

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

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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

PowerPage, 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

^{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,

PowerPage, Inc.

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January 13, 1999

PowerPage, Inc.
Petition for Reconsideration

Attachment 1

Call Sign	File No.	Frequency	Location
KNLP683	2373494	931.1625	Mobile, AL
KNLP250	2289095	931.7375	Raleigh, NC
KNLP330	2307895	931.7375	Atlanta, GA
KNLP389	2320995	931.7375	Charlotte, NC
KNLP417	2324995	931.7375	Fayetteville, NC
KNLP434	2327895	931.7375	Virginia Beach, VA
KNLP434	2328195	931.7375	Richmond, VA
KNLP437	2328595	931.7375	Athens, GA
KNLP607	2358595	931.1625	Bowling Green, KY
KNLP685	2373795	931.1625	Irene, LA
KNLP689	2374695	931.8375	Salt Lake City, UT
KNLP692	2375295	931.1625	Lake Charles, LA
KNLP710	2380695	931.3625	Columbus, OH
KNLP711	2381095	931.8375	Albuquerque, NM
KNLP715	2381795	931.1625	Shreveport, LA
KNLP728	2389895	931.8375	Denver, CO
KNLP734	2392395	931.0875	Phoenix, AZ
KNLP774	2405995	931.1625	North Little Rock, AR
KNLP777	2406295	931.7625	Topeka, KS
KNLP779	2406695	931.3625	Cincinnati, OH
KNLP784	2407695	931.0125	St. Louis, MO

Call Sign	File No.	Frequency	Location
KNLP785	2407795	931.7625	Kansas City, MO
KNLP789	2408295	931.1625	Nashville, TN
KNLP789	2408495	931.1625	Knoxville, TN
KNLP789	2408595	931.1625	Memphis, TN
KNLP792	2409295	931.8375	Oklahoma City, OK
KNLP817	2416295	931.3625	Indianapolis, IN
KNLP830	2418995	931.1625	New Orleans, LA
KNLP834	2419895	931.3125	Columbia Heights, MN
KNLP672	2181396	931.4875	Centralia, WA
KNLP672	2181596	931.4875	Tacoma, WA
KNLP672	2181796	931.4875	Sprague, WA
KNLP672	2181996	931.4875	Pendleton, OR
KNLP672	2182296	931.4875	Kennewick, WA

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