

ORIGINAL

WILKINSON, BARKER, KNAUER & QUINN, LLP

Washington, DC  
Frankfurt, Germany

2300 N Street, NW  
Washington, DC 20037-1128

telephone: 202.783.4141  
facsimile: 202.783.5851

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

January 13, 1999

96-18

HAND DELIVERED

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 Twelfth Street, S.W., TW-A325  
Washington, D.C. 20554

Attention: Wireless Telecommunications Bureau

Re: Westlink of New Mexico Licensee Corporation  
- Various Paging and Radiotelephone Service Call Signs  
- Petition for Reconsideration

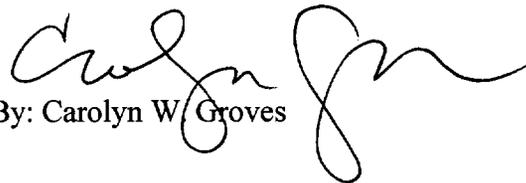
Dear Ms. Salas:

Enclosed please find one original and two copies of a Petition for Reconsideration of the Commission's dismissal of numerous Westlink of New Mexico Licensee Corporation applications by *Order* of December 14, 1998, DA 98-2543.

Should you have any questions regarding the enclosed, please contact the undersigned.

Sincerely,

WILKINSON, BARKER, KNAUER & QUINN, LLP



By: Carolyn W. Groves

Enclosures

cc: Steve Weingarten, Chief  
Commercial Wireless Division

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

In the Matter of )  
 )  
Revision of Part 22 and Part 90 of the ) WT Docket No. 96-18  
Commission's Rules to Facilitate )  
Future Development of Paging Systems )

To: Chief, Wireless Telecommunications Bureau

**PETITION FOR RECONSIDERATION**

Westlink of New Mexico Licensee Corporation<sup>1</sup> (the "Petitioner" herein),  
by its attorneys and pursuant to Section 1.106 of the Commission's Rules,<sup>2</sup> hereby files

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<sup>1</sup> On September 2, 1998, Arch Communications Group, Inc. ("Arch Group") (the ultimate parent of Westlink of New Mexico Licensee Corporation ("Westlink")), and MobileMedia Corporation, Debtor-in-Possession ("MobileMedia") filed numerous applications seeking Commission consent to effectuate a merger and reorganization, which would transfer control of MobileMedia to Arch Group, assign all of MobileMedia's licenses and authorizations to a single subsidiary, and transfer control of Arch Group to a new, widely dispersed group of investors. The transfer of control applications relating to Westlink's licenses remain pending. (*see* Public Notice, DA 98-2080, October 15, 1998) In addition, Arch Group underwent a *pro forma* corporate reorganization on December 31, 1998, in which all of Westlink's authorizations were assigned to Arch Communications Enterprises LLC. Arch Group plans to notify the Commission of these *pro forma* assignments within the 30-day notification deadline established by the Commission.

<sup>2</sup> 47 C.F.R. §1.106.

this Petition for Reconsideration of the Commercial Wireless Division's (the "Division") *Order*<sup>3</sup> in the captioned proceeding. The following is respectfully shown:

## I. INTRODUCTION

1. In the *Order*, the Division dismissed all pending mutually exclusive paging applications, all pending paging applications (other than those filed for nationwide and shared channels) filed after July 31, 1996, and all pending paging applications that requested spectrum that was previously assigned to another licensee on an exclusive basis.<sup>4</sup> Certain of the applications dismissed were those filed by Petitioner and identified on Exhibit 1 hereto. Therefore, Petitioner was directly and adversely affected by the Division's *Order*.

2. Petitioner respectfully submits that the dismissal of these applications by the *Order* is unwarranted for the reasons set forth in Petitions for Reconsideration of the Commission's *Second Report and Order and Further Notice of Proposed Rulemaking*<sup>5</sup> (the "*Second Report and Order*") adopted in this proceeding, which were filed in 1997 by several parties. In particular, Petitioner submits that the Commission's dismissal of these

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<sup>3</sup> *Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, Order*, WT Docket No. 96-18, DA 98-2543 (rel. Dec. 14, 1998).

<sup>4</sup> *Order*, para. 1.

<sup>5</sup> 12 FCC Rcd. 2732 (1997).

applications is inconsistent with Section 309(j)(6)(E) of the Communications Act of 1934, as amended.<sup>6</sup>

3. Petitioner notes that the Division indicated in its *Order* that specific issues regarding these dismissals have been raised in the previously filed Petitions for Reconsideration of the *Second Report and Order*, and that the Commission will address these issues in its deposition of those Petitions. The Division indicated further that, if such Petitions for Reconsideration are granted, the applications identified on Attachments A and B to the *Order* will be reinstated.

WHEREFORE, Petitioner respectfully submits that, for the reasons stated, the Division should reconsider its decision to dismiss the applications listed in Exhibit 1 and reinstate them *nunc pro tunc* consistent with any treatment afforded the applications filed by Petitioners of the *Second Report and Order*.

Respectfully submitted,

Westlink of New Mexico Licensee Corporation

By:



Carolyn W. Groves  
WILKINSON, BARKER,  
KNAUER & QUINN, LLP  
2300 N Street, N.W., Seventh Floor  
Washington, D.C. 20037  
(202) 783-4141  
Its Attorneys

January 13, 1999

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<sup>6</sup> 47 U.S.C. §309(j)(6)(E). The Commission is required, by statute, to employ “engineering solutions, negotiation, threshold qualifications, service regulations, and other means to avoid mutual exclusivity in application and licensing proceedings.”

<i>CALL SIGN</i>	<i>LICENSEE</i>	<i>FILE NUMBER</i>
KQZ775	Westlink of New Mexico Licensee Corporation	2409095
KUO581	Westlink of New Mexico Licensee Corporation	2410295
KNLM496	Westlink of New Mexico Licensee Corporation	2997895
KNLM496	Westlink of New Mexico Licensee Corporation	3002995
KNLM496	Westlink of New Mexico Licensee Corporation	3013695
KNLM496	Westlink of New Mexico Licensee Corporation	3026795
KNLM496	Westlink of New Mexico Licensee Corporation	3398995
KQZ775	Westlink of New Mexico Licensee Corporation	3454795
KQZ775	Westlink of New Mexico Licensee Corporation	2831796