



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1674
July 13, 2001

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON SUMMIT WIRELESS' REQUEST FOR LIMITED WAIVER AND EXTENSION OF TIME TO CONSTRUCT

Comment Date: July 27, 2001
Reply Comment Date: August 3, 2001

Pursuant to section 1.925(c) of the Commission's rules, 47 C.F.R. § 1.925(c), the Wireless Telecommunications Bureau seeks comment on the Request for Limited Waiver and Extension of Time to Construct filed on June 26, 2001, by Summit Wireless, LLC, Summit Wireless WOW, LLC, and Summit Wireless Billings, LLC (collectively, "Summit").¹

Summit requests waiver of section 24.203(a) of the Commission's rules, 47 C.F.R. § 24.203(a), to extend the time period to meet the requisite coverage for five C-block broadband Personal Communication Service ("PCS") licenses it recently acquired through assignment. Section 24.203(a) provides that a broadband PCS licensee of a 30 MHz block must serve with a signal level sufficient to provide adequate service to at least one-third of the population in its licensed area within five years of original grant and two-thirds of the population in its licensed area within ten years of original grant. The five-year construction deadline for the five licenses that are the subject of Summit's waiver request is September 17, 2001.

Summit specifically requests an additional seven months (*i.e.*, until April 17, 2001)² to meet the coverage requirements for each of the five markets.³ Summit states that it plans to provide PCS service to underserved rural areas in these markets. In its request, Summit sets forth steps it has taken to date to meet the specific coverage requirements, but states that it would not be able to provide commercially viable service to these five markets as of September 2001. Summit, therefore, requests the additional seven months to meet the specific coverage requirements for each of the five markets.

¹ See File Nos. 0000501254 and 0000501256. Summit filed a third application for three of the five licenses as part of the same request for waiver/extension, but was unable to file the request on the Commission's Universal Licensing System (ULS) because ULS had not yet reflected the updated information on the three licenses that Summit had recently acquired.

² We note that Summit filed an amendment to two of its three applications on July 3, 2001 clarifying that the requested extension be for seven months (*i.e.*, until April 17, 2001). Summit likewise filed a letter on July 9, 2001 making the same clarification for the manually-filed, third application.

³ The five markets include the following Basic Trading Areas ("BTAs"): Billings, MT (BTA041); Clarksburg-Elkins, WV (BTA082); Coos Bay-North Bend, OR (BTA097); Klamath Falls, OR (BTA231); and Kennewick-Pasco-Richland, WA (BTA228).

We seek comment on whether granting Summit's waiver request would further the public interest. Commenters should address the sufficiency of the showing made in support of the waiver in light of the requirements of section 1.925 of the Commission's rules and any other public interest considerations. Interested parties wishing to file comments must do so on or before **July 27, 2001**. Parties interested in submitting reply comments must do so on or before **August 3, 2001**. All comments should reference Summit's waiver request, indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch, and include the DA number of this Public Notice, DA 01-1674.

Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. In addition, parties should send one paper copy to: (1) Scott A. Mackoul, Federal Communications Commission, Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch, 445 12th Street, SW, Room 4-A361, Washington, DC 20554; (2) Public Reference Room, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554; and (3) ITS, 445 12th Street, SW, Room CY-B400, Washington, DC 20554 (include one diskette copy for ITS).

By this Public Notice, we announce, pursuant to section 1.1200(a) of the Commission's rules, 47 C.F.R. § 1.1200(a), that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to nonrestricted proceedings under section 1.1206 of the Commission's rules. 47 C.F.R. § 1.1206. We believe the public interest will best be served by applying permit-but-disclose *ex parte* procedures in this case, because this proceeding involves broad public policy issues. 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 subject 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).

Summit's waiver request is also available for public inspection and copying in the FCC's Reference Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. Copies of the waiver request are also available for ITS at 1231 20th Street, NW, Washington, DC 20036 or by calling (202)857-3800.

For further information, contact Scott A. Mackoul at (202) 418-7498 or smackoul@fcc.gov.

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