ORIGINAL

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

To: Chief, Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

Blasiar, 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,

Blasiar, 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

Blasiar, Inc.
Petition for Reconsideration

Attachment 1

Call Sign	File No.	Frequency	Location
KNKK821	3180696	931.8125	Malibu, CA
KNKK821	3253296	931.8125	Fallbrook, CA
KNKK821	3253596	931.8125	San Jacinto, CA
KNKK821	3253796	931.8125	Oceanside, CA
KNKK821	3253896	931.8125	Santa Maria, CA
KNKK821	3254196	931.8125	Santa Barbara, CA
KNKK821	3254296	931.8125	Dulzura, CA
KNKK821	3254596	931.8125	San Diego, CA
KNKK821	3254696	931.8125	Santa Barbara, CA
KNKK821	3254796	931.8125	Clairmont, CA
KNKK821	3255096	931.8125	Crestline, CA
KNKK821	3255296	931.8125	Wrightwood, CA
KNKK821	3255396	931.8125	San Diego, CA
KNKK821	3255496	931.8125	Barstow, CA
KNKK821	3255796	931.8125	Oxnard, CA
KNKK821	3262496	931.8125	Poway, CA
KNKK821	3262796	931.8125	Newport Beach, CA
KNKK821	3262996	931.8125	Newport Beach, CA
KNKK821	3263196	931.8125	Los Angeles, CA

Call Sign	File No.	Frequency	Location
KNKK821	3263396	931.8125	Palos Verdes, CA
KNKK821	3263796	931.8125	Palos Verdes, CA
KNKK821	3266396	931.8125	Corona, CA
KNKK821	3269596	931.8125	Santa Paula, CA
KNKK821	3269896	931.8125	San Fernando, CA
KNKK821	3269996	931.8125	Gorman, CA
KNKK821	3277096	931.8125	Hawthorne, CA
KNKK821	3277296	931.8125	Los Angeles, CA
KNKK821	3277496	931.8125	Los Angeles, CA
KNKK821	3277596	931.8125	Pasadena, CA
KNKK821	3277696	931.8125	Montrose, CA
KNKK821	3278296	931.8125	Glendale, CA
KNKK821	3278596	931.8125	Brentwood, CA

Attachment A

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

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o Microfilm, microform, certain photographs or videotape.

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

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