

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

In re)
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Motions for Reconsideration of Waiver)
Requests of Construction Period)
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ORDER

Adopted: June 23, 2000

Released: June 26, 2000

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. We have before us 49 substantively identical letters, each entitled a motion for reconsideration, filed by the parties listed in the Appendix (Reconsideration Letters). The Reconsideration Letters relate to the *Goodman/Chan* matter.¹

2. None of the Reconsideration Letters complies with our procedural requirements for the filing of petitions for reconsideration.² In particular, none of the Reconsideration Letters was filed with the Secretary of the Commission, as required by section 1.106(i) of the Commission’s rules.³ Additionally,

¹ In 1995, the Commission released the *Goodman/Chan Order*, which, among other things, granted certain General Category Specialized Mobile Radio licensees an additional four months to construct and commence operations of their licenses. *See* In the Matter of Daniel R. Goodman, Receiver, Dr. Robert Chan, Petition for Waiver of Sections 90.633(c) and 1.1102 of the Commission’s rules, *Memorandum Opinion and Order*, 10 FCC Rcd 8537, 8545 ¶ 20 (1995).

² We note that none of the Reconsideration Letters specifies the Commission order or action that it is seeking to have reconsidered. It is not certain, therefore, that the Reconsideration Letters comply with section 1.106(f)’s mandate that petitions for reconsideration be filed within 30 days of public notice of the action for which reconsideration is sought. *See* 47 C.F.R. § 1.106(f). In most cases, the most recent Commission action affecting the petitioner’s license appears to be a letter sent by the Licensing and Technical Analysis Branch of the Commercial Wireless Division denying petitioner’s request for waiver of the construction deadline.

³ *Id.* at § 1.106(i) (“[p]etitions for reconsideration . . . shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554”) (emphasis added). *See, e.g.*, In the Matter of Application of Santiago Communications Team, Inc., *Order on Reconsideration*, DA 00-1188, ¶ 4 (PSPWD rel. May 30, 2000) (stating that a petition for reconsideration submitted to the Gettysburg office is not properly filed); In the Matter of S & L Teen Hospital Shuttle, *Order*, 15 FCC Rcd 3055, 3056 n.7 (PSPWD 2000) (stating that a petition for reconsideration submitted to the Gettysburg office is not properly filed); In the Matter of

none of the Reconsideration Letters complies with sections 1.51(c)(2)⁴ and 1.52,⁵ thereby further failing to satisfy the requirements of section 1.106(i).⁶

3. Moreover, the Commission has considered all of the various *Goodman/Chan*-related issues in several orders addressing numerous previous requests for relief filed in *Goodman/Chan* and related cases.⁷ All of the issues raised in the Reconsideration Letters have been resolved by these orders, and petitioners present no new arguments or facts that would cause us to reconsider any of the prior actions affecting petitioners' licenses that were taken pursuant to those orders. Accordingly, we deny all of the Reconsideration Letters.

4. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and sections 0.331 and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.106, each of the Reconsideration Letters IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau

Memorandum of Agreement Between the Federal Communications Commission and Elkins Institute, Inc., *Order on Reconsideration*, 14 FCC Rcd 5080, 5081 ¶ 3 (WTB 1999) (stating that petitions for reconsideration submitted to the Commission mail room and the Division office are not properly filed); In re Applications of Houston Mobilefone, Inc., *Memorandum Order & Opinion*, 52 F.C.C.2d 1009, 1012-13 ¶ 7 (1975) (stating that a petition for reconsideration submitted to the Bureau office is not properly filed).

⁴ 47 C.F.R. § 1.51(c)(2) (designating number of copies to be filed).

⁵ *Id.* at § 1.51(c)(2) (requiring that a party not represented by an attorney "sign and verify the document and state his address").

⁶ *Id.* at § 1.106(i) ("[p]etitions for reconsideration . . . shall conform to the requirements of §§ 1.49, 1.51, and 1.52") (emphasis added).

⁷ *See, e.g.*, In re 929 MHz Paging Licenses, Motions for Reconsideration of Waiver Requests of Construction Period, *Order on Reconsideration*, 14 FCC Rcd 9738 (CWD 1999); In re 929 and 931 MHz Paging Licenses, Motions for Reconsideration of Waiver Requests of Construction Period, *Order on Reconsideration*, 14 FCC Rcd 18,723 (CWD 1999); In re 800 MHz Specialized Mobile Radio Licenses, Motions for Reconsideration of Waiver Requests of Construction Period, *Order on Reconsideration*, 14 FCC Rcd 18,733 (CWD 1999); In re 800 MHz Specialized Mobile Radio Licenses, Applications for Review of Denial of Motions for Reconsideration of Waiver Requests of Construction Period, *Memorandum Opinion and Order*, 14 FCC Rcd 20,552 (1999); In re 929 MHz Paging Licenses, Applications for Review of Denial of Motions for Reconsideration of Waiver Requests of Construction Period, *Memorandum Opinion and Order*, 14 FCC Rcd 20,563 (1999).