

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)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

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

^{1/} On September 2, 1998, Arch Communications Group, Inc. ("Arch Group") (the ultimate parent of Arch Connecticut Valley, Inc. ("Arch Connecticut Valley")), 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 Connecticut Valley's licenses remain pending (*see Public Notice*, DA 98-2080, October 15, 1998).

^{2/} 47 C.F.R. §1.106.

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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 Connecticut Valley, Inc.

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January 13, 1999

**Arch Connecticut Valley, Inc.
Petition for Reconsideration**

Attachment 1

Call Sign	File No.	Frequency	Location
KNKJ989	2042896	931.3125	Lake George, NY
KNKJ989	2044696	931.3125	Holyoke, MA
KNKG540	3147996	931.7875	Lowell, MA
KNKG540	3154896	931.7875	Pembroke, NH
KNKG540	3154996	931.7875	Salem, MA
KNKG540	3156496	931.7875	Framingham, MA
KNKG540	3161196	931.7875	Holyoke, MA

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