of common carrier and private carrier paging applications, adopted in the Commission's *First Report and Order* at WT Docket No. 96-18. Transmitted herewith additionally is a check in the amount of \$265.00 to cover the requisite filing fees. The requisite microfiche master and copies are also transmitted herewith.

Federal Communications Commission
July 30, 1996
Page 2

Do not hesitate to contact the undersigned should there be any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Stup, Jr.".

Robert E. Stup, Jr.
Counsel to Clear Paging, Inc.

Enclosures

42194.1/0415

CLEAR PAGING, INC.

6100 LAKE FORREST DRIVE, SUITE 310
ATLANTA, GA 30328
PH. 404-843-9100

FIRST UNION NATIONAL BANK
OF GEORGIA
ATLANTA, GEORGIA 30370
64-22-610

00001026

1026

PAY

**** TWO HUNDRED SIXTY FIVE & 00/100 DOLLARS

DATE

AMOUNT

07/25/96

*****\$265.00

TO THE
ORDER
OF

FCC



⑈001026⑈ ⑆061000227⑆ 2080000176282⑈

Application for Mobile Radio Service Authorization
or Rural Radiotelephone Service Authorization

FEE Use Only

FILING FEE

(a) Fee Type Code	(b) Fee Multiple	(c) Fee Due for Fee Type Code in (a)	(d) Total Amount Due	FEE Use Only
CMD	1	\$ 265.00	\$ 265.00	

APPLICANT

1. Legal Name of Applicant CLEAR PAGING, INC.		2. Voice Telephone Number (800) 767-5438	
3. Assumed Name Used for Doing Business (if any)		4. Fax Telephone Number (404) 256-0938	
5. Mailing Street Address or P.O. Box 6100 Lake Forest Drive, Suite 310 ATTENTION: Stephen F. Johnston, Jr.			
6. City Atlanta		7. State GA	8. Zip Code 30328

9. Name of Contact Representative (if other than applicant) Robert E. Stup, Jr.		10. Voice Telephone Number (202) 939-7900	
11. Firm or Company Name Fleishman and Walsh, LLP		12. Fax Telephone Number (202) 745-0916	
13. Mailing Street Address or P.O. Box 1400 Sixteenth Street, N.W., Suite 600			
14. City Washington		15. State DC	16. Zip Code 20036

CLASSIFICATION OF FILING

17. This filing is a (an) (N) <u>New application</u> <u>Amendment to a pending application</u>	
18. Does the applicant believe that this filing should be classified as MINOR under 47 U.S.C. § 309? (N) <u>Yes</u> <u>No</u> <u>Does not apply</u>	
19. If not minor under 47 U.S.C. § 309, classification for purposes of competitive bidding: (I) <u>Initial</u> <u>Modification</u> <u>Renewal</u>	
20. If this filing is in reference to an existing station: Call sign of existing station: KNLP 967	21. If this filing is an amendment to a pending application: File number of pending application: _____ Date filed: _____

NATURE OF SERVICE

22. This filing is for authorization to provide or use the following type(s) of radio service: (C) <u>Commercial mobile</u> <u>Private mobile</u> <u>Both commercial and private mobile</u> <u>Fixed</u>			
23. Users are or will be: (P) <u>Public subscribers</u> <u>Eligibles</u> <u>Internal</u>		24. Status: (P) <u>Profit</u> <u>Not for profit</u>	
25. Interconnected service? (Y) <u>Yes</u> <u>No</u>	26. Radio Service code: (CD)	27. Type of operation code: (OP)	

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental effect as defined by 47 CFR 1.1307 ? If "yes", attach environmental assessment as required by 47 CFR 1.1308 and 47 CFR 1.1311.	(<input checked="" type="radio"/> N) Yes No
--	---

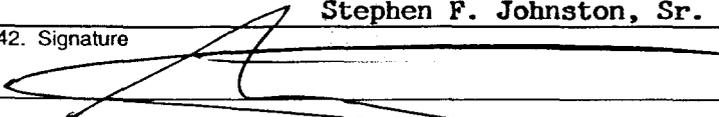
ALIEN OWNERSHIP

29. Is the applicant a foreign government or the representative of any foreign government ?	(<input checked="" type="radio"/> N) Yes No
30. Is the applicant an alien or the representative of an alien ?	(<input checked="" type="radio"/> N) Yes No
31. Is the applicant a corporation organized under the laws of any foreign government ?	(<input checked="" type="radio"/> N) Yes No
32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign government ?	(<input checked="" type="radio"/> N) Yes No
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country ? If "yes", attach exhibit explaining nature and extent of alien or foreign ownership or control.	(<input checked="" type="radio"/> N) Yes No

BASIC QUALIFICATIONS

34. Has the applicant or any party to this application or amendment had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission ? If "yes", attach exhibit explaining circumstances.	(<input checked="" type="radio"/> N) Yes No
35. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court ?	(<input checked="" type="radio"/> N) Yes No
36. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition ?	(<input checked="" type="radio"/> N) Yes No
37. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items ?	(<input checked="" type="radio"/> N) Yes No
38. Does the undersigned certify (by responding "Y" to this question), that neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 USC § 862, because of a conviction for possession or distribution of a controlled substance ? See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.	(<input checked="" type="radio"/> Y) Yes No

CERTIFICATION

The APPLICANT waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.			
39. Applicant is a (an) (<input checked="" type="radio"/> C) Individual <input type="radio"/> Unincorporated Association <input type="radio"/> Partnership <input type="radio"/> Corporation <input type="radio"/> Government Entity			
40. Typed name of person signing Stephen F. Johnston, Sr.		41. Title President	
42. Signature 		43. Date July 26, 1996	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).			

Administrative Information

Personal Communications Service
Cellular Radiotelephone Service
Paging and Radiotelephone Service
Rural Radiotelephone Service
Offshore Radiotelephone Service
Air-ground Radiotelephone Service

FCC Use Only

PURPOSE OF FILING

A1. The purpose of this filing is to:

(L)

Enter one or more letters that correctly describe the purpose of this filing

MAJOR

A request an initial authorization for a new system or station; additional channels or spectrum (all)
B request authorization or amend a pending application to change a channel or channel block (all)
C request a partial assignment of a radio station authorization (all)
D request authorization for facilities for which environmental assessment is required (all)
E request authorization for facilities for which international coordination is required (all)
F request a developmental authorization (CD, CL, CR)
G request regular authorization for facilities operating under developmental authority (CD, CL, CR)
H amend a pending application to substantially change the technical proposal (CD, CR)
I request authorization for a cellular facility that would produce a de minimis SAB extension (CL)
J amend a pending application to modify a CGSA to include area not previously proposed (CL)
K request that a CGSA boundary be determined using an alternative method (CL)
L request authorization for a new or expanded service area on a requested channel (CD)
M request authorization for one or more new or relocated fixed stations (CD)
N request authorization to increase the ERP and/or antenna height AAT of a fixed station (CD)
O request authority to provide commercial paging service using a broadcast station subcarrier (CD)
P request authorization for a Commercial Aviation ground station location to be established (CG)
Q request authorization for a new or relocated General Aviation ground station (CG)
R request authorization for a new/relocated rural/offshore central office/interoffice station (CR, CO)

MINOR

S request authorization for one or more minor change(s) to an existing system or station (all)
T effect a minor amendment of a pending application (all)
U request an extension of time to complete construction of one or more facilities (all)
V request authorization for a new or relocated rural or offshore subscriber station (CR, CO)
W request to consolidate separately authorized facilities (all)

MARKET / CHANNEL BLOCK

A2. Market Designator	A3. Channel Block	A4. Sub-Market Designator	A5. Market Name

CONTROL POINTS

A6. Control Point Number	A7. Location Street Address, City or Town, State	A8. Telephone Number	A9. Action Requested Add <u> </u> Delete <u> </u>
		()	
		()	
		()	

Technical Data

(Individual Channel Assignment)

Personal Communications Service (Narrowband)
Paging and Radiotelephone Service
Rural Radiotelephone Service
Air-ground Radiotelephone Service (General Aviation)
Offshore Radiotelephone Service

FCC Use Only

LOCATION

B1. Action Requested (A) <u>Add</u> <u>Delete</u> <u>Modify</u>		B2. FCC Location Number (Key to Schedule F) A	
B3. Street Address or other Description of Location 7.4 km ENE of Royce			
B4. City Royce			
B5. County Greene			B6. State MS
B7. NAD 27 North Latitude (DD-MM-SS) 31 ° 04 ' 55 "	B8. NAD 27 West Longitude (DDD-MM-SS) 88 ° 43 ' 52 "		FCC Use Only
B9. NAD 83 North Latitude (DD-MM-SS) 31 ° 04 ' 56 "	B10. NAD 83 West Longitude (DDD-MM-SS) 88 ° 43 ' 52 "		

If changing antenna location, provide coordinates, FCC location number and datum for old location:

B11. North Latitude (DD-MM-SS) ° ' "	B12. West Longitude (DDD-MM-SS) ° ' "	B13. FCC Location Number
° ' "	° ' "	B14. Datum (NAD 27 or NAD 83)

SUPPLEMENTARY LOCATION INFORMATION

B15. Is this location North of Line A or East of Line C ? (N) Yes, North of Line <u>A</u> Yes, East of Line <u>C</u> <u>No</u>
B16. Is this location within 200 kilometers of the U.S. - Mexico border ? (N) <u>Yes</u> <u>No</u>

Complete the following for any adjacent markets within 200 kilometers of this location:

B17. Adjacent Market Designator	B18. Adjacent Market Name	B19. Shortest Distance to Adjacent Market (kilometers)

ANTENNA

B20. Action Requested (A) <u>A</u> dd <u>D</u> elete <u>M</u> odify	B21. Status: (P) <u>E</u> xisting <u>P</u> roposed	B22. Antenna Number
B23. Type Collinear Dipoles	B24. Manufacturer ANTEL	B25. Model Number BCD 87010
B26. Height of Center of Radiation AAT (meters) 99	B27. Beamwidth of Main Lobe (degrees) Omnidirectional	B28. Height to Tip AGL (meters) 91

TRANSMITTERS FOR ANTENNA

B29. Transmitter Number	B30. Action Requested <u>A</u> dd <u>D</u> elete <u>M</u> odify	B31. Channel Center Frequency (MHz)	B32. Transmitter Class Code	B33. Non-standard Emission Type Designator	B34. Maximum Transmitting ERP
I	A	931.6125	FBBS		2355
II					
III					
IV					

RADIAL DATA FOR ANTENNA

Azimuth (degrees from true North)	B35. Antenna Height AAT (meters)	B36. Transmitter I ERP (Watts)	B37. Transmitter II ERP (Watts)	B38. Transmitter III ERP (Watts)	B39. Transmitter IV ERP (Watts)
0°	81	2355			
45°	96	2355			
90°	107	2355			
135°	100	2355			
180°	111	2355			
225°	104	2355			
270°	98	2355			
315°	98	2355			

POINTS OF COMMUNICATION FOR ANTENNA

B40. Action Requested <u>A</u> dd <u>D</u> elete	B41. Transmitter Number	B42. Location (City or Town, State)	B43. North Latitude (DD°MM'SS")	B44. West Longitude (DDD°MM'SS")	B45. Subscriber Call Sign

**FCC
600**

FEDERAL COMMUNICATIONS COMMISSION
SCHEDULE F
Antenna Structure Data
 (All Services)

Approved by OMB
 3060-0623
 Expires 10/31/97
 Est. Avg. Burden Hours
 Per Response: 4 Hrs

FCC Use Only

Licensee Name CLEAR PAGING, INC.	Radio Service CD	Call Sign or Station Location (City, State) KNLP 967
--	----------------------------	--

STATUS AND IDENTIFYING INFORMATION

LOC	F1. Location Number	F2. New or Existing	F3. Call Sign of Existing Station	F4. Radio Service	F5. Tower Owner's Name and Telephone Number
A		E	Not Known		On File ()
B					()
C					()
D					()
E					()
F					()

STRUCTURE TYPE AND HEIGHT

LOC	F6. Figure Number (see reverse)	F7. Structure Type	F8. Height of Support Structure (b) (meters)	F9. Overall Height of Structure (d) (meters)	F10. FCC Tower Number
A	1	TOWER c = 43 m	88	94	117142
B					
C					
D					
E					
F					

FAA NOTIFICATION

LOC	F11. FAA notified? Yes No	F12. Date FAA Notification Filed	F13. FAA Regional Office Notified	F14. FAA Study Number
A	N *			91-AS0-0838-OE
B				
C				
D				
E				
F				

* Existing tower, no height increase.

CLEAR PAGING, INC.

ENGINEERING SPECIFICATIONS OF PROPOSED SYSTEM

A. FREQUENCY 931.6125 MHz

B. TRANSMITTER SITE 7.4 km ENE of Royce
Royce (Greene), MS

North Latitude 31 ° 04 ' 55 "
West Longitude 88 ° 43 ' 52 "
Ground Elevation (metres) 43 AMSL (141 ft)
Radiation Center (metres) 90 AGL (295 ft)
Antenna Tip (metres) 91 AGL (299 ft)

C. POWER AND EQUIPMENT

P_o = -3.01 dBk (500 W) Transmitter, Type Accepted, 500 W
 L_{tl} = -2.77 dB Tx Line, 91.0 m LDF6-50
 L_{con} = -0.5 dB Jumper, Connector and Filter Loss
 G_{ta} = 10.0 dB Antenna, ANTEL, Type BCD 87010

ERP = 3.72 dBk (2355 W)

Polarization Vertical

D. TERRAIN DATA

Azimuth degs T	Average Radial Elevation metres	Antenna Radiation Center Above Radial Elevation metres	Effective Radiated Power		Contour Distances (km)	
			dBk	Watts	Service	Interference
N 0 °E	52	81	3.72	2355	32.2	80.5
45	37	96	3.72	2355	32.2	80.5
90	26	107	3.72	2355	32.2	80.5
135	33	100	3.72	2355	32.2	80.5
180	22	111	3.72	2355	32.2	80.5
225	29	104	3.72	2355	32.2	80.5
270	35	98	3.72	2355	32.2	80.5
315	35	98	3.72	2355	32.2	80.5
Average	34	99				

E. MISCELLANEOUS DATA

Analysis included all co-channel
appls, pend & licensed within 223.7 km

CONSULTING ENGINEERS
ARTHUR K. PETERS

Exhibit E-1

Clear Paging, Inc.

Statement of Purpose of Filing

Pursuant to the interim rules for filing of common carrier and private carrier paging applications, adopted in the Commission's *First Report and Order* at WT Docket No. 96-18¹, Clear Paging Inc. ("Clear Paging") hereby applies for an additional transmission site to expand an existing system. This application is permissible under the interim rules because Clear Paging hereby certifies that (1) it is an incumbent paging licensee on a non-nationwide CCP channel and (2) the proposed site of this application is within 65 kilometers (40 miles) of an authorized and operating transmission site on the same channel as the proposed site, and that Clear Paging either received an authorization for such operating site on or before February 8, 1996, or filed an application for such operating site on or before September 30, 1995. The requisite certification is separately attached to this application.

¹In the Matter of Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, *First Report and Order*, WT Docket No. 96-18 (Apr. 23, 1996) as modified by *Order on Reconsideration of First Report and Order* (June 11, 1996).

CERTIFICATION OF APPLICANT

Pursuant to Section 22.106 of the Commission's Rules, 47 C.F.R. § 22.106, as modified by the interim procedures for filing of common carrier and private carrier paging applications, I hereby certify that Clear Paging, Inc. is an incumbent common carrier paging licensee on a non-nationwide CCP channel, and that the proposed site of this application is within 65 kilometers (40 miles) of an authorized and operating transmission site on the same channel as the proposed site, and that Clear Paging either received an authorization for such operating site on or before February 8, 1996, or filed an application for such operating site on or before September 30, 1995.

By: 

Stephen F. Johnston, Sr.
President, Clear Paging, Inc.

Date: July 26, 1996

RES\42149.1\0415

FLEISCHMAN AND WALSH, L. L. P.

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

AARON I. FLEISCHMAN

FLEISCHMAN AND WALSH, P. C.
CHARLES S. WALSH
ARTHUR H. HARDING
STUART F. FELDSTEIN
RICHARD RUBIN
JEFFRY L. HARDIN
STEPHEN A. BOUCHARD
R. BRUCE BECKNER
HOWARD S. SHAPIRO
CHRISTOPHER G. WOOD
SETH A. DAVIDSON
MITCHELL F. BRECHER
JAMES F. MORIARTY
MATTHEW D. EMMER
JILL KLEPPE McCLELLAND
PETER T. NOONE
REGINA FAMIGLIETTI PACE
TERRI B. NATOLI*
RHETT D. WORKMAN
CRAIG A. GILLEY
MARK F. VILARDO
PETER J. BARRETT
KIMBERLY A. KELLY
ROBERT E. STUP, JR. **
DONALD N. DOWIE, JR. ***
SCOTT H. KESSLER****

1400 SIXTEENTH STREET, N. W.
WASHINGTON, D. C. 20036

(202) 939-7900
FACSIMILE (202) 745-0916
INTERNET: fw@fw-law.com

July 30, 1996

* VIRGINIA BAR ONLY
** PENNSYLVANIA BAR ONLY
*** WASHINGTON AND MARYLAND BARS ONLY
**** NEW YORK AND NEW JERSEY BARS ONLY

VIA HAND DELIVERY

William F. Caton, Secretary
Federal Communications Commission
Common Carrier Land Mobile
P.O. Box 358130
Pittsburgh, PA 15251-5130

Re: **Clear Paging, Inc.**
FCC Form 600 - Application for 931 MHz Paging License
to Expand an Existing System
KNLP967
Royce, MS

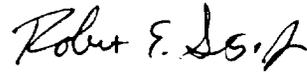
Dear Mr. Caton:

Transmitted herewith, on behalf of Clear Paging, Inc. ("Clear Paging"), is the original and two paper copies of a FCC Form 600 for an additional paging transmission site to expand an existing system. This application is filed pursuant to the interim rules for filing of common carrier and private carrier paging applications, adopted in the Commission's *First Report and Order* at WT Docket No. 96-18. Transmitted herewith additionally is a check in the amount of \$265.00 to cover the requisite filing fees. The requisite microfiche master and copies are also transmitted herewith.

Federal Communications Commission
July 30, 1996
Page 2

Do not hesitate to contact the undersigned should there be any questions concerning this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Stup, Jr." in a cursive style.

Robert E. Stup, Jr.
Counsel to Clear Paging, Inc.

Enclosures

42194.1/0415

CLEAR PAGING, INC.
6100 LAKE FORREST DRIVE, SUITE 310
ATLANTA, GA 30328
PH. 404-843-9100

FIRST UNION NATIONAL BANK
OF GEORGIA
ATLANTA, GEORGIA 30370
64-22-610

00001025

102

PAY

**** TWO HUNDRED SIXTY FIVE & 00/100 DOLLARS

DATE

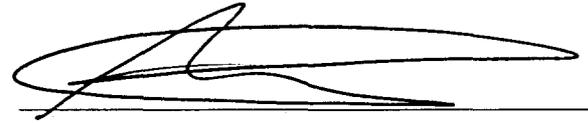
AMOUNT

07/25/96

*****\$265.00

TO THE
ORDER
OF

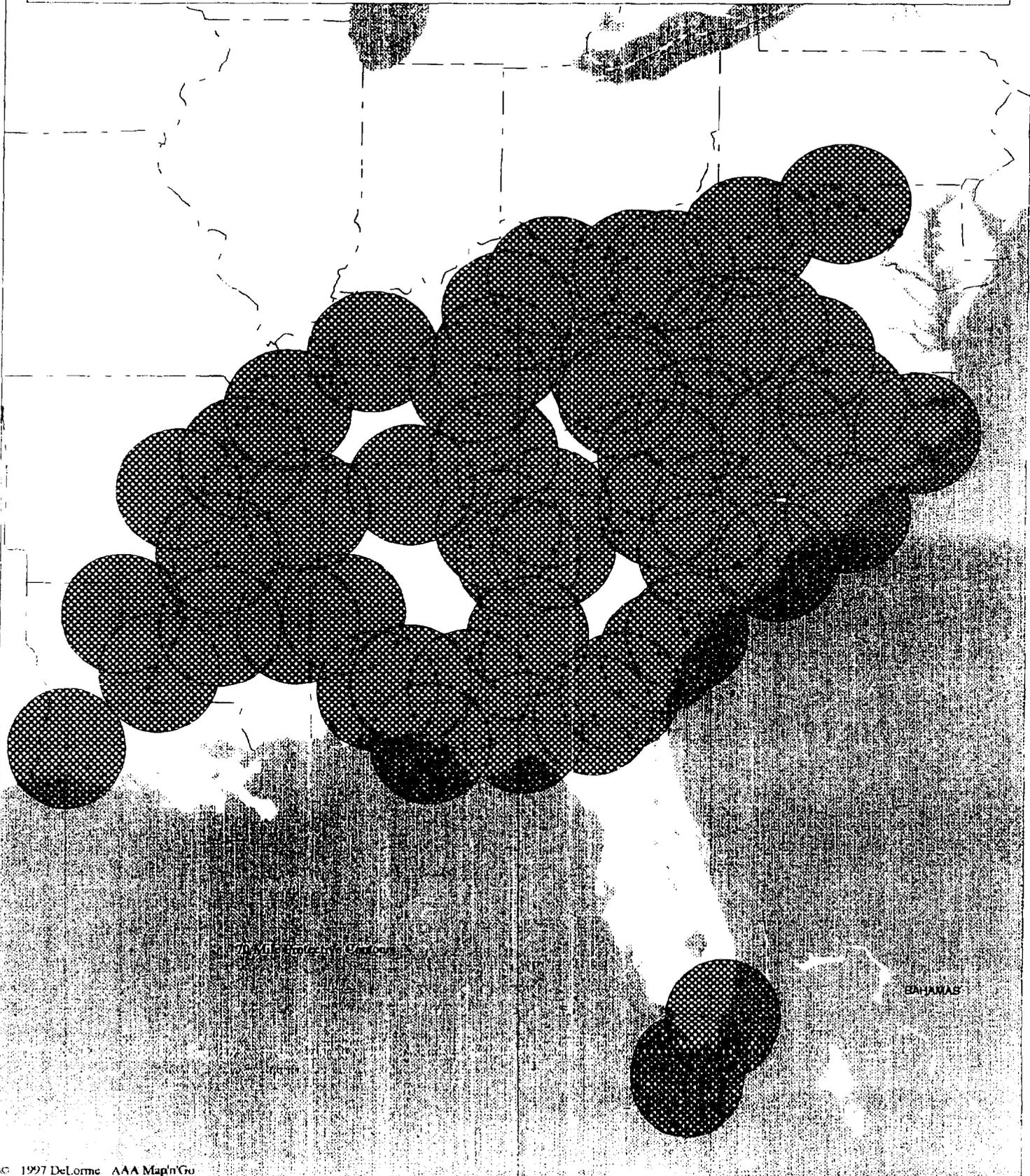
FCC



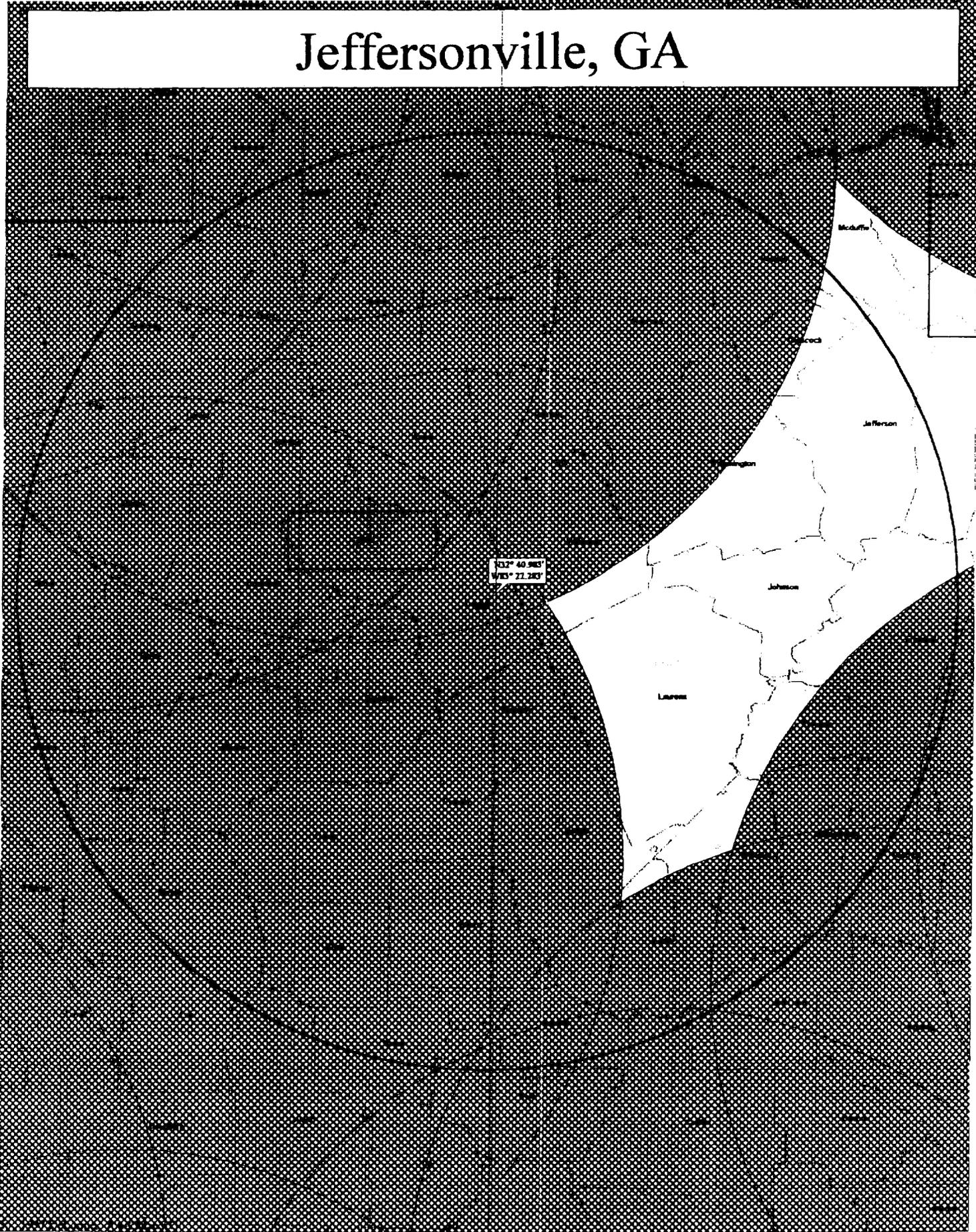
⑈001025⑈ ⑆061000227⑆ 2080000176282⑈

EXHIBIT 2

Constructed Facilities



Jeffersonville, GA



Hamage & Royce, MS

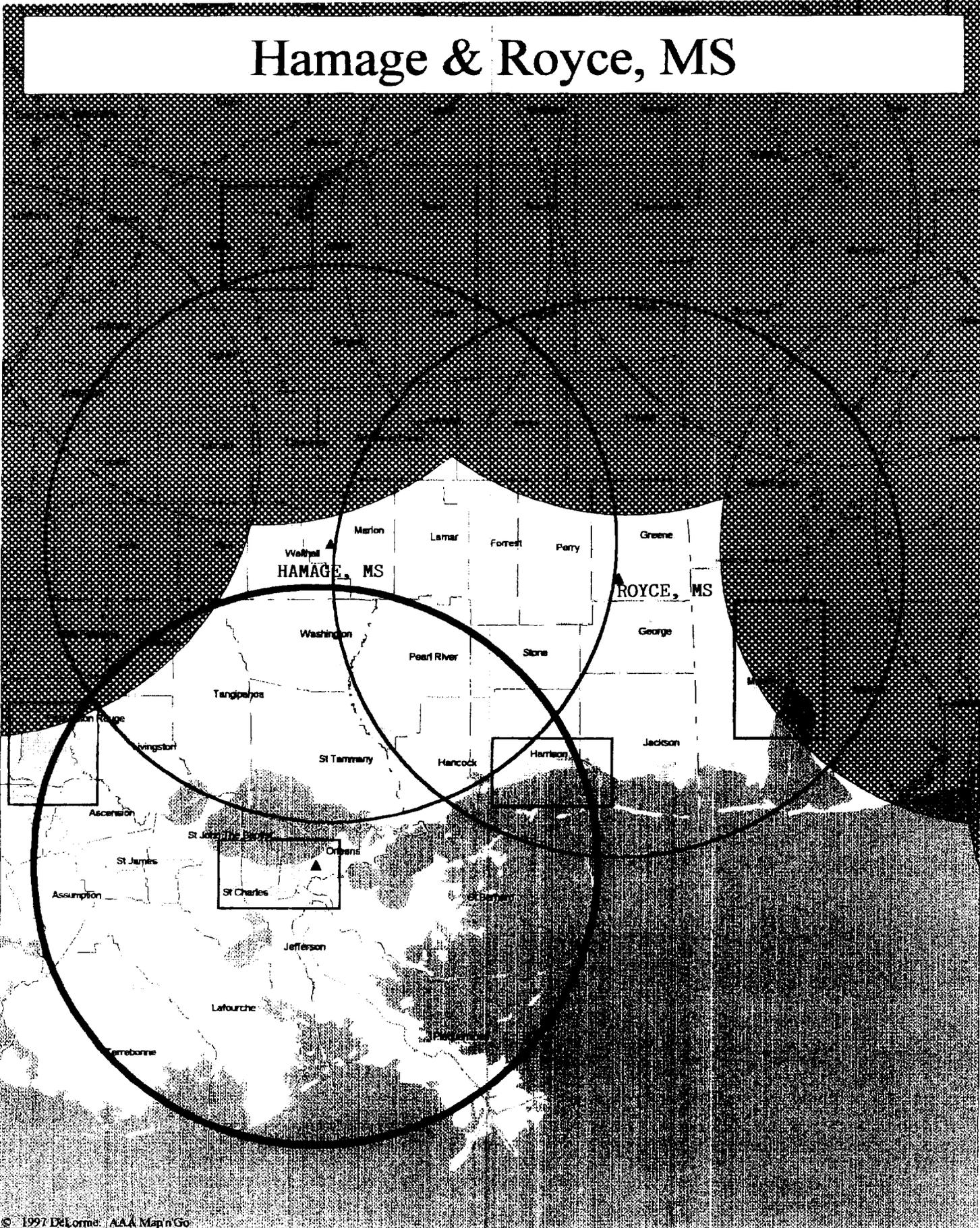


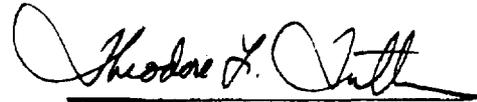
EXHIBIT 3

DECLARATION OF THEODORE TUTTEROW *

I, Theodore Tutterow, under penalty of perjury, do hereby state and declare that the following is true, complete, and correct:

1. I am an independent consultant employed by Clear Paging, Inc. ("Clear Paging"). My responsibilities include ensuring that Clear Paging's services comply with Federal Communications Commission ("Commission") licensing requirements.

2. I have reviewed and am familiar with the foregoing Petition for Reconsideration, which will be filed at the Commission on January 13, 1999. I prepared the engineering charts attached as Exhibit 2 to the Petition for Reconsideration. The attached engineering charts depict the three requested transmitter sites, each at the center of a circle with a 70 mile radius. I also conducted a comprehensive review of the Commission's database and other available Commission information. My review indicated that the white areas within 70 miles of each requested transmitter site, as depicted in Exhibit 2, are neither currently licensed nor are they the subject of pending license applications. Furthermore, the cross-hatched areas, as depicted in Exhibit 2, represent paging areas exclusively licensed to Clear Paging for the 931.6125 frequency. The statements in the Petition for Reconsideration regarding the engineering charts are true and correct.



Theodore Tutterow

Date: January 12, 1999

92804

* The original executed copy will be submitted upon receipt.