

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
BRUCE K. EDMARK)	
)	WPIP670, WPIP687
Request for Reinstatement of Private)	WPIR920, WPIR963
Carrier Paging Stations)	
)	
)	
)	

ORDER

Adopted: March 30, 2001

Released: April 2, 2001

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

1. This order addresses the Petition for Reconsideration (Petition) filed by Bruce K. Edmark (Edmark) on October 29, 1999. Edmark filed his Petition at the Commission’s Gettysburg, Pennsylvania office and seeks reconsideration of the Commercial Wireless Division, Policy and Rules Branch (Branch) decision dated October 1, 1999, which denied Edmark’s request for reinstatement of the above-captioned station licenses.¹ For the reasons set forth below, we dismiss Edmark’s Petition as procedurally defective.

2. The plain language of section 1.106 of the Commission’s rules requires petitions for reconsideration to be received by the Commission’s Office of the Secretary within thirty days from the release date of the underlying action.² By filing his Petition at the incorrect location, Edmark failed to properly file his pleading in accordance with Commission rules.³

3. We note also that Edmark’s Petition fails to raise any persuasive argument which would warrant reconsideration of the underlying order and that the Petition does not present evidence that the referenced stations were in fact timely constructed in accordance with our rules.⁴

¹ Bruce K. Edmark, Request for Reinstatement of Private Carrier Paging Stations, *Order*, DA 99-2052 (Comm. Wireless Div. Oct. 1, 1999).

² 47 C.F.R. § 1.106 (f); § 1.106 (i) (“Petitions for Reconsideration . . . shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554”) (emphasis added).

³ *Id.* at § 1.7 (“[P]leadings and other documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission”). In addition, as further required by section 1.106(i), Edmark’s Petition does not comply with sections 1.49(a), 1.51(c)(2), and 1.52 of the Commission’s rules. *Id.* at § 1.106(i) (“Petitions for Reconsideration . . . shall conform to the requirements of §§ 1.49, 1.51, and 1.52”) (emphasis added); § 1.49(a) (requiring all pleadings to be typewritten or prepared by mechanical processing methods); § 1.51(c)(2) (designating number of copies to be filed); § 1.52 (requiring that a party not represented by counsel verify the pleading and state his address).

⁴ In addition, we note that the frequencies associated with former call signs WPIP670, WPIP687, WPIR920, and (continued....)

4. Accordingly, IT IS ORDERED that, pursuant to authority delegated by sections 4(i) and 303 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 303, and by sections 0.331 and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.106, the Petition for Reconsideration submitted by Bruce K. Edmark, on October 29, 1999, in the above-captioned matter is DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

William W. Kunze
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

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WPIR963 are shared frequencies pursuant to Commission rule 90.494 (b) and are not assigned on an exclusive basis.⁴ Accordingly, current rule section 90.494 (g), 47 C.F.R. § 90.494 (g), provides, in pertinent part, that “paging licenses may be granted on these shared paging channels only for expansion (addition of new sites or relocation of existing sites) or other modification ... of existing, licensed private or commercial paging systems, and for new, private, internal-use paging systems....”