



PUBLIC NOTICE

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DA 01-122
Released: January 18, 2001

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON NEOWORLD LICENSE HOLDINGS, INC.'S REQUEST FOR WAIVER OF 900 MHZ BAND CONSTRUCTION REQUIREMENTS AND PETITION FOR DECLARATORY RULING

Comment Date: February 1, 2001
Reply Comment Date: February 8, 2001

Pursuant to Sections 1.2, 1.3 and 1.925 of the Commission's Rules, 47 C.F.R. §§ 1.2, 1.3 and 1.925, the Wireless Telecommunications Bureau (Bureau) hereby seeks comment on the Request for Waiver and Petition for Declaratory Ruling filed by Neoworld License Holdings, Inc. (Neoworld), an indirect wholly-owned subsidiary of Neoworld License Holdings, LLC, on January 10, 2001.

Neoworld requests waiver of Section 90.665(c) of the Commission's Rules, 47 C.F.R. § 90.665(c), to extend the 5-year construction period for its 900 MHz Major Trading Area (MTA) licenses from August 12, 2001 until December 31, 2002.¹ Section 90.665(c) provides that "each MTA licensee must provide coverage to at least two-thirds of the population of the MTA five years from the date of license grant."² Section 90.665(c) further provides that, in the alternative, an MTA licensee may "demonstrate, through a showing to the Commission five years from the date of license grant, that it is providing substantial service."³ If an MTA licensee fails to timely meet one of these construction requirements, it "will forfeit the portion of the MTA license that exceeds licensed facilities constructed and operating on the date of the MTA license grant."⁴

¹ The Bureau is also releasing a Public Notice today seeking comment on FCI 900 Inc.'s request for an extension of the 900 MHz MTA construction deadline until August 12, 2004. See "Wireless Telecommunications Bureau Seeks Comment on FCI 900, Inc.'s Expedited Request For 3-Year Extension Of 900 MHz Band Construction Requirements," DA 01-121 (WTB rel. Jan. 18, 2001).

² 47 C.F.R. § 90.665(c)

³ *Id.*

⁴ 47 C.F.R. § 90.665(d).

On August 4, 2000, the Federal Communications Commission approved an assignment of 900 MHz licenses in fourteen MTAs to Neoworld.⁵ On September 30, 2000, Neoworld advised the Commission that it intended to demonstrate substantial service to the 14 MTAs five years from the initial grant of licenses to Geotek (i.e, by August 12, 2001).⁶

Neoworld, which intends to deploy a nationwide 900 MHz digital dispatch system, states that it is not possible to secure digital equipment in time to meet the August 12, 2001 construction deadline. Neoworld states that it has entered into an agreement with Motorola to deliver initial system infrastructure by February 2001, with subscriber equipment delivery by August 2001. Neoworld states that, provided system testing is successful, it will commence service in the Chicago MTA in August 2001 and that, by December 2001, it will serve at least seven additional MTAs.⁷ Neoworld states that by December 2002, it will serve more than ten additional MTAs and that, by December 31, 2003, it will provide, in the aggregate, two-thirds coverage over all its licensed MTAs.

Neoworld requests an extension, until December 31, 2002, to demonstrate “coverage to at least two-thirds of the population of [each] MTA”⁸ Neoworld also requests a declaratory ruling that if it has not achieved two-thirds population coverage within each MTA by that date, it will be deemed to have satisfied its substantial service obligations if it is making at least twenty channels available to its customers in each MTA and has made a satisfactory demonstration of service to the public.

This matter shall be treated 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).

⁵ In re Applications of Neoworld License Holdings, Inc., *Memorandum Opinion and Order*, DA 00-1765 (WTB rel. Aug. 4, 2000). The 14 MTAs are Atlanta, Boston, Chicago, Dallas, Denver, Detroit, Houston, Miami, New York, Philadelphia, San Francisco, Seattle, Tampa, and Washington, D.C./Baltimore. These licenses were originally acquired by Geotek, Inc. in FCC Auction No. 7, August 1996. In June 1998, Geotek filed a voluntary petition for reorganization under Chapter 11, Title 11 of the U.S. Code. Thereafter, Geotek’s creditors filed applications to assign the licenses to Neoworld. For a detailed history of the Geotek reorganization and subsequent events, see Hughes Network Systems Wilmington Trust Company, *Order*, DA 00-1944 (WTB rel. Aug. 23, 2000).

⁶ Application of Neoworld License Holdings, Inc., Required Notification, File No. 000222256, filed Sept. 20, 2000.

⁷ In addition to the former Geotek MTAs, Neoworld has an assignment application (no. 0000284824) pending for the New Orleans MTA, and has entered into binding agreements to acquire the Buffalo, Jacksonville, Los Angeles, Phoenix, Portland and San Antonio MTAs.

⁸ 47 C.F.R. § 90.665(c).

Comments on the Petition must be filed on or before **February 1, 2001**, and reply comments by **February 8, 2001**. All documents filed in this proceeding should indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch and reference Public Notice DA No. 01-122. Comments may be filed via the Commission's Electronic Comment Filing System (ECFS) via the Internet to <http://www.fcc.gov/e-file/ecfc.html>. In completing the transmittal screen, commenters should include their full name and Postal Service mailing address, and reference Public Notice DA No. 01-122. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters 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 reply.

Interested parties who choose to file by paper must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., S.W., Room TW-A325, Washington, D.C. 20554.

In addition, parties should send: one paper copy to Richard Arsenault, Room 4A-267, and one paper copy to Policy and Rules Branch, Room 4-A-207, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W. Washington D.C. 20554; one paper copy to the Public Reference Room, Federal Communications Commission, 445 Twelfth Street, S.W, 20554; and one paper copy and one diskette copy to ITS, Room CYB-400, 445 Twelfth St. S.W., Washington D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Richard Arsenault of the Commercial Wireless Division at (202) 418-0920 or rarsenau@fcc.gov.

By the Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.