

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

USA Mobile Communications, Inc. II<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 Reconsideration of the Commercial Wireless Division's (the "Division") Order<sup>3/</sup> in the captioned proceeding. The following is respectfully shown:

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<sup>1/</sup> On July 28, 1998, Arch Communications Group, Inc. ("Arch Group") (the ultimate parent of USA Mobile Communications, Inc. II ("USA Mobile")) notified the Commission of the *pro forma* assignment of all of USA Mobile's facilities from USA Mobile to Arch Paging, Inc. ("Arch Paging"). Furthermore, on September 2, 1998, Arch Group (the ultimate parent of Arch Paging), 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 application relating to Arch Paging's license remain pending (*see Public Notice*, DA 98-2080, October 15, 1998).

<sup>2/</sup> 47 C.F.R. §1.106.

<sup>3/</sup> *Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future*  
(continued...)

Petition for 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. 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.<sup>4/</sup> 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

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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.

proceedings.”<sup>5/</sup> 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*<sup>6/</sup> 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

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<sup>5/</sup> 47 U.S.C. §309(j)(6)(E).

<sup>6/</sup> 12 FCC Rcd. 2732 (1997).

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

Respectfully submitted,

USA Mobile Communications, Inc. II

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

**USA Mobile Communications, Inc. II  
Petition for Reconsideration**

**Attachment 1**

Call Sign	File No.	Frequency	Location
KNLQ238	2480095	931.5125	Marion, NC
KNLQ239	2480195	931.5125	Winston Salem, NC
KNLQ263	2486395	931.5125	Asheville, NC
KNLQ282	2489595	931.5125	Georgetown, SC
KNKG827	2109296	931.4875	Moshannon, PA
KNKP213	2962896	931.4875	Thornville, OH
KNKG827	2963496	931.5125	Connellsville, PA
KNKO525	2966596	931.4875	Williamsburg, KY
KNKG823	2967096	931.5125	Walland, TN
KNKP213	2967196	931.4875	Byesville, OH
KNKG823	2969296	931.5125	Gatlinburg, TN
KNKO525	3001396	931.4875	Glasgow, KY
KNKP213	3155196	931.5125	Conneaut, OH
KNKG827	3222196	931.5125	Morrisville, PA
KQK595	2120097	152.03	Toledo, OH

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