DOCKET FILE COPY ORIGINAL

RECEIVED
JUN 22 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C.

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	WT Docket No. 97-82
Regarding Installment Payment Financing	)	
for Personal Communications Services ("PCS")	)	
Licensees	)	

To: The Commission

COMMENTS OF CHOICE WIRELESS, LC

1. Choice Wireless, LC ("Choice"), by counsel, hereby files Comments in response to the Commission's Further Notice of Proposed Rulemaking ("NPRM") in the above-referenced proceeding.[1] Four incumbent local exchange carriers formed Choice in order to provide high quality wireless telecommunications services to rural areas of Oklahoma and Texas. Choice has obtained the rights to acquire certain PCS C and F Block licenses that will form a regional network, and is currently awaiting Commission approval of the transactions.

2. Choice strongly objects to attempts by the Commission and certain large carriers to justify modifying the eligibility requirements for C and F Block licenses on the grounds that existing PCS C and F Block licensees have not constructed their licenses as quickly as the Commission would have preferred[2] or that only a "small percentage of C and F block licensees ... have begun providing service in the years since the initial entrepreneurs' block auctions were

---

[1] *In the Matter of* Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees, FCC 00-197, released June 7, 2000.

[2] *Id.* at ¶ 31.

No. of Copies rec'd 0+4
List A B C D E

held."[3] This preferred rationale is recklessly based upon imprecision and generalization.

3. All of the licenses that Choice has acquired rights to are being constructed quickly and service will be available to subscribers promptly. However, Choice is unable to begin offering service to subscribers because of the Commission's delay in processing the assignment applications. Choice filed applications to assign three licenses in February 2000. No petitions to deny were filed. Nevertheless, four months later, the applications still remain pending. Likewise, another license that Choice has obtained rights to acquire was assigned to the existing licensee by the Commission in August 1999; however, as of mid-June 2000, nearly one year later, the FCC's Universal Licensing System ("ULS") still named the original licensee as the current licensee, despite the fact that the current licensee had received FCC approval of financing documents and had filed a notice of consummation with the FCC. Until ULS correctly named the current licensee, Choice could not even file an application for assignment, much less begin offering service.

4. The Commission noted in the NPRM that Section 309(j)(3) of the Communications Act, as amended, directs the Commission to, *inter alia*, "seek to promote ... the development and rapid deployment of new services for the benefit of the public, including those residing in rural areas." The Commission also referred to its "intention to take steps to assure that designated entities that win licenses have the opportunity to become strong competitors in providing service."[4] These directives and intentions are not being carried out when the Commission cannot process an assignment application between two small companies within four

---

[3] *Id.* at ¶ 2.

[4] *Id.* at ¶ 5.

months nor update its ULS database to reflect an assignment of license that was granted nearly one year ago.

5. The delays caused by the Commission result in real economic hardships for those carriers who require FCC approval for their operations. For instance, not only is Choice unable to obtain subscribers while its applications are pending, but it also cannot obtain financing or make capital calls - all of which are required to build out a PCS system. Therefore, it is inappropriate for the Commission to attempt to shift all of the blame for slow build outs on existing PCS C and F Block licensees.

6. If the Commission's goal in allowing larger carriers to obtain C and F Block licenses really is to expedite service to the public, then before the Commission revises its rules, it should evaluate its existing application processing procedures to determine what changes are necessary to ensure that the Commission's own procedures do not hamper licensees, whatever their size, from providing service to the public expeditiously.

Respectfully submitted,

Choice Wireless, LC

By: Tamber Ray

Sylvia Lesse
Tamber Ray

Its Attorneys

Kraskin, Lesse & Cosson, LLP
2120 L Street, NW
Suite 520
Washington, DC 20037
(202) 296-8890
June 22, 2000

CERTIFICATE OF SERVICE

I, Shelley Davis, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Comments of Choice Wireless, LC" was served on this 22nd day of June 2000, by hand delivery to the following parties:

Shelley Davis

Shelley Davis

Chairman William E. Kennard
Federal Communications Commission
445 12th Street, S.W., Room 8-C302
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street, S.W., Room 8-B115
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street, S.W., Room 8-A204
Washington, DC 20554

Commissioner Harold W Furchtgott-Roth
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street, S.W., Room 8-B201
Washington, DC 20554

Audrey Bashkin
Auctions and Industry Analysis Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4A-664
Washington, DC 20554

International Transcription Service
Federal Communications Commission
445 12th Street, S.W., CY-B400
Washington, DC 20554