



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 96-1862

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: November 8, 1996

PUBLIC COMMENT INVITED

WESTERN PCS I CORPORATION FILES SUPPLEMENT TO PETITION REQUESTING PREEMPTION OF THE OREGON DEPARTMENT OF REVENUE'S PROPOSED TAX ASSESSMENT

Comment Date: November 22, 1996

On July 8, 1996, Western PCS I Corporation ("Western") filed a request for declaratory ruling asking that the Commission preempt enforcement of Oregon's proposed assessment of a tax on the amount paid by Western for its Broadband PCS license for the Portland, Oregon Major Trading Area. According to Western, this proposed tax assessment constitutes a barrier to entry in violation of Sections 253(d) and 332(c)(3)(A) of the Act. 47 U.S.C. §§ 253(d) and 332(c)(3)(A). The Commission issued a public notice inviting comment. Comments were due on August 30, 1996 and reply comments were due on September 30, 1996.

On October 23, 1996, Western filed a supplement to its petition for declaratory ruling to include specific factual information concerning the application and anticompetitive and discriminatory effects of Oregon's proposed tax on Western's Broadband PCS license.

Interested parties may file comments on Western's supplement no later than November 22, 1996. All comments should make reference to Western's supplement and be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. A copy of each filing should be sent to International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800 and Laura Smith, Esq., Federal Communications Commission, Wireless Telecommunications Bureau (WTB), Commercial Wireless Division, Legal Branch, 2025 M Street, N.W., Room 7130, Washington, D.C. 20554. Parties are encouraged to submit comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirement presented above. Parties submitting diskettes should submit them to Laura Smith at the address listed above. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible form using Wordperfect 5.1 for Windows software. The diskette should be submitted in "read only" mode, and should be clearly labelled with the party's name, proceeding, type of pleading, and date of

submission.

The full text of the petition, supplement comments, and reply comments are available for public inspection and duplication during regular business hours in the Commercial Wireless Division of the Telecommunications Bureau, Federal Communications Commission, 2025 M Street, N.W., Room 7130, Washington, D.C. 20554. Copies may also be obtained from ITS.

Pursuant to Section 1.1206(b)(4) of the Commission's Rules, 47 C.F.R. § 1.1206(b)(4), this proceeding will be conducted as a non-restricted proceeding in which *ex parte* communications are permitted but subject to disclosure.

For further information, contact Laura Smith at (202) 418-0620, WTB, Commercial Wireless Division, Legal Branch.

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