



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
ftp fcc.gov

DA 01-2914

December 17, 2001

**WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT APPLICATIONS FOR
NARROWBAND PCS AUCTION ARE ACCEPTED FOR FILING
AND
SEEKS COMMENT ON SPACE DATA SPECTRUM HOLDING'S REQUEST FOR
CLARIFICATION OF WAIVER ORDER**

AUCTION EVENT NO. 41

The long-form applications (FCC Form 601) for Narrowband PCS ("NPCS") licenses listed in Attachment A have been found, upon initial review, accepted for filing. 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).

We also seek comments on a request filed by one of the applicants, Space Data Spectrum Holding ("Space Data"), for clarification of the *Space Data Waiver Order*.¹ Specifically, Space Data asks the Commission to clarify that the *Space Data Waiver Order* allows it to operate its balloon-borne repeaters on all of its contiguous continental United States Major Trading Areas (MTA) licenses for NPCS channels 26 and 30 and its NPCS MTA licenses covering Honolulu (MTA047), Puerto Rico and the U.S. Virgin Islands (MTA025), and Alaska (MTA049). In the alternative, Space Data, pursuant to section 1.41 of the Commission's rules, 47 C.F.R. § 1.41 requests that we amend the *Space Data Waiver Order* to allow Space Data's above-described operations.

Interested parties may file comments on Space Data's request on or before December 27, 2001. Parties interested in submitting reply comments must do so on or before January 11, 2002. All comments should reference Space Data's request and include the DA number of this Public Notice (DA 01-2914).

Petitions to deny the applications listed in Attachment A must be filed no later than December 27, 2001, ten (10) days after the date of this Public Notice. See 47 C.F.R. § 1.2108(b). Oppositions to a petition must be filed no later than January 4, 2002, five (5) business days after the filing date for petitions to deny. See 47 C.F.R. § 1.2108(c). Replies to oppositions must be filed no later than January 11, 2002, five (5) business days after the filing date for oppositions. See 47 C.F.R. § 1.2108(c). All pleadings

¹ In the Matter of Petition for a Declaratory Ruling, a Clarification or, in the Alternative, a Waiver of Certain Narrowband Personal Communications Services (PCS) Rules as They Apply to a High-Altitude Balloon-Based Communications System, *Memorandum Opinion and Order*, DA 01-2132 (WTB rel. Sept. 12, 2001) ("*Space Data Waiver Order*").

regarding Narrowband PCS long-form applications should refer to Report No. AUC-41 (Auction No. 41), as well as to the specific file number of the individual application.

Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an *Order*² temporarily amending certain procedural rules on an emergency basis. Pleadings and comments must be filed electronically (i.e., by e-mail or facsimile), by overnight delivery service (i.e., other than U.S. Postal Service Express and Priority Mail) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed electronically** by e-mail, pleadings and comments shall be filed at the following e-mail address: WTBSecretary@fcc.gov. Please also copy (CC) Gary Oshinsky at Goshisnsk@fcc.gov and Amal Abdallah at Aabdalla@fcc.gov. For security purposes, we recommend that documents filed via electronic mail be converted to PDF format.
- **If filed by facsimile**, pleadings and comments shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number and, if available, an e-mail address. Please also fax a copy to Gary Oshinsky, Room 4-A363, and/or Amal Abdallah, Room 4-A-234, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7447.
- **If filed by hand delivery**, documents shall be delivered to 236 Massachusetts Avenue, NE, Suite 110, Washington DC 20002.³ Please address copies of comments regarding Space Data's request to Roger Noel, Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau, Room 4-B115, 445 12th Street, SW, Washington, DC 20554. Please address copies of pleadings regarding NPCS long-form applications to Gary Oshinsky, Room 4-A363, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, and Amal Abdallah, Room 4-A-234, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau.
- **If filed by overnight delivery service** (other than U.S. Postal Service Express and Priority Mail), filings must be received at the Commission's headquarters at 445 12th Street, S.W., Washington, D.C. 20554. As noted in the October 17 and October 18, 2001 public notices,⁴ the Commission will divert those deliveries to the Capitol Heights facility.

In addition, one copy of each pleading and comment must be delivered to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington D.C., 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com.

² See In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, FCC 01-345 (rel. Nov. 29, 2001).

³ See *Public Notice* "FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence," DA 01-2919 (rel. Dec. 14, 2001).

⁴ See *Public Notice*, "FCC Announces Change in Filing Location for Paper Documents," DA 01-2436 (rel. October 17, 2001); *Public Notice*, "FCC Announces Changes In Filing Procedures," DA 01-2430 (rel. October 17, 2001); *Public Notice*, "Clarification on FCC's Announced Changes in Filing Procedures," DA 01-2451 (rel. Oct. 18, 2001).

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.

After the pleading cycle, the Wireless Telecommunications Bureau will announce by further public notice applicants to which the Commission is prepared to award licenses. All winning bidders will be required to pay the balance of their total winning bids in a lump sum payment within ten (10) business days following the release of the public notice announcing that the Commission is prepared to grant their respective licenses. 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 or, JoAnn Epps, at (202) 418-1342. The 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 concerning the applications should be directed to Gary Oshinsky, at (202) 418-7167, or Amal Abdallah, at (202) 418-7307. Questions regarding Space Data's request should be directed to Roger Noel, Deputy Chief, Commercial Wireless Division, at (202) 418-0698.

This Public Notice contains the following attachments:

Attachment A: List of Applications Accepted for Filing – sorted by Applicant.

Attachment A1: List of Applications Accepted for Filing – sorted by market and block.

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.