



PUBLIC NOTICE

Federal Communications Commission
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DA 00-760
April 5, 2000

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FCC MAIL SECTION

WIRELESS TELECOMMUNICATIONS BUREAU SETS COMMENT SCHEDULE FOR PETITIONS FOR RECONSIDERATION OF THE ORDER ON RECONSIDERATION OF THE FOURTH REPORT AND ORDER IN WT DOCKET NO. 97-82

Oppositions Due: April 17, 2000

Notice is hereby given that the parties listed below have jointly petitioned the Commission for reconsideration of the *Order on Reconsideration of the Fourth Report and Order* in WT Docket No. 97-82, FCC 00-54, released February 29, 2000. The *Order on Reconsideration of the Fourth Report and Order* addresses petitions for reconsideration of the *C Block Fourth Report and Order*, released August 19, 1998, in which the Commission modified the rules governing auctions of C block broadband Personal Communications Services ("PCS") spectrum.¹

In light of the auction schedule for the upcoming PCS C and F block auction ("Auction No. 35"),² and the requests of certain commenters that the Commission resolve all issues related to Auction No. 35 in an expedited manner,³ the Wireless Telecommunications Bureau ("Bureau") has determined that good cause exists in this instance to alter the periods specified in Section 1.429 of the Commission's rules for oppositions to petitions for reconsideration.⁴ Preliminary

¹ See Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket No. 97-82, *Order on Reconsideration of the Fourth Report and Order*, FCC 00-54 (rel. February 29, 2000) ("*Order on Reconsideration of the Fourth Report and Order*"); see also Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket No. 97-82, *Fourth Report and Order*, 13 FCC Rcd 15,743 (1998) ("*C Block Fourth Report and Order*").

² See "C and F Broadband PCS Schedule for July 26, 2000; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures," *Public Notice*, DA 00-504 (rel. March 3, 2000).

³ See, e.g., Comments of AT&T Wireless Services, Inc. at 3, filed February 22, 2000; Comments of GTE at 6, filed February 22, 2000; Reply Comments of Nextel Communications, Inc. at 31, filed March 1, 2000. See also Petition of SBC Communications Inc. for Waiver of the Eligibility Requirements of 47 C.F.R. Section 24.709 for the PCS C and F Block Auction and for Expedited Action, filed January 21, 2000 (seeking expedited consideration of request to waive eligibility rules in Auction No. 35 to facilitate their preparation for that auction).

⁴ See 47 C.F.R. § 0.331 (authority delegated to Wireless Telecommunications Bureau); 47 C.F.R. § 1.3 (suspension, amendment, and waiver of Commission Rules). See also 5 U.S.C. § 553(b)(B).

review of the petition indicates that it raises certain issues regarding eligibility of certain parties to participate in Auction No. 35. To provide timely guidance to prospective bidders, we must close the record on reconsideration issues on an expedited schedule.⁵ Accordingly, oppositions to petitions for reconsideration of the *Order on Reconsideration of the Fourth Report and Order* shall be filed no later than **April 17, 2000**.

The list of petitions below reflects Commission records as of April 4, 2000. Any timely filed petitions subsequently posted on the Electronic Comment Filing System (ECFS), or received in paper form, will be subject to a filing schedule for oppositions similar to that adopted herein.

In addition, the record of comments and other documents filed in response to the petitions of Nextel Communications, Inc. and SBC Communications Inc. regarding PCS C and F block rules,⁶ will be incorporated into the record in this docket. Commenters therefore need not restate their positions on C and F block issues in response to this petition for reconsideration.

Procedural Matters

Parties submitting oppositions should address the petitions for reconsideration in light of the requirements of 47 U.S.C. § 309, 47 C.F.R. § 1.429 and any other public interest considerations. All oppositions should reference the docket number of this proceeding, *i.e.*, WT Docket No. 97-82.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. 47 C.F.R. §§ 1.1200(a), 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Parties may obtain the *Order on Reconsideration of the Fourth Report and Order* and petitions for reconsideration at the FCC website, <http://www.fcc.gov/e-file/ecfs.html>. The petitions are also available for public inspection and copying in the Reference Center, Room CY A257, 445 12th Street, S.W., Washington, DC 20554. Copies of the petitions are also available from ITS at 1231 20th Street, N.W., Washington, DC 20036, or by calling (202) 857-3800.

⁵ We note also that there are pending petitions for reconsideration on spectrum cap issues. *See* "Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings," *Public Notice*, Report No. 2387 (rel. February 8, 2000).

⁶ *See* "Wireless Telecommunications Bureau Seeks Comment on SBC Communications Inc.'s Request for Waiver of the Eligibility Requirements for Participation in the Upcoming PCS C and F Block Auction," *Public Notice*, DA 00-145 (rel. January 31, 2000); "Wireless Telecommunications Bureau Seeks Comment on Nextel Communications, Inc.'s Petition Regarding PCS C and F Block Spectrum," *Public Notice*, DA 00-191 (rel. February 3, 2000). *See also* "Wireless Telecommunications Bureau Seeks Comment on AT&T Wireless Services, Inc., Bell South Corporation and Bell Atlantic Mobile, Inc. Petitions Regarding CMRS Spectrum Cap Limits," *Public Notice*, DA 00-318 (rel. February 18, 2000).

Oppositions to petitions for reconsideration may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Oppositions filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, parties should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic opposition by Internet e-mail. To get filing instructions for e-mail filings, parties should send an e-mail message to ecfs@fcc.gov, including "get form to <your e-mail address>" in the body of the message. A sample form and directions will be sent in response.

Interested parties who choose to file by paper must file an original and four copies of their filing with the Office of the Secretary, Federal Communications Commission, TW B204, 445 12th Street, S.W., Washington, DC 20554. In addition, parties should send two copies to Audrey Bashkin, Legal Branch, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th St. S.W. Washington, DC 20554, and one copy to ITS, at 1231 20th Street, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Audrey Bashkin at (202) 418-0660. The fax number is: (202) 418-0890.

Parties Filing Petitions for Reconsideration in WT Docket 97-82

Sprint Spectrum L.P. and US WEST Wireless, LLC (April 4, 2000) (filing jointly)

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