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FEDERAL COMMUNICATIONS COMMISSION
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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 Commission's Rules to Facilitate Future Development of Paging Systems	)))	WT Docket No. 96-18

To: Chief, Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

Satellite Paging, Inc. (the "Petitioner" herein), by its attorneys and pursuant to Section 1.106 of the Commission's Rules,[1/] hereby files this Petition for Reconsideration of the Commercial Wireless Division's (the "Division") *Order*[2/] in the captioned proceeding. The following is respectfully shown:

I. INTRODUCTION

1. Petitioner filed applications with the Commission seeking authorizations relating to paging facilities pursuant to the Commission's Rules. Those applications are identified on Attachment 1 to this petition. Those applications were pending with the Commission until the Division issued its *Order* on December 14, 1998. In the *Order*, the

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1/ 47 C.F.R. §1.106.

2/ *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).

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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.[3/] Certain of the applications dismissed were those filed by Petitioner and identified on Attachment 1 hereto. Therefore, Petitioner was directly and adversely affected by the Division's *Order*.

2. Petitioner is filing the instant petition to place on the record its protest of the Division's *Order*. Petitioner respectfully submits that 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."[4/] Further, Petitioner does not believe that there exists a rational basis supporting the dismissal of all applications filed subsequent to July 31, 1996.

3. Notwithstanding the foregoing, Petitioner notes that the Division indicated in its *Order* that these specific issues have been raised by several parties in the context of Petitions for Reconsideration of the Commission's *Second Report and Order and Further Notice of Proposed Rulemaking*[5/] adopted in this proceeding, and that the Commission will address these issues in that forum. The Division indicated further that, if such Petitions for Reconsideration are granted, the applications identified on Attachments A

3/ *Order*, para. 1.

4/ 47 U.S.C. §309(j)(6)(E).

5/ 12 FCC Rcd. 2732 (1997).

and B to the *Order* will be reinstated. Petitioner agrees that resolution of these issues by the Commission in the broader rulemaking proceeding represents the most appropriate procedure and forum. Therefore, Petitioner will not argue the merits in full in this petition. Rather, Petitioner seeks to have this petition serve as notice of the Petitioner's objection to the *Order*, and as a request that, should the Commission grant the Petitions for Reconsideration filed with respect to these issues in the broader proceeding, that the Petitioner's applications be reinstated *nunc pro tunc*.

WHEREFORE, the foregoing having been duly considered, Petitioner respectfully submits that the Commission should reconsider the Division's *Order* in the context of the broader rulemaking proceeding, reverse the Division's dismissal of the pending paging applications, and order the Division to reinstate the applications *nunc pro tunc*.

Respectfully submitted,

Satellite Paging, Inc.

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January 13, 1999

Satellite Paging, Inc.
Petition for Reconsideration

Attachment 1

Call Sign	File No.	Frequency	Location
KNKJ741	2843295	931.8375	Mesa, AZ
KNKJ741	2915895	931.8375	Tucson, AZ
KNKJ741	2922195	931.8375	San Luis Obispo, CA
KNKJ741	3032495	931.8375	Delta, UT
KNKJ741	3481795	931.8375	Prescott, AZ
KNKJ741	3482695	931.8375	Aguila, AZ
KNKJ741	3485995	931.8375	Sierra Vista, AZ
KNKJ741	3496095	931.8375	Yakima, WA
KNKJ741	3498795	931.8375	Show Low, AZ
KNKJ741	3557895	931.8375	Carson City, NV
KNKJ741	2926196	931.8375	San Fernando, CA
KNKJ741	2926396	931.8375	Malibu, CA
KNKJ741	2939996	931.8375	Gorman, CA
KNKJ741	2946796	931.8375	Sacramento, CA
KNKJ741	2950896	931.8375	Yuba City, CA
KNKJ741	2957696	931.8375	Rasnow Peak, CA
KNKJ741	2985596	931.8375	Santa Paula, CA

Attachment A

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This page has been substituted for one of the following:

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Microfilm, microform, certain photographs or videotape.

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