



Federal Communications Commission
Washington, D.C. 20554

July 30, 1996

Terry J. Romine, Esquire
Pamela Gaary, Esquire
Lukas, McGowan, Nace & Gutierrez
1111 Nineteenth Street, N.W., Suite 1200
Washington, D.C. 20036

Dear Ms. Romine and Ms. Gaary:

This letter responds to the Request for Waiver filed by ClearCall, Inc. ("ClearCall"), on April 29, 1996. ClearCall, a winning bidder for licenses YSM022I and YSM022T in the 900 MHz Specialized Mobile Radio ("SMR") auction, requests the Wireless Telecommunications Bureau to waive Section 1.2105(b)(2) of the Commission's rules, 47 C.F.R. § 1.2105(b)(2), to permit ClearCall to claim eligibility as a small business with gross revenues of not more than \$3 million.

The Commission's rules provide for two categories of small businesses in the 900 MHz SMR auction -- (1) those with average gross revenues of not more than \$3 million for the three preceding years and (2) those with average gross revenues of not more than \$15 million for the three preceding years. 47 C.F.R. § 90.814. Bidders in the first category are eligible for a larger bidding credit and more a favorable installment payment plan than those in the second category. See 47 C.F.R. §§ 90.810 & 90.812.

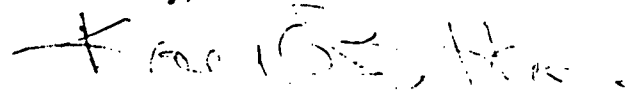
ClearCall, which indicated on its short-form application (FCC Form 175) its status as a small business with gross revenues of not more than \$15 million, asserts that it erroneously included certain gross revenues in calculating its average gross revenues. Specifically, ClearCall asserts that it erroneously counted twice the gross revenues of Thomas G. Reuter, the sole owner of its affiliate Frontier Radio Communication, Inc. ("Frontier Radio"). ClearCall maintains that it made this mistake because the short-form filing deadline did not allow it sufficient time to accurately review the gross revenues of Frontier Radio. ClearCall claims that a more accurate representation of Frontier Radio's financial records, including Mr. Reuter's gross revenues only once, indicate that it would qualify as a small business with gross revenues of not more than \$3 million. ClearCall seeks to amend its FCC Form 175 accordingly and asks that the Commission classify the amendment as minor.

Section 1.2105(b)(2) of the Commission's rules permits applicants to amend or modify FCC Form 175 "to make minor changes or correct minor errors in the application (such as typographical errors)." 47 C.F.R. § 1.2105(b)(2). In light of the significant benefits that the two small business categories confer on winning bidders, we do not think that modification of an applicant's small business status is a minor change within the meaning of Section

90.151. ClearCall, which acknowledges only that it made an error, has not shown any unique circumstances that would warrant grant of a waiver. Moreover, we do not agree that the short-form filing window for the 900 MHz SMR auction was too short. On the contrary, we think that the 42 days that were allowed for the preparation and filing of applications provided applicants with an adequate amount of time to review their financial records and calculate their gross revenues.

For the reasons stated above, ClearCall's Request for Waiver IS HEREBY DENIED.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen O'Brien Ham". The signature is written in a cursive, somewhat stylized font.

Kathleen O'Brien Ham
Chief, Auctions Division
Wireless Telecommunications Bureau