

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of )  
)  
Service Rules for the 746-764 and )  
776-794 MHz Bands, and )  
Revisions to Part 27 of the )  
Commission's Rules )

WT Docket No. 99-168

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PETITION FOR RECONSIDERATION

Rand McNally & Company ("RMC"), by its attorneys, hereby requests that the Commission reconsider its First Report and Order (the "Order") in the above-captioned proceeding, to the extent that the decision failed to address the continuing infringement of RMC's copyright interests with respect to the unauthorized use by the Commission, in its partitioning rules, of RMC's proprietary MTA and BTA listings.

The rules as heretofore proposed and now as promulgated continue and extend this infringement to a new service. RMC does not object to allowing licensees to partition their licenses, only to the use of RMC's MTA or BTA listings for this purpose without prior licensing agreement with RMC. As pointed out by RMC in its earlier Comments in this proceeding, the Commission has available other formulations for its partitioning rules that do not infringe. Further, since the filing of these Comments, the Commission has developed yet another formulation of its partitioning rules for licensing services at 24 Ghz that also does not infringe.<sup>1</sup>

<sup>1</sup> See Erratum to Notice of Proposed Rulemaking, Amendments to Parts 1, 2, and 101 Of the Commission's Rules To License Fixed Services At 24 GHz, WT Docket No. 99-327, released December 23, 1999. The Erratum eliminated the proposed use of MTAs or BTAs for partitioning in proposed rule 47 C.F.R. § 101.535(b)(1).

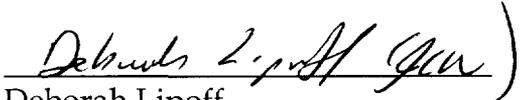
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The Commission should not itself or encourage others to infringe upon RMC's copyright interests, particularly when, as here, the Commission has easily available to it alternative formulations of its rules that allow its licensees reasonably to partition their licenses without such infringement.

Respectfully submitted,

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