

ORIGINAL

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January 13, 1999

HAND DELIVERED

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

RECEIVED

JAN 13 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

96-18

Attention: Wireless Telecommunications Bureau

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

Dear Ms. Salas:

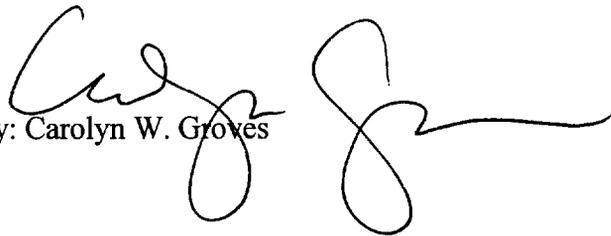
Enclosed please find one original and two copies of a Petition for Reconsideration of the Commission's dismissal of numerous Westlink Licensee Corporation applications by *Order of December 14, 1998, DA 98-2543*.

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

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OFFICE OF THE SECRETARY

In the Matter of )  
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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 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 this Petition for

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<sup>1</sup> On September 2, 1998, Arch Communications Group, Inc. ("Arch Group") (the ultimate parent of Westlink 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.

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<sup>2</sup> 47 C.F.R. §1.106.

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).

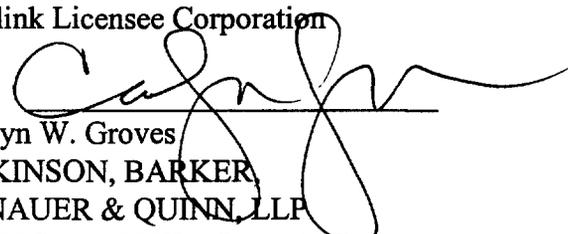
applications is inconsistent with Section 309(j)(6)(E) of the Communications Act of 1934, as amended.<sup>6</sup>

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 disposition 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 Licensee Corporation

By: 

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(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>
KNKG877	Westlink Licensee Corporation	2158394 <sup>1</sup>
KNLR513	Westlink Licensee Corporation	2997595
KNLR518	Westlink Licensee Corporation	2998395
KNLR521	Westlink Licensee Corporation	2998795
KNLR534	Westlink Licensee Corporation	3000995
KNLR537	Westlink Licensee Corporation	3001995
KNLR554	Westlink Licensee Corporation	3005395
KNLR563	Westlink Licensee Corporation	3006595
KNLR565	Westlink Licensee Corporation	3006795
KNLR567	Westlink Licensee Corporation	3006995
KNLR569	Westlink Licensee Corporation	3007195
KNLR575	Westlink Licensee Corporation	3007895
KNLR587	Westlink Licensee Corporation	3010195
KNLR595	Westlink Licensee Corporation	3011695
KNLR596	Westlink Licensee Corporation	3011995
KNLR601	Westlink Licensee Corporation	3014295
KNLR602	Westlink Licensee Corporation	3014695
KNLR606	Westlink Licensee Corporation	3015395

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<sup>1</sup>This file number (File No. 2158394) was assigned to an application of Westlink Licensee Corporation ("Westlink") filed for a 931.2625 MHz facility to operate under KNKG877 at Westly, California. On June 13, 1996, the Commission granted the application on frequency 931.2125 MHz. Westlink filed a Petition for Reconsideration of this grant on July 19, 1996, respectfully requesting that the frequency be changed to 931.2625 MHz. Westlink surrendered the construction permit for frequency 931.2125 MHz on June 13, 1997; however, the Petition for Reconsideration requesting 931.2625 MHz remains pending. As a result, Westlink is uncertain as to the exact impact of the dismissal of File No. 2158394.

<i>CALL SIGN</i>	<i>LICENSEE</i>	<i>FILE NUMBER</i>
KNLR611	Westlink Licensee Corporation	3016695
KNLR625	Westlink Licensee Corporation	3019995
KNLR629	Westlink Licensee Corporation	3020495
KNLR633	Westlink Licensee Corporation	3025495
KNLR634	Westlink Licensee Corporation	3026095
KNLR612	Westlink Licensee Corporation	3035795
KNLR668	Westlink Licensee Corporation	3050995
KNLR688	Westlink Licensee Corporation	3056995
KNLR677	Westlink Licensee Corporation	3057595
KNLR677	Westlink Licensee Corporation	3058595
KNLR753	Westlink Licensee Corporation	3121095
KNKG578	Westlink Licensee Corporation	3270295
KNKG578	Westlink Licensee Corporation	3394795
KNKP264	Westlink Licensee Corporation	2252596
KNKM565	Westlink Licensee Corporation	2284496
KNKM565	Westlink Licensee Corporation	2284696
KNKM565	Westlink Licensee Corporation	2294496
KNKM565	Westlink Licensee Corporation	2303096
KNKM565	Westlink Licensee Corporation	2831696
KNKG578	Westlink Licensee Corporation	2831896
KNKP264	Westlink Licensee Corporation	3090296
KNKP263	Westlink Licensee Corporation	3094596
KNKP263	Westlink Licensee Corporation	3094796
KNKP264	Westlink Licensee Corporation	3095396
KNKP264	Westlink Licensee Corporation	3095896

<i>CALL SIGN</i>	<i>LICENSEE</i>	<i>FILE NUMBER</i>
KNKG877	Westlink Licensee Corporation	3095996
KNKG877	Westlink Licensee Corporation	3096596
KNKG877	Westlink Licensee Corporation	3096896
KNKP263	Westlink Licensee Corporation	3123896
KNKM726	Westlink Licensee Corporation	3124096
KNKM726	Westlink Licensee Corporation	3128896
KNKM726	Westlink Licensee Corporation	3132196
KNLS285	Westlink Licensee Corporation	3150896
KNKM726	Westlink Licensee Corporation	3152396
KNKM726	Westlink Licensee Corporation	3152696
KNKG547	Westlink Licensee Corporation	3162296
KRS648	Westlink Licensee Corporation	2072297