

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

In re Application of)	
)	
PAGING NETWORK OF AMERICA, INC.)	File No. 0000068813
)	
To Modify 931 MHz Site-Based)	
Paging Application – Call Sign KNKG568)	
Fort Lauderdale, Florida)	

ORDER

Adopted: March 30, 2001

Released: April 2, 2001

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

1. This order addresses a Petition for Reconsideration (“Petition”) filed by Paging Network of America, Inc. (“PageNet”) on March 17, 2000. PageNet seeks reconsideration of the Commercial Wireless Division, Licensing and Technical Analysis Branch’s (“Branch”) dismissal of the above-captioned application on February 17, 2000.¹ For the reasons discussed below, we dismiss the Petition as moot without prejudice.

2. On January 12, 2000, PageNet filed the above-captioned application to modify its site-based common carrier paging system under call sign KNKG568. On February 17, 2000, the Branch dismissed PageNet’s application because, under the current paging freeze,² the Commission is not accepting applications for major modifications. The Branch determined that PageNet’s application sought an expansion of the currently authorized composite interference contour and, therefore, was a major modification.³

3. In its Petition, PageNet states that the purpose of its above-captioned application was to notify the Commission of a change in the location of one of the transmitters in its paging system.⁴ PageNet contends that, in accordance with subsections 1.929(c)(1) and (k)(6) of the

¹ See Licensing and Technical Analysis Branch, Notification of Application Dismissal dated February 17, 2000 (Branch Dismissal Letter).

² The “paging freeze” was established by the Commission in the *Paging NPRM*, wherein the Commission suspended acceptance of all new and major modification applications for paging channels as of February 8, 1996. The paging freeze was implemented as a result of the Commission’s proposed conversion from site-by-site licensing for paging channels to licensing on a geographic-area basis. See Revision of Part 22 and Part 90 of the Commission’s Rules to Facilitate Future Development of Paging Systems, WT Docket No. 96-18, *Notice of Proposed Rulemaking*, 11 FCC Rcd 3108 (1996) (“*Paging NPRM*”).

³ Branch Dismissal Letter at 1.

⁴ PageNet Petition for Reconsideration at 1.

Commission's rules,⁵ the application requests a minor modification because it does not result in an expansion of the interference contour of its system.⁶

4. Based on our review, it appears that the Branch was correct in its determination that PageNet is requesting an expansion of its interference contour. However, the area into which the interference contour expands is entirely over water and does not extend into the market area of a co-channel licensee. In a Public Notice released March 15, 2001, the Wireless Telecommunications Bureau announced that it is conditionally waiving section 1.929(c)(1) of the Commission's rules to permit paging contour expansions over water on an interim basis.⁷

5. Because the above-captioned application of PageNet seeks authority to expand its interference contour in an area which is entirely over water and does not extend into the market area of a co-channel licensee, it constitutes a minor modification in accordance with the referenced March 15, 2001 Public Notice, and therefore is not barred under the current paging application freeze. As PageNet seeks relief that is conditionally granted on an interim basis by the March 15, 2001 Public Notice, we dismiss PageNet's Petition as moot without prejudice. Therefore, we will return the above-captioned application to pending status for further processing in accordance with the terms of the March 15, 2001 Public Notice.

6. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and sections 0.331 and 1.106 of the Commission's Rules, 47 C.F.R. §§ 0.331, 1.106, the petition for reconsideration filed on March 17, 2000, by Paging Network of America, Inc. IS DISMISSED as moot, without prejudice.

7. IT IS FURTHER ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331, the application filed by Paging Network of America, Inc., under FCC File No. 0000068813, shall be returned to pending status for further processing in accordance with the terms of the March 15, 2001 *Public Notice*, DA 01-688.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ 47 C.F.R. § 1.929 (c)(1), (k)(6).

⁶ PageNet Petition for Reconsideration at 2.

⁷ *Public Notice*, DA 01-688 (Wireless Tel. Bur., rel. March 15, 2001). The conditional waiver provides that an interference contour expansion that is entirely over water and does not extend into the market area of a co-channel licensee is considered a minor, rather than major, modification.

