

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

In the Matter of	)	
	)	
PAGING SYSTEMS, INC.	)	File Nos. 0002835860, 0003346539-
	)	0003346549, 0003377812-0003377814,
Applications for Renewal of Paging Station	)	0003377819, 0003377822, 0003483180-
Licenses	)	0003483182, 0003545554, 0003795661,
	)	0004259981-0004259986

**ORDER ON RECONSIDERATION AND ORDER**

**Adopted: October 22, 2010**

**Released: October 22, 2010**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. This *Order on Reconsideration and Order* addresses seven petitions filed jointly by Warren C. Havens, Intelligent Transportation & Monitoring Wireless LLC, AMTS Consortium, LLC (ACL), Telesaurus-VPC, LLC, Telesaurus Holding GB LLC (THL), Skybridge Spectrum Foundation (Skybridge), and Verde Systems LLC (Verde) (collectively “Petitioners”) to deny the above-captioned applications filed by Paging Systems, Inc. (PSI).<sup>1</sup> For the reasons discussed below, we dismiss the petitions.

2. Petitioners petitioned to deny PSI’s renewal application for a paging station in January 2007,<sup>2</sup> eleven other paging stations in April 2008,<sup>3</sup> five other paging stations in May 2008,<sup>4</sup> three other

<sup>1</sup> ACL is now known as Environmental LLC. *See, e.g.*, FCC File No. FCC File No. 0003649429 (filed Nov. 14, 2008). THL and Skybridge are not parties to the petition to deny application File No. 0002835860. Verde is a party only to the petition to deny applications FCC File Nos. 0004259981-0004259986.

<sup>2</sup> FCC File No. 0002835860 (filed Dec. 1, 2006) (Station WNUB735); Petition to Deny (filed Jan. 11, 2007) (WNUB735 Petition). PSI filed an opposition on January 22, 2007, and a supplement on February 5, 2007. The application was granted on January 9, 2007. *See Public Notice*, Report No. 2840 (rel. Jan. 17, 2007). Petitioners state that they attempted to file the petition on time, but the Commission’s Universal Licensing System (ULS) was not functioning properly. Because a software problem caused ULS to fail to accept Petitioners’ pleading, and the renewal application was granted by the time Petitioners succeeded in filing their petition to deny, we will treat it as a petition for reconsideration of the grant. *See, e.g.*, Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband Over Power Line Systems, *Memorandum Opinion and Order*, 21 FCC Rcd 9308, 9320 ¶ 34 (2006); Maria L. Salazar, *Memorandum Opinion and Order*, 19 FCC Rcd 5050, 5050 n.1 (2004). Consequently, we need not resolve PSI’s contention that Petitioners did not make a timely attempt to file the petition. *See Opposition to Request for Leave and Alternative Request* (filed Jan. 22, 2007).

<sup>3</sup> FCC File Nos. 0003346539-0003346549 (filed Mar. 5, 2008) (Stations KNKJ881, KNKL530, KNKM280, KNKM298, KNKM299, KNKM300, KNKM302, KNKM304, KNKM379, KNKM636, and KPE202); Petition to Deny, or in the Alternative Section 1.41 Request (filed Apr. 11, 2008) (KNKJ881 Petition). PSI filed an opposition on April 18, 2008. Petitioners filed a reply on May 7, 2008. Given that we are dismissing the KNKJ881 Petition, we need not resolve Petitioners’ request for leave to file the reply after midnight on the day it was due.

<sup>4</sup> FCC File Nos. 0003377812-0003377814, 0003377819, 0003377822 (filed Mar. 28, 2008) (Stations KNKD868, KNKI684, KNKJ532, KMD992, and KNKG608); Petition to Deny, or in the Alternative Section 1.41 Request (filed May 2, 2008) (KMD992 Petition). PSI filed an opposition on May 15, 2008. Petitioners filed replies on May 28, 2008.

paging stations in August 2008,<sup>5</sup> another paging station in September 2008,<sup>6</sup> another paging station in May 2009,<sup>7</sup> and six other paging stations in July 2010.<sup>8</sup> The petitions do not present any arguments relating to the renewal applications; instead, Petitioners assert arguments involving other PSI licenses.

3. Petitioners assert standing to challenge the renewal of the licenses for PSI paging stations, based on Petitioners' 220-222 MHz Service, Automated Maritime Telecommunications System (AMTS), Location and Monitoring Service (LMS), and Multiple Address System licenses in some of the same areas, which Petitioners state may provide competitive services.<sup>9</sup> Petitioners do not explain, however, whether or how the services provided under their licenses might compete with paging services. While Petitioners previously have been afforded standing to challenge AMTS applications based on holding overlapping AMTS and LMS licenses,<sup>10</sup> Petitioners' license holdings have been held not to establish standing to challenge a paging applicant.<sup>11</sup> That Petitioners hold licenses in other services in the same vicinity does not confer standing.<sup>12</sup> We agree with PSI that Petitioners lack standing,<sup>13</sup> and therefore dismiss the petitions.<sup>14</sup>

<sup>5</sup> FCC File Nos. 0003483180-0003483182 (filed June 23, 2008) (Stations KNGF892, KNGT867, and WPDD838); Petition to Deny, or in the Alternative Section 1.41 Request (filed Aug. 1, 2008) (KNGF892 Petition). PSI filed an opposition on August 14, 2008. Petitioners filed a reply on August 26, 2008.

<sup>6</sup> FCC File No. 0003545554 (filed Aug. 14, 2008) (Station WPDH829); Petition to Deny or in the Alternative Section 1.41 Request (filed Sept. 19, 2008) (WPDH829 Petition). PSI filed an opposition on October 2, 2008. Petitioners filed a reply on October 15, 2008.

<sup>7</sup> FCC File No. 0003795661 (filed Apr. 2, 2009) (Station KNLM677); Petition to Deny or in the Alternative Section 1.41 Request (filed May 8, 2009) (KNLM677 Petition). PSI filed an opposition on May 21, 2009. Petitioners filed a reply on June 3, 2009.

<sup>8</sup> FCC File Nos. 0004259981-0004259986 (filed May 26, 2010) (Stations WPQM994, WPQM995, WPQM996, WPQM997, WPQM998, and WPQM999); Petition to Deny, or in the Alternative Section 1.41 Request (filed July 2, 2010) (WPQM994 Petition). PSI filed an opposition on July 15, 2010. Petitioners filed a reply on July 27, 2010.

<sup>9</sup> See WNUB735 Petition at 1; KNKJ881 Petition at 2; KMD902 Petition at 2; KNGF892 Petition at 2; *see also* WPDH829 Petition at 1-2; KLNLM677 Petition at 1-2; WPQM994 Petition at 5-7.

<sup>10</sup> *See, e.g.,* Mobex Network Services, LLC, *Order*, 18 FCC Rcd 12305, 12307 ¶ 5 (WTB PSPWD 2003).

<sup>11</sup> *See* Jeff Scott Cofsky, d/b/a Texas License Consultants, *Memorandum Opinion and Order*, 22 FCC Rcd 1857, 1858-59 ¶ 5 (WTB 2007); *see also, e.g.,* Paging Systems, Inc., *Memorandum Opinion and Order*, 22 FCC Rcd 1294, 1296-97 ¶ 7 (WTB BD 2007) (holding that Petitioners lacked standing to file a petition to deny an application to assign a Broadband Radio Service (BRS) license) (*PSI*), *aff'd, Order on Reconsideration*, 23 FCC Rcd 7458 (WTB BD 2008), *review dismissed, Letter*, 24 FCC Rcd 13776 (WTB BD 2009); Wireless Properties of Virginia, Inc., *Memorandum Opinion and Order*, 22 FCC Rcd 1287, 1291 ¶ 10 (WTB BD 2007) (holding that Petitioners lacked standing to file a petition to deny an application to assign BRS and Educational Broadband Service licenses), *aff'd, Order on Reconsideration*, 23 FCC Rcd 7466 (WTB BD 2008), *review pending*.

<sup>12</sup> *See PSI*, 22 FCC Rcd at 1296-97 ¶ 7 (citing *New World Radio, Inc. v. FCC*, 294 F.3d 164, 169-72 (D.C. Cir. 2002); *KERM, Inc. v. FCC*, 353 F.3d 57, 61 (D.C. Cir. 2004)).

<sup>13</sup> *See* WNUB735 Opposition at 2-3; KNKJ881 Opposition at 2-3; KMD902 Opposition at 2-3; KNGF892 Opposition at 2-4; WPDH829 Opposition at 2-4; KNLM677 Opposition at 3-4; WPQM994 Opposition at 2-3.

<sup>14</sup> Moreover, even if Petitioners had standing, the petitions would be denied because they rely on allegations that relate to other PSI licenses, and that are more appropriately addressed in the proceedings relating to those licenses. *See* Paging Systems, Inc., *Order on Reconsideration and Order*, 25 FCC Rcd 5762 (WTB MD 2010) (citing Paging Systems, Inc., *Memorandum Opinion and Order*, 25 FCC Rcd 450, 453-54 ¶ 8 (2010), *recon. pending*), *recon. pending*. We note, however, that the Commission retains discretion to take any remedial action, including revocation of these and other PSI licenses, that it deems warranted in light of its ultimate resolution of the arguments raised by Petitioners in those proceedings. We emphasize that our determination to grant the instant applications does not prejudice the resolution of the other proceedings.

4. We also address motions filed by the parties in connection with three of the petitions to deny. PSI filed motions to strike Petitioners' replies to the KNKJ881, KMD992, and KNGF892 Petitions, contending that specified portions of the replies are irrelevant and scandalous.<sup>15</sup> We dismiss the motions to strike as moot, in light of our determination that Petitioners lack standing to challenge these applications, which obviates any need to consider the statements in the replies.<sup>16</sup>

5. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 405, that the Request for Leave and Alternative Request filed by Warren C. Havens, AMTS Consortium, LLC, Intelligent Transportation & Monitoring Wireless, LLC, Telesaurus-VPC, LLC, and Telesaurus Holding GB, LLC on January 11, 2007, IS GRANTED to the extent indicated above and the accompanying Petition to Deny, treated as a Petition for Reconsideration, IS ACCEPTED and DISMISSED.

6. IT IS FURTHER ORDERED that the Petitions to Deny, or in the Alternative Section 1.41 Requests filed by Warren C. Havens, AMTS Consortium, LLC, Intelligent Transportation & Monitoring Wireless, LLC, Telesaurus-VPC, LLC, Telesaurus Holding GB, LLC, and Skybridge Spectrum Foundation on April 11, May 2, August 1, September 19, 2008, May 8, 2009, and July 2, 2010 ARE DISMISSED, and applications File Nos. 0003346539-0003346549, 0003377812-0003377814, 0003377819, 0003377822, 0003483180-0003483182, 0003545554, 0003795661, 0004259981-0004259986 SHALL BE PROCESSED in accordance with this *Order on Reconsideration and Order*.

7. IT IS FURTHER ORDERED that the Motion to Strike Portions of Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request, the Motion for Sanctions and to Strike Portions of Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request, and the Motion to Strike Portions of Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request filed by Paging Systems, Inc. on May 20, June 5, and September 4, 2008, respectively; and the Motion for Sanctions filed by Warren C. Havens, AMTS Consortium, LLC, Intelligent Transportation & Monitoring Wireless, LLC, Telesaurus-VPC, LLC, Telesaurus Holding GB, LLC, and Skybridge Spectrum Foundation on June 4, 2008, ARE DISMISSED as moot.

8. IT IS FURTHER ORDERED that the Motion for Sanctions filed by Warren C. Havens, AMTS Consortium, LLC, Intelligent Transportation & Monitoring Wireless, LLC, Telesaurus-VPC, LLC, Telesaurus Holding GB, LLC, and Skybridge Spectrum Foundation on June 4, 2008 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

<sup>15</sup> Motion to Strike Portions of Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request (filed May 20, 2008); Motion for Sanctions and to Strike Portions of Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request (filed June 5, 2008); Motion to Strike Portions of Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request (filed Sept. 4, 2008). Petitioners filed oppositions on June 4, June 18, and September 17, 2008. PSI filed replies on June 13, June 30, and September 29, 2008.

<sup>16</sup> See Paging Systems, Inc., *Order*, 24 FCC Rcd 5309, 5309 n.6 (WTB MD 2009), *aff'd*, *Order on Reconsideration and Order*, 25 FCC Rcd 5762 (WTB MD 2010), *recon. pending*. Similarly, we dismiss as moot Petitioners' motion to impose sanctions on PSI that Petitioners filed in conjunction with their opposition to PSI's motion to strike Petitioners' reply to the KNKJ881 Petition, Motion for Sanctions (filed June 4, 2008), and PSI's motion to impose sanctions on Petitioners that PSI filed in conjunction with its motion to strike Petitioners' reply to the KMD992 Petition, Motion for Sanctions and to Strike Portions of Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request (filed June 5, 2008).