



PUBLIC NOTICE

Federal Communications Commission
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DA 00-397
February 25, 2000

WIRELESS TELECOMMUNICATIONS BUREAU SETS COMMENT SCHEDULE FOR PETITIONS FOR RECONSIDERATION OF FIRST REPORT AND ORDER IN WT DOCKET NO. 99-168, ESTABLISHING COMMERCIAL SERVICE RULES FOR 700 MHZ BAND

Oppositions Due: March 10, 2000

Replies Due: March 17, 2000

Notice is hereby given that the parties listed below have petitioned the Commission for reconsideration of the *First Report and Order* in WT Docket No. 99-168, FCC 00-5, released January 7, 2000. The *First Report and Order* establishes service rules for the auction of spectrum on the 700 MHz bands, that is scheduled to commence May 10, 2000.¹ The auction schedule in turn reflects the Congressional mandate that receipts from auctioning this spectrum be deposited into the U.S. Treasury by September 30, 2000.²

In light of the auction schedule necessary to implement the Congressional mandate, and the separate statutory requirement that interested parties have a sufficient time after issuance of bidding rules “to develop business plans, assess market conditions, and evaluate the availability of equipment for the relevant services,”³ the Wireless Telecommunications Bureau has determined that good cause exists in this instance to alter the periods specified in Section 1.429 of the Commission’s Rules for oppositions and replies to petitions for reconsideration.⁴ Preliminary review of the petitions indicates they raise certain issues that potentially affect petitioners’ decision whether to participate in the auction. To preserve the possibility of considering and resolving such issues sufficiently in advance of the auction to provide timely guidance to prospective bidders, we must close the record on reconsideration issues on an expedited schedule. Accordingly, oppositions to petitions for reconsideration of the *First Report and Order* shall be filed no later than **March 10, 2000**, and replies shall be filed no later than **March 17, 2000**.

The list of petitions below reflects Commission records as of February 23, 2000. Any petitions subsequently posted on the ECFS system, or received in paper form, that were timely filed will be subject to the filing schedule for oppositions and replies adopted herein.

Procedural Matters

Parties submitting oppositions and replies should address the petitions for reconsideration in light of the requirements of 47

¹ See Auction of Licenses in the 747-762 and 777-792 MHz Bands Scheduled for May 10, 2000, DA 00-43, January 10, 2000.

² See Pub. Law. 106-113, 113 Stat. 1501, Appendix E, Section 213. See also 145 Cong. Rec. at H12494, H12501 (Nov. 17, 1999), “Making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes.”

³ See 47 U.S.C. § 309(j)(3)(E)(ii). The bidding rules for the auction have been announced. Auction of Licenses in the 747-762 and 777-792 MHz Bands, Auction Notice and Filing Requirements for 12 Licenses in the 700 MHz Bands, Auction Scheduled for May 10, 2000, DA 00-292 (Feb. 18, 2000).

⁴ See 47 C.F.R. § 0.331 (authority delegated to Wireless Telecommunications Bureau); 47 C.F.R. § 1.3 (suspension, amendment, and waiver of Commission Rules). See also 5 U.S.C. § 553(b)(B).

U.S.C. § 309, 47 C.F.R. § 1.429 and any other public interest considerations. All oppositions and replies should reference the docket number of this proceeding, WT 99-168.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. 47 C.F.R. §§ 1.1200(a), 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Parties may obtain the *First Report and Order* and petitions for reconsideration at the FCC website, <http://www.fcc.gov/e-file/ecfs.html>. The petitions are also available for public inspection and copying in the Reference Center, Room CY A257, 445 12th St., S.W., Washington, DC 20554. Copies of the petitions are also available from ITS at 1231 20th St. N.W., Washington, DC 20036, or by calling (202) 857-3800.

Oppositions to petitions for reconsideration, and replies, may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Oppositions and replies filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, parties should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic opposition or reply by Internet e-mail. To get filing instructions for e-mail filings, parties should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in response.

Interested parties who choose to file by paper must file an original and four copies of their filings with the Office of the Secretary, Federal Communications Commission, TW B204, 445 12th St. S.W. Washington, DC 20554. In addition, parties should send two copies to Stan Wiggins, Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th St. S.W. Washington, DC 20554, and one copy to ITS, at 1231 20th Street, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Stan Wiggins or Martin Liebman at (202) 418-1310 or by email at swiggins@fcc.gov or mliebman@fcc.gov. The TTY number is: (202) 418-0484. The fax number is: (202) 418-8188.

Parties Filing Petitions for Reconsideration in WT Docket 99-168

Adaptive Broadband Corporation (Feb. 22, 2000)
ArrayComm, Inc. (Feb. 22, 2000)
Association of Local Television Stations, Inc. (Feb. 22, 2000)
Association of Public-Safety Communications Officials-International, Inc. (Feb. 22, 2000)
Association for Maximum Service Television, Inc. (Feb. 22, 2000)
National Association of Broadcasters (Feb. 22, 2000)
Nelson Repeater Services, Inc. (Feb. 22, 2000)
Northcoast Communications, LLC (Feb. 7, 2000)
Rand McNally & Company (Feb. 22, 2000)
TRW Inc. (Feb. 11, 2000)
U.S. GPS Industry Council (Feb. 22, 2000)
US WEST Wireless, LLC (Feb. 3, 2000)

