

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

To: Chief, Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

Arch Southeast Communications, Inc.^{1/} (the "Petitioner" herein), by its attorneys and pursuant to Section 1.106 of the Commission's Rules,^{2/} hereby files this

1/ On September 2, 1998, Arch Communications Group, Inc. ("Arch Group") (the ultimate parent of Arch Southeast Communications, Inc. ("Arch Southeast")), 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 Arch Southeast'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 Arch Southeast'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.

2/ 47 C.F.R. §1.106.

No. of Copies rec'd
List ABCDE

0+4

Petition for Reconsideration of the Commercial Wireless Division's (the "Division") *Order*^{3/} 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 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.^{4/} 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

^{3/} *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).

^{4/} *Order*, para. 1.

proceedings.”^{5/} 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*^{6/} 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 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

^{5/} 47 U.S.C. §309(j)(6)(E).

^{6/} 12 FCC Rcd. 2732 (1997).

pending paging applications, and order the Division to reinstate the applications *nunc pro tunc*.

Respectfully submitted,

Arch Southeast Communications, Inc.

By: Christine M. Crowe

Christine M. Crowe
PAUL, HASTINGS,
JANOFSKY & WALKER LLP
1299 Pennsylvania Avenue, N.W.
Tenth Floor
Washington, D.C. 20004
(202) 508-9562

Its Attorneys

January 13, 1999

**Arch Southeast Communications, Inc.
Petition for Reconsideration**

Attachment 1

Call Sign	File No.	Frequency	Location
KNKP451	2367995	454.600, 454.625	Fort Lauderdale, FL
KNKP451	2593795	454.600, 454.625	Homestead, FL
KNKG724	2688695	931.0875	Fancy Gap, VA
KNKE202	2118596	931.0875	Reidsville, NC
KNKE202	2120096	931.0875	King, NC
KNKE203	2125196	931.0875	Gray Court, SC
KNKE277	2379896	931.0875	Williamston, NC
KNKE277	2380396	931.0875	Washington, NC
KNKE277	2381496	931.0875	Draughn, NC
KNKE277	2381596	931.0875	Powellsville, NC
KNKK239	2885296	931.0625	Union Park, FL
KNKK239	2889596	931.0625	Seville, FL
KNKK239	2890596	931.0625	Tallahassee, FL
KNKK239	2890796	931.0625	Hilliard, FL
KNKK239	2997296	931.0625	Thomasville, GA

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

o An oversize page or document (such as a map) which was too large to be scanned into the RIPS system.

X Microfilm, microform, certain photographs or videotape.

o Other materials which, for one reason or another, could not be scanned into the RIPS system.

The actual document, page(s) or materials may be reviewed by contacting an Information Technician. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.