

Before the
 Federal Communications Commission
 Washington, D.C. 20554

FEDERAL MAIL ROOM

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In the Matter of)	
)	WT Dkt. No. <u>99-365</u>
Arch Communications Group, Inc.)	
and Paging Network, Inc.)	RECEIVED
)	
For Consent to Transfer Control of Paging,)	
Narrowband PCS, and Other Licenses)	

ORDER ON RECONSIDERATION

Adopted: January 17, 2001

Released: January 18, 2001

By the Deputy Chief, Wireless Telecommunications Bureau:

1. On September 12, 2000, Metrocall, Inc. ("Metrocall") filed a Petition for Reconsideration or Informal Complaint ("Petition") of the captioned proceeding, asking that the Bureau reconsider its April 25, 2000 grant of consent for Paging Network, Inc. ("PageNet") to transfer control of its licenses to Arch Communications Group, Inc. ("Arch") to effectuate a merger between the two companies.¹ For the reasons discussed below, we deny the Petition.

2. Pursuant to Section 405(a) of the Communications Act of 1934, as amended,² and section 1.106 of the Commission's rules,³ petitions for reconsideration of the Arch/PageNet Order were due thirty days after release of the April 25, 2000 order, or May 25, 2000. Metrocall's Petition, however, was not filed with the Commission until September 12, 2000. In support of its late filing, Metrocall argues that it did not become aware until September 7, 2000 of certain aspects of Arch's credit agreements that, according to Metrocall, show that Arch has transferred effective control of Arch's licenses to its creditors without Commission approval.⁴ This action, according to Metrocall, demonstrates that Arch is not qualified to acquire PageNet's licenses or to hold Arch's current licenses.⁵

¹ See *In the Matter of Arch Communications Group, Inc. and Paging Network, Inc. for Consent to Transfer Control of Paging, Narrowband PCS, and Other Licenses*, Memorandum Opinion and Order, WT Dkt. No. 99-365, DA 00-925 (rel. Apr. 25, 2000) ("Arch/PageNet Order").

² 47 U.S.C. Section 405(a).

³ 47 C.F.R. Section 1.106.

⁴ Metrocall Petition at 5-7.

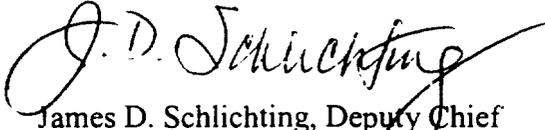
⁵ *Id.* at 7-10.

3. After reviewing Metrocall's submission, we determine that it is properly characterized as a petition for reconsideration of the Arch/PageNet Order. The Petition is addressed to the Bureau, is filed in the Arch/PageNet docket, refers to the file numbers and designated authority numbers assigned to the Arch/PageNet proceeding, and the relief sought would require reconsideration of the grant of the applications involved in the Arch/PageNet merger. The deadline for filing petitions for reconsideration (or applications for Commission review) of the Arch/PageNet Order was May 25, 2000, the Arch/PageNet Order became final on June 5, 2000, and the proceeding was terminated. Therefore, this docket is not an available forum to address Metrocall's allegations of an unauthorized transfer of control affecting Arch's qualifications as a licensee, and we make no determination with respect to Metrocall's allegations.

4. Because Metrocall has failed to justify the late filing of its Petition, we dismiss the Petition as untimely filed.⁶

Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 405, of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 405, and sections 0.331 and 1.106 of the Commission's Rules, 47 C.F.R. §§ 0.331 and 1.106, the Petition for Reconsideration or Informal Complaint filed by Metrocall, Inc. IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION


James D. Schlichting, Deputy Chief
Wireless Telecommunications Bureau

⁶ We also deny Metrocall's Motion for Stay Pending Reconsideration, filed October 4, 2000.