



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

DA 00-2862

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: December 20, 2000

800 MHz SPECIALIZED MOBILE RADIO (SMR) SERVICE GENERAL CATEGORY (851-854 MHz) AND UPPER BAND (861-865 MHz) AUCTION

APPLICATION ACCEPTED FOR FILING Auction Event No. 34

Pleading Cycle Established

Report No. AUC-34 (Auction No. 34)

The long-form application of A.R.C., Inc. (FCC Form 601) for 800 MHz SMR General Category and Upper Band licenses listed in Attachment A has been found, upon initial review, accepted for filing. Thus far, we have announced that we are prepared to grant 12 applications for 1014 licenses.¹ Applications not appearing in Attachment A below, or Attachment A of the previous Accepted for Filing Public Notice,² remain under consideration by the Commission. The Commission may return or dismiss any application if it is found, upon further examination, to be defective or not in conformance with the Commission's Rules. *See* 47 C.F.R. § 1.934(a), (d). In addition, we grant the waiver request for the application for the licenses listed in Attachment A in this Public Notice.³

Petitions to deny the application listed in Attachment A must be filed no later than **January 2, 2001**, which is ten (10) days after the date of this Public Notice. *See* 47 C.F.R. §§ 1.4, 1.2108(b). Oppositions to a petition to deny must be filed no later than **January 9, 2001**, which is five (5) business days after the date on which the petition to deny is filed. *See* 47 C.F.R. § 1.2108(c). Replies to the opposition must be filed no later than **January 17, 2001**, which is five (5) business days after the date on which the opposition is filed. *See* 47 C.F.R. § 1.2108(c). All pleadings filed concerning 800 MHz SMR General Category and Upper Band long-form applications should refer **Report No. AUC-34 (Auction No. 34)**, as well as the specific file numbers of the individual applications.

¹ 800 MHz Specialized Mobile Radio (SMR) Service General Category (851-854 MHz) and Upper Band (861-865 MHz) Auction; Applications Prepared to Grant, *Public Notice*, DA 00-2602 (rel. Nov. 17, 2000).

² 800 MHz Specialized Mobile Radio (SMR) Service General Category (851-854 MHz) and Upper Band (861-865 MHz) Auction; Applications Accepted for Filing, *Public Notice*, DA 00-2337 (rel. Oct. 16, 2000).

³ A.R.C. Inc. filed a waiver request regarding the late-filing of its Form 602.

An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, DC 20054, in accordance with section 1.51(c) of the Commission's rules. *See* 47 C.F.R. § 1.51(c). In addition, one copy of each pleading must be delivered to each of the following locations: (1) the Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Washington, DC 20036; (2) Office of Public Affairs, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room CY-C314, Washington, DC 20554; and (3) Gary A. Oshinsky, Room 4-A363, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, DC 20554.

The applications listed in Attachment A are available to the public for electronic viewing in the Commission's Universal Licensing System ("ULS"). Instructions for obtaining and using ULS are contained in Attachments B and C of this Public Notice.

The applicant failed to file an original FCC Form 602 in our Gettysburg office by September 20, 2000, as required by sections 1.913(d)(4) and 1.919(b)(1) of the Commission's rules and have sought a waiver to allow late filing of their Form 602.⁴ 47 C.F.R. §§ 1.913(d)(4), 1.919(b)(1). Because the Form 602 filing requirement became effective only recently, and some applicants may have been unfamiliar with the new filing procedures, we hereby grant the waiver request associated with this long-form application, pursuant to section 0.331 of the Commission's rules. 47 C.F.R. § 0.331. We note, however, that such waiver requests will not be routinely granted in the future in the absence of a clear showing of good cause.

After the pleading cycle, the Wireless Telecommunications Bureau will release a public notice listing the applicants to whom the Commission is prepared to award licenses. All winning bidders will be required to pay the balance of their winning bids in a lump sum payment within ten (10) business days following the release of that public notice. *See* 47 C.F.R. § 1.2109(a). Licenses will be awarded upon the full and timely payment of the winning bids and any applicable late fees.

Any amendments to FCC Form 601 applications must be filed electronically. For technical assistance in using ULS for viewing applications or making amendments to applications, contact the FCC Technical Support Hotline at (202) 414-1250. The FCC Technical Support Hotline generally will be available Monday through Friday, from 9 a.m. to 6 p.m. ET. All calls to the FCC Technical Support Hotline are recorded. Questions regarding procedural issues should be directed to Gary Oshinsky or Erin McGrath at (202) 418-7240, or Bettye Woodward at (202) 418-1345.

This Public Notice contains the following attachments:

- Attachment A: List of Applications Accepted for Filing – sorted by Applicant.
- Attachment B: Instructions for Searching for Applications Listed in Attachment A using ULS.
- Attachment C: Instructions for Accessing the FCC Network Using Windows 95/98.

⁴ *See id.*