

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

In re Application of)	
)	
Teletouch Licenses, Inc.)	File No. 0000839188
)	
Request for Cancellation)	
For Paging and Radiotelephone)	
Service, Station KNKP513)	
At Various Locations in Oklahoma)	

ORDER

Adopted: April 29, 2003

Released: April 30, 2003

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On April 8, 2002, Teletouch Licenses, Inc. (Teletouch) filed the above-captioned request to cancel its license for Station KNKP513 (Cancellation Request). The Commercial Wireless Division's Licensing and Technical Analysis Branch (Licensing Branch) granted the request by Public Notice on April 17, 2002.¹ On June 3, 2002, Teletouch filed an informal request seeking reversal of that action (Request).² For the reasons discussed below, we grant the Request.

2. On June 21, 1999, Teletouch was granted a license for Station KNKP513 to operate at various locations in Oklahoma on the frequency 931.7125 MHz and to operate one control facility at Moore, Oklahoma on the frequency 959.8875 MHz. On June 12, 2000, Teletouch was granted a geographic area license on 931.7125 MHz in the Oklahoma City area under the call sign WPQM691. Teletouch subsequently filed its Cancellation Request because the geographic area license covered the same operations authorized on 931.7125 MHz under Station KNKP513.³ After the Branch granted the Cancellation Request, Teletouch filed its Request asking the Commission to rescind the grant on the condition that Teletouch file an application for modification of the license for Station KNKP513 to delete only the 931.7125 MHz frequencies authorized under the license.⁴

3. According to Teletouch, the request to cancel the entire license was made in error because its personnel believed the license only covered its 931.7125 MHz facilities, not the 959.8875

¹ Wireless Telecommunications Bureau Site-By-Site Action, *Public Notice*, Report No. 1152 (April 17, 2002).

² Petition for Reconsideration filed by Teletouch Licenses, Inc. (June 3, 2002). Teletouch acknowledges that its petition was not timely filed. Section 1.106(f) of the Commission's rules requires that petitions for reconsideration be filed within 30 days from the date of public notice of the challenged action. 47 C.F.R. § 1.106(f). Although waiver of the deadline for filing petitions for reconsideration is prohibited by statute, consideration of the issues in this proceeding does not affect any other licensee or party. We therefore grant Teletouch's request to treat the pleading as an Informal Request for Commission Action under Section 1.41 of the Commission's rules. Request at 1, n.1 (citing 47 C.F.R. § 1.41).

³ Request at 3.

⁴ Request at 5.

MHz control facility.⁵ Teletouch further explains that it never intended to cancel its authority to operate the control facility because the facility is vital to its commercial paging operations as well as other carrier commercial paging operations provided on a statewide basis in Oklahoma on the frequency 152.48 MHz.⁶

4. We grant the Teletouch Request because the Cancellation Request was filed in error to the extent it included frequency 959.8875 MHz, and no geographic area licensee operates on the 959.8875 MHz frequency in the Oklahoma City area. We therefore direct the Licensing Branch to reinstate the license for Station KNKP513 on the condition that Teletouch file a modification application to delete the 931.7125 MHz frequency from the station license.⁷

5. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Sections 0.331 and 1.41 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.41, the Informal Request for Commission Action filed by Teletouch Licenses, Inc. on June 3, 2002, IS GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy & Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau

⁵ Request at 3.

⁶ Petition at 4. In its Petition, Teletouch states that it operates nine commercial paging transmitters on frequency 152.48 MHz at Moore, El Reno, Edmond, Chickasha, Weatherford, Bethel Acres, New Castle, and Oklahoma City, Oklahoma under call signs WNEB866, KNNF509, WPGE225, and WPJT206. *Id.* at 4, n.4. Teletouch states that cancellation of the license for its 959.8875 MHz control facility would adversely affect approximately 2,000 customers who use its 152.48 MHz paging service in central Oklahoma. *Id.* at 2, 4. In addition, Teletouch and other carriers have entered into intercarrier arrangements to facilitate statewide coverage to all of the carrier's customers on the frequency 152.48 MHz in Oklahoma, and the 959.8875 MHz control facility at Moore, Oklahoma is vital to this statewide system. *Id.* at 4.

⁷ We remind Teletouch that it must also list on its application the facilities that are associated with the control facility operating on 959.8875 MHz.