

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

In the Matter of)	
)	
PAGING SYSTEMS, INC.)	
)	
Applications for Renewal of Licenses for)	FCC File Nos. 0003514970, 0003514976,
Narrowband PCS Stations WPOI469, WPOI470,)	0003514977, 0003514978
WPOI471, and WPOI472)	
)	
Application for Renewal of License for)	FCC File No. 0004116275
Industrial/Business Pool Station WPGK751)	

ORDER ON RECONSIDERATION AND ORDER

Adopted: May 25, 2010

Released: May 26, 2010

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

1. *Introduction.* This *Order on Reconsideration and Order* addresses two petitions filed by Environmental LLC, Skybridge Spectrum Foundation (Skybridge), Intelligent Transportation & Monitoring Wireless LLC (ITL), Verde Systems LLC, Telesaurus Holdings GB LLC (THL), and Warren C. Havens (Havens) (collectively Petitioners). First, Petitioners filed a petition for reconsideration¹ of an *Order*² of the Wireless Telecommunications Bureau's Mobility Division (Division) that denied their petition to deny applications filed by Paging Systems, Inc. (PSI) to renew its licenses for Narrowband PCS Stations WPOI469, WPOI470, WPOI471, and WPOI472. Later, Petitioners filed a petition to deny³ PSI's application to renew its license for Part 90 Commercial Industrial/Business (IK) Pool Station WPKG751. For the reasons set forth below, we deny both petitions.

2. *Background.* In 2008, PSI filed renewal applications for Narrowband PCS Stations WPOI469, WPOI470, WPOI471, and WPOI472.⁴ Petitioners filed a petition to deny the application.⁵ The petition did not present any arguments relating to the applications; instead, Petitioners incorporated by reference the arguments raised in their petition to deny other PSI renewal applications, which in turn incorporated arguments raised by Petitioners in proceedings involving other PSI licenses. In 2009, the Division denied the petition, concluding that arguments raised by Petitioners in other proceedings pertaining to other PSI licenses are better addressed in those proceedings.⁶ The Division noted, 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, and emphasized that its determination to grant the PSI renewal applications at issue did not prejudice the resolution of the other referenced proceedings.⁷ Petitioners filed

¹ Petition for Reconsideration (filed June 4, 2009) (PFR).

² Paging Systems, Inc., *Order*, 24 FCC Rcd 5309 (WTB MD 2009) (*Order*).

³ Petition to Deny, or in the Alternative Section 1.41 Request (filed March 19, 2010).

⁴ FCC File Nos. 0003514970, 0003514976, 0003514977, 0003514978.

⁵ The petition to deny was filed by Havens, AMTS Consortium, LLC, ITL, Telesaurus-VPC, LLC, THL, and Skybridge.

⁶ See *Order*, 24 FCC Rcd at 5309 ¶ 2.

⁷ *Id.* at 5310 ¶ 2.

a petition for reconsideration.⁸

3. In 2010, PSI filed a renewal application for IK Station WPKG751.⁹ Petitioners filed a petition to deny the application.¹⁰ The petition does not present any arguments relating to this application; instead, Petitioners allege that PSI's conduct with respect to other licenses demonstrates that PSI lacks character and fitness to be a Commission licensee, and incorporate by reference arguments they raised in another proceeding involving another PSI license.

4. *Discussion.* In their petition for reconsideration of the *Order*, Petitioners argue that the Division erred in not considering facts and arguments from other proceedings, because the underlying allegations demonstrate that PSI lacks character and fitness to be a Commission licensee.¹¹ As the Commission recently stated in another matter involving Petitioners' allegations against PSI, however,

the Commission's policy is that a licensee's misconduct with respect to one station is not necessarily relevant to its qualifications to hold any station license, and "[i]f the Commission has not as an initial matter found that the allegations under consideration involve conduct likely to impact the future operations of other stations, there generally appears to be no reason to condition or defer" processing applications regarding other stations.¹²

The Commission held in that proceeding that "Petitioners' allegations regarding PSI's character qualifications, which relate to other PSI licenses and are the subject of other pending proceedings, are more appropriately addressed elsewhere."¹³ Consequently, we deny the petition for reconsideration.¹⁴

5. We also deny the pending petition to deny, because, like Petitioners' previous petition to deny, it raises allegations that relate to other PSI licenses,¹⁵ and that are more appropriately addressed in

⁸ PSI filed an opposition. Opposition to Petition for Reconsideration (filed June 17, 2009). Petitioners filed a reply. Reply to Opposition to Petition for Reconsideration (filed June 29, 2009).

⁹ See FCC File No. 0004116275.

¹⁰ PSI filed an opposition. Opposition to Petition to Deny, or in the Alternative Section 1.41 Request (filed April 1, 2010).

¹¹ See PFR at 1-2.

¹² See Paging Systems, Inc., *Memorandum Opinion and Order*, 25 FCC Rcd 450, 453-54 ¶ 8 (2010) (*PSI*) (quoting Policy Regarding Character Qualifications in Broadcast Licensing, *Report, Order and Policy Statement*, GEN Docket No. 81-500, 102 F.C.C. 2d 1179, 1224-25 ¶ 94 (1986)); see also Mobex Network Services, LLC, *Memorandum Opinion and Order*, 25 FCC Rcd 554, 554 n. 4 (2010) (same).

¹³ *PSI*, 25 FCC Rcd at 554 ¶ 8 (footnote omitted).

¹⁴ Given our resolution of the petition, we need not address PSI's assertion that Petitioners lack standing to challenge the renewal applications.

¹⁵ Specifically, Petitioners assert that PSI failed to construct certain Automated Maritime Telecommunications System (AMTS) stations (and then failed to cancel the licenses for the unconstructed stations), that PSI has not cooperated with the geographic licensees in areas where PSI holds site-based AMTS licenses, that PSI's actions with respect to its AMTS licenses demonstrate that its ownership disclosure is defective, and that PSI has not paid Universal Service Fund fees relating to its stations outside California. See PTD at 10-28. Petitioners' argument that the undersigned official should be recused, *id.* at 26, has been addressed elsewhere. See Northeast Utilities Service Company, *Order*, 24 FCC Rcd 3310, 3312 n.22 (WTB MD 2009), *recon. pending*; see also Maritime Communications/Land Mobile LLC, *Order on Reconsideration*, 22 FCC Rcd 4780, 4787 n.58 (WTB MD 2007), *recon. and review pending*. (In addition, the Commission has rejected Petitioners' broader assertion that the Wireless Telecommunications Bureau is prejudiced against them. See Mobex Network Services, LLC, *Memorandum Opinion and Order*, 25 FCC Rcd 3390, 3395-96 ¶ 11 (2010), *recon. pending*.)

the proceedings relating to those licenses. We note again, however, that the Commission retains discretion to take any remedial action, including revocation of this 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 application does not prejudice the resolution of the other proceedings.

6. Accordingly, IT IS ORDERED that, 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, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Environmental LLC, and Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and Warren C. Havens on June 4, 2009 IS DENIED.

7. IT IS FURTHER ORDERED that, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, the petition to deny filed by Environmental LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and Warren C. Havens on March 19, 2010, IS DENIED, and application FCC File No. 0004116275 SHALL BE PROCESSED in accordance with this *Order on Reconsideration and Order*.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau