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

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In the Matter of Applications of)	WT Docket No. 01-287
)	
GREAT WESTERN AVIATION, INC.)	File No. 987931
)	
For Renewal of Aeronautical Advisory Station)	
KQA7, Logan-Cache Airport, Logan, Utah)	
)	
And)	
)	
UTAH JET CENTER, LLC)	File No. 845177
)	
For A New Aeronautical Advisory Station at)	
Logan-Cache Airport, Logan, Utah)	

HEARING DESIGNATION ORDER

Adopted: October 11, 2001

Released: October 12, 2001

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. On November 24, 2000, Great Western Aviation, Inc. (Great Western) filed the above-captioned application for renewal of aeronautical advisory (unicom) station KQA7 in Logan, Utah. Unicom stations provide information concerning flying conditions, weather, availability of ground services, and other information to promote the safe and expeditious operation of aircraft.¹ On December 7, 2000, Utah Jet Center, LLC (Utah Jet Center) filed the above-captioned application for a new unicom station at the same location. Both applicants propose to provide service at Logan-Cache Airport, where there is no control tower or FAA flight service station. Under Section 87.215(b) of the Commission's Rules,² only one unicom station may be licensed at such airports. Accordingly, these applications are mutually exclusive and must therefore be designated for comparative hearing.³

2. Accordingly, IT IS ORDERED that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(e), and Section 1.221(a) of the Commission's Rules, 47 C.F.R. § 1.221(a), the above-captioned applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING to resolve the following issues:⁴

¹ See 47 C.F.R. § 87.213(b)(1).

² 47 C.F.R. § 87.215(b).

³ See 47 C.F.R. §§ 1.945(f). Although the parties had settlement discussions prior to the release of this hearing designation order, they were unable to resolve their mutual exclusivity. See Letter dated July 20, 2001 from Gary S. Sackett, Esq., counsel for Great Western Aviation, Inc., to Roberto Mussenden, Esq., Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

⁴ We will not designate an issue to determine whether Great Western should receive a renewal expectancy for its operation during the prior license term. There does not appear to be any basis in the Commission's Rules or in precedent for the award of a renewal expectancy for an incumbent unicom operator. In previous hearing designation orders involving unicom stations, the Commission has not designated a renewal expectancy issue. See Branstine Flying Service, Inc., *Hearing Designation Order*, 6 FCC Rcd 2787 (PRB 1991), J.W. Miller Aviation, Inc., *Hearing* (continued....)

a. To determine which applicant would provide the public with better unicom service based on the following considerations:

- (1) location of the fixed-based operation and proposed radio station in relation to the landing area and traffic patterns;
- (2) hours of operation;
- (3) personnel available to provide unicom service;
- (4) experience of applicant and employees in aviation and aviation communications;
- (5) ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's Rules;
- (6) proposed radio system including control and dispatch points; and
- (7) the availability of the radio facilities to other fixed-based operators;

b. To determine, in light of the evidence presented, which application, if any, should be granted to best serve the public interest, convenience, and necessity.

3. IT IS FURTHER ORDERED that the burden of proceeding with the introduction of evidence with respect to all the issues listed here shall be upon Great Western and Utah Jet Center with respect to their applications.⁵

4. IT IS FURTHER ORDERED that, to avail themselves of the opportunity to be heard, the applicants, Great Western and Utah Jet, must each file with the Commission, within 20 days of the mailing of this Hearing Designation Order, a written notice of appearance in triplicate, accompanied by a processing fee of \$9,020.00, stating their intentions to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order, in accordance with Sections 1.221(c), (f) and (g) of the Commission's Rules, 47 C.F.R. §§ 1.221(c), (f) and (g).

5. IT IS FURTHER ORDERED that the Chief, Enforcement Bureau is made a party to the proceeding.

6. IT IS FURTHER ORDERED that the Commission's Reference Information Center SHALL SEND a copy of this *Order*, via Certified Mail - Return Receipt Requested, to Great Western Aviation, 900 West 2500 North, Logan, Utah 84321, and to Utah Jet Center, LLC, P.O. Box 705, Logan, Utah 84321.

7. IT IS FURTHER ORDERED that the Secretary of the Commission SHALL CAUSE to have this *Hearing Designation Order* or a summary thereof published in the Federal Register.

8. The time and place of the comparative hearing will be specified in a subsequent Order.

(...continued from previous page)

Designation Order, 6 FCC Rcd 2151 (PRB 1991). The Commission's rules do not authorize the award of a renewal expectancy for unicom stations. If a party wishes to submit evidence demonstrating that Great Western had an unusually good or unusually poor record during the prior license term, or that Great Western violated the Commission's Rules during the prior license term, that party must first file a motion to enlarge issues with the Presiding Administrative Law Judge. See 47 C.F.R. § 1.229.

⁵ See 47 C.F.R. § 1.254.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "D'wana R. Terry". The signature is written in a cursive style with a large initial "D".

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau