



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 97-2153
October 3, 1997

AUCTION OF 800 MHZ SPECIALIZED MOBILE RADIO SERVICE LICENSES

Status of Applications to Participate in Auction

Report No. AUC-97-16-E (Auction No. 16)

The Federal Communications Commission (FCC) has received 96 timely-filed FCC Form 175 applications to participate in an auction scheduled to begin on Tuesday, October 28, 1997, for 525 licenses in the upper 200 channels of 800 MHz Specialized Mobile Radio Service ("SMR"). The applications have been reviewed for completeness and compliance with the Commission's rules, and have been classified into the following categories:

ACCEPTED FOR FILING..... 55 Applications

INCOMPLETE..... 41 Applications

Accepted: Applications classified as accepted for filing are listed alphabetically in Attachment A. These applicants will become qualified bidders upon receipt of the required upfront payment by October 14, 1997, as discussed below. With respect to their applications, they need take no further action except as may be necessary to keep their applications up-to-date. See 47 C.F.R. §§ 1.65 and 1.2106. Applicants are also advised that Attachment A includes FCC account numbers which are automatically created by the FCC software system for each applicant.

Incomplete: Applications classified as incomplete are listed alphabetically in Attachment B. These applicants will become qualified bidders only if they: (1) resubmit their applications by 5:30 p.m. ET on Tuesday, October 14, 1997, to correct the minor deficiencies indicated, and (2) make the required upfront payments by October 14, 1997, as discussed below. They must also keep their applications up-to-date as required. See 47 C.F.R. §§ 1.65 and 1.2106. Applicants are also advised that Attachment B includes FCC account numbers which are automatically created by the FCC software system for each applicant.

Waiver requests: Some applications included waiver requests (either in the waiver data field or in exhibits) that may affect the applicant's qualifications to hold 800 MHz SMR licenses in particular markets. Applications denoted with an asterisk (*) in the Attachments have pending waiver request(s). Acceptance of the applications for filing is conditioned on our resolution of the waiver request(s).

Confidentiality requests: Applications containing a request for confidential treatment of certain information are accepted conditioned on the disposition of the confidentiality requests. Ultimately, however, applicants may be required to make this information publicly available.

RESUBMISSION FILING DEADLINE

Corrected FCC Form 175 applications must be filed no later than **5:30 p.m. ET on Tuesday, October 14, 1997**. This will be the only opportunity to cure FCC Form 175 defects; late resubmissions will not be accepted.

Applicants who filed their FCC Form 175 applications electronically must resubmit their corrected applications electronically. Applicants who filed their FCC Form 175 applications manually may resubmit their corrected applications either manually or electronically, but must resubmit electronically if they wish to bid electronically.

Manual Resubmission: Manual resubmissions, whether mailed, hand-delivered or sent by private courier, must be delivered to:

Attn: FCC Form 175 Processing, Auction No. 16
Federal Communications Commission
Auctions & Industry Analysis Division
1270 Fairfield Road
Gettysburg, Pennsylvania 17325-7245

NOTE: Manual resubmissions delivered to unauthorized locations or received after the deadline will not be considered properly filed, and will be returned without consideration.

Manual resubmissions must consist of a new FCC Form 175, complete in all respects including exhibits, correcting the identified deficiencies and signed with an original signature. See 47 C.F.R. § 1.2105(b)(3). In addition, corrected applications consisting of more than five pages must include either three microfiche copies of the complete application or a 3.5-inch diskette containing ASCII text (.TXT) files of all exhibit documentation attached to the FCC Form 175.

Electronic Resubmission of Manual Applications: Manual filers may resubmit their corrected FCC Form 175 applications electronically, either to correct deficiencies or in order to become eligible to bid electronically. In either case, however, manual filers must first

obtain log-in codes that will let them access and amend their applications on-line. To do so, either the certifying official or one of the authorized representatives (as shown on the FCC Form 175) must appear in person during normal business hours at the FCC Auction Headquarters, 2 Massachusetts Avenue, N.E., Washington, D.C., with two forms of identification, one of which must include a photograph.

UPFRONT PAYMENT DEADLINE

Upfront payments and accompanying FCC Remittance Advice (FCC Form 159s) for this auction are due at Mellon Bank, Pittsburgh, Pennsylvania, by **6:00 P.M. ET on Tuesday, October 14, 1997. Payments must be made by wire transfer.** No other payment method is acceptable for this auction. See the Public Notice announcing the 800 MHz SMR auction, DA 97-1672, released on August 6, 1997 for detailed remittance and upfront payment instructions.

Applicants who have filed applications classified by this public notice as incomplete must submit timely upfront payments in order for the Commission to review their resubmitted applications. If such an application remains incomplete following its resubmission, it will be dismissed; the upfront payment will be refunded automatically if the applicant has provided its Taxpayer Identification Number (TIN) and wire transfer instructions.

OTHER IMPORTANT INFORMATION

Qualified bidders: A final public notice listing all applicants qualified to bid in the auction will be released after upfront payments have been received, resubmitted FCC Form 175 applications have been processed and reviewed, and payments and applications have been correlated. The final public notice will also include instructions for monitoring the auction on-line and how to access the bid tracking tool software.

Reserve Price or Minimum Opening Bid: A decision will be issued by the Wireless Telecommunications Bureau formally advising all applicants of the reserve price or minimum opening bid established for this auction on Monday, October 6, 1997.

Anti-collusion rule: As of the Monday, September 29, 1997 FCC Form 175 filing deadline, applicants are generally prohibited from communicating with other applicants for licenses in the same markets regarding bids, bidding strategies or settlements. The only exception is where applicants entered into a bidding agreement before the September 29, 1997 FCC Form 175 deadline and disclosed the existence of the agreement on their application. Both applicants to the agreement must disclose this information in order for the agreement to be valid and to permit communication during the auction. More particularly, the Commission's anti-collusion rule provides that, applicants may not cooperate, collaborate, discuss or disclose the substance of their bids or bidding strategies with other bidders *until after the high bidder makes the required down payment.* 47 C.F.R. § 1.2105(c)(1)(emphasis added). In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to

prevent anti-competitive behavior in the marketplace. Winning bidders will be required to disclose in their long-form applications the specific terms, conditions and parties involved in all bidding consortia, joint ventures, partnerships, and other arrangements entered into relating to the competitive bidding process. Bidders found to have violated the anti-collusion rule may be subject to sanctions. See 47 C.F.R. §§ 1.2105(c), 1.2107(d), and 1.209(d).

Ex parte rule: Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 C.F.R. § 1.1208). See "Commission Announces that Mutually Exclusive 'Short-Form' Applications (Form 175) to Participate in Competitive Bidding Process ('Auctions') Are Treated as Exempt for Ex Parte Purposes," *Public Notice*, 9 FCC Rcd 6760 (1994).

Mock auction: Likewise, all applicants whose FCC Form 175 applications have been accepted for filing are eligible to participate in a mock electronic auction on Thursday, October 23, 1997. When software for the mock auction is posted for downloading, its availability will be announced by public notice available on-line.

Remote bidding software: Applicants are reminded that qualified bidders who filed (or amend) their FCC Form 175 applications electronically are eligible to bid either electronically or telephonically, whereas manual filers may bid only by telephone. To order the remote bidding software, applicants should complete the software order form attached to this public notice as Attachment C. To ensure timely delivery of remote bidding software before the auction begins, the Commission must receive software orders by 5:30 p.m. ET on Wednesday, October 15, 1997.

For additional information regarding this public notice, please contact: Alice Elder or Ruby Hough, Auctions & Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

- FCC -

Form 175 Accepted List (Initial)

Auction ID: 16

(Sorted by Applicant)

Date of Report: 10/3/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	Waiver Requested
0161701092	A P W ELECTRONICS INC.	
	The following License(s):	
	E130-A E130-B	
0161304389	AP&T Wireless, Inc.	
	The following License(s):	
	ALL	
0161810153	Adams Telcom, Inc.	
	The following License(s):	
	E097-A E097-B E097-C	
0161822574	Airlinx, G.P.	
	The following License(s):	
	E096-A E096-B E096-C	
0161432065	Alaska Independent Radio Comm., LLC dba AirCo	
	The following License(s):	
	ALL	
0161253032	Applied Technology Group, Inc.	
	The following License(s):	
	E160-A E160-B E160-C	
0161504306	Atlantic Communications Inc.	
	The following License(s):	
	ALL	
0161638116	Bay Electronics, Inc.	
	The following License(s):	
	ALL	
0161619164	C&W Communications, Inc.	
	The following License(s):	
	E090-A E090-B	
0161643437	CHATTANOOGA SMR INC.	
	The following License(s):	
	ALL	
0161828593	Clark Communications Inc	
	The following License(s):	
	E147-A E147-B E147-C	

Form 175 Accepted List (Initial)

Auction ID: 16

(Sorted by Applicant)

Date of Report: 10/3/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	Waiver Requested
0161044005	ComServ, Inc.	
	The following License(s):	
	ALL	
0161031337	Communications Engineering Company	
	The following License(s):	
	ALL	
0161809047	Communications Equipment Company, L.L.C.	
	The following License(s):	
	E093-A E093-B E093-C E094-A E094-B E094-C	
0161647116	Communications Maintenance, Inc.	
	The following License(s):	
	E067-A E067-B E067-C E069-A E069-B E069-C	
0161002556	David B. Diffley	
	The following License(s):	
	E152-A E152-B E152-C E153-A E153-B E153-C	
0161502563	Day Management Corporation d/b/a Clackamas C	
	The following License(s):	
	ALL	
0161528341	Digital Radio, L.P.	
	The following License(s):	
	ALL	
0161459521	Electronic SMR Communication Services	
	The following License(s):	
	ALL	
0161505456	HTC COMMUNICATIONS	
	The following License(s):	
	ALL	
0161620299	Harish C. Puri	
	The following License(s):	
	ALL	
0161530259	Hawaiian SMR Company	
	The following License(s):	
	ALL	

FCC 800MHz SMR-Upper 200 Channels Auction

ATTACHMENT A

Form 175 Accepted List (Initial)

Auction ID: 16

(Sorted by Applicant)

Date of Report: 10/3/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	Waiver Requested									
0161327569	High Tech Communications Services, Inc.										
	The following License(s):										
	E174-A										
0161615359	IE Communications, Inc.										
	The following License(s):										
	E068-A E068-B E068-C E072-A E072-B E072-C E094-A E094-B E094-C E096-A E096-B										
	E096-C E097-A E097-B E097-C E098-A E098-B E098-C										
0161445508	James E. Treach D.B.A. A Communications										
	The following License(s):										
	E001-A E001-B E002-A E002-B E004-A E004-B E005-A E006-A E007-A E008-A E009-A										
	E009-B E011-A E014-A E014-B E014-C E015-A E016-A E016-B E016-C E017-A E017-B										
	E018-A E019-A E020-A E021-A E021-B E022-A E022-B E023-A E024-A E024-B E025-A										
	E025-B E026-A E026-B E027-A E027-B E028-A E028-B E029-A E032-A E032-B E033-A										
	E033-B E034-A E035-A E035-B E036-A E036-B E036-C E037-A E037-B E037-C E038-A										
	E038-B E039-A E039-B E041-A E042-A E042-B E042-C E043-A E043-B E044-A E044-B										
	E045-A E045-B E046-A E046-B E047-A E048-A E049-A E050-A E051-A E052-A E052-B										
	E052-C E054-A E054-B E056-A E058-A E058-B E058-C E059-A E059-B E060-A E060-B										
	E060-C E061-A E061-B E061-C E062-A E063-A E065-A E065-B E066-A E066-B E068-A										
	E068-B E069-A E069-B E070-A E071-A E072-A E072-B E072-C E073-A E074-A E075-A										
	E075-B E076-A E076-B E076-C E077-A E078-A E079-A E079-B E080-A E080-B E081-A										
	E081-B E082-A E082-B E082-C E083-A E084-A E084-B E085-A E085-B E086-A E086-B										
	E087-A E087-B E087-C E088-A E088-B E089-A E089-B E089-C E090-A E091-A E091-B										
	E091-C E092-A E092-B E092-C E093-A E093-B E093-C E094-A E094-B E095-A E095-B										
	E095-C E097-A E097-B E098-A E098-B E098-C E099-A E100-A E101-A E101-B E102-A										
	E102-B E103-A E103-B E103-C E104-A E104-B E105-A E105-B E105-C E106-A E106-B										
	E106-C E108-A E108-B E109-A E109-B E109-C E110-A E110-B E110-C E111-A E111-B										
	E111-C E112-A E112-B E112-C E113-A E113-B E113-C E114-A E114-B E114-C E115-A										
	E115-B E115-C E116-A E116-B E117-A E117-B E117-C E118-A E119-A E119-B E119-C										
	E120-A E120-B E120-C E121-A E121-B E121-C E122-A E123-A E123-B E124-A E125-A										
	E126-A E126-B E126-C E128-A E128-B E128-C E129-A E129-B E129-C E130-A E132-A										
	E132-B E133-A E133-B E134-A E135-A E135-B E135-C E136-A E136-B E136-C E137-A										
	E137-B E137-C E138-A E138-B E139-A E139-B E139-C E140-A E140-B E140-C E142-A										
	E142-B E142-C E143-A E143-B E143-C E144-A E144-B E144-C E145-A E145-B E145-C										
	E146-A E146-B E146-C E147-A E147-B E148-A E148-B E148-C E149-A E149-B E149-C										

FCC 800MHz SMR-Upper 200 Channels Auction
Form 175 Accepted List (Initial)
Auction ID: 16

ATTACHMENT A

(Sorted by Applicant)

Date of Report: 10/3/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	Waiver Requested
0161445508	James E. Treach D.B.A. A Communications	
	The following License(s):	
	E150-A E150-B E150-C E151-A E151-B E152-A E153-A E154-A E154-B E154-C E155-A	
	E155-B E155-C E156-A E156-B E157-A E157-B E158-A E159-A E159-B E161-A E162-A	
	E164-A E165-A E165-B E165-C E166-A E166-B E167-A E168-A E168-B E168-C E169-A	
	E169-B E171-A E171-B E172-A E173-A E173-B E173-C E175-A E175-B E175-C	
0161925092	Jamestown Communications, Inc.	
	The following License(s):	
	ALL	
0161709373	Kathleen L. Janssen	
	The following License(s):	
	ALL	
0161123309	L. P. Ganacias Enterprises, Inc. dba RadioCom	
	The following License(s):	
	E171-A E171-B E172-A E173-A E173-B E173-C	
0161522366	LEON'S RADIO INC	
	The following License(s):	
	ALL	
0161131274	LMR International, Inc.	
	The following License(s):	
	ALL	
0161901127	MID-STATES WIRELESS, INC.	
	The following License(s):	
	ALL	
0161749546	Mobile Relays, Inc.	
	The following License(s):	
	E133-A E133-B E133-C	
0161653256	Mobile Relays, Inc.	
	The following License(s):	
	ALL	
0161310031	Morris Communications, Inc.	
	The following License(s):	
	ALL	

FCC 800MHz SMR-Upper 200 Channels Auction

ATTACHMENT A

Form 175 Accepted List (Initial)

Auction ID: 16

(Sorted by Applicant)

Date of Report: 10/3/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	Waiver Requested
0161631338	Mountain Communications, Inc.	
	The following License(s):	
	E140-A E140-B E140-C E141-A E141-B E141-C E155-A E155-B E155-C	
0162004528	Nathan Sherman Enterprises, Inc.	
	The following License(s):	
	ALL	
0161500229	Nevada Wireless	
	The following License(s):	
	E139-A E139-B E139-C E143-A E143-B E143-C E144-A E144-B E144-C E145-A E145-B	
	E145-C E146-A E146-B E146-C E147-A E147-B E147-C E148-A E148-B E148-C E149-A	
	E149-B E149-C E150-A E150-B E150-C E151-A E151-B E151-C E152-A E152-B E152-C	
	E153-A E153-B E153-C E154-A E154-B E154-C E155-A E155-B E155-C E156-A E156-B	
	E156-C E164-A E164-B E164-C E165-A E165-B E165-C E166-A E166-B E166-C E167-A	
	E167-B E167-C E168-A E168-B E168-C E169-A E169-B E169-C	
0161321207	New Spectrum Partnership, L.P.	
	The following License(s):	
	ALL	
0161123319	Northeast Communications of Wisconsin, Inc.	
	The following License(s):	
	E058-A E058-B E058-C E059-A E059-B E059-C E060-A E060-B E060-C E068-A E068-B	
	E068-C E097-A E097-B E097-C E100-A E100-B E100-C E101-A E101-B E101-C E102-A	
	E102-B E102-C E103-A E103-B E103-C E104-A E104-B E104-C E105-A E105-B E105-C	
	E106-A E106-B E106-C E108-A E108-B E108-C E109-A E109-B E109-C E110-A E110-B	
	E110-C E111-A E111-B E111-C E112-A E112-B E112-C E113-A E113-B E113-C E114-A	
	E114-B E114-C E115-A E115-B E115-C E116-A E116-B E116-C E117-A E117-B E117-C	
0161707564	Omega Cellular Partners, L.C.	
	The following License(s):	
	ALL	
0161340299	Porta-Phone Paging Licensee Corp.	
	The following License(s):	
	ALL	
0161615206	Qualicom Systems Inc.	
	The following License(s):	
	E032-A E032-B E032-C	

Form 175 Accepted List (Initial)

Auction ID: 16

(Sorted by Applicant)

Date of Report: 10/3/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	Waiver Requested
0161802104	Racom Corporation	
	The following License(s):	
	ALL	
0161131237	S. K. Warren Communications, Inc.	
	The following License(s):	
	ALL	
0161626501	SEGNO Communications, Inc.	
	The following License(s):	
	E064-A E064-B E064-C E067-A E067-B E067-C E068-A E068-B E068-C E069-A E069-B	
	E069-C E097-A E097-B E097-C E173-A E173-B E173-C E175-A E175-B E175-C	
0161556489	Silver Palm Communications, Inc.	
	The following License(s):	
	ALL	
0161050497	Skitronics, Inc.	
	The following License(s):	
	ALL	
0161759272	Southern Company	
	The following License(s):	
	ALL	
0161655057	Supreme Radio Communications, Inc.	
	The following License(s):	
	E101-A E101-B E101-C	
0161849136	Team Electronics	
	The following License(s):	
	ALL	
0161724206	Telecellular, Inc.	
	The following License(s):	
	ALL	
0161354289	Teton Communications, Inc.	
	The following License(s):	
	ALL	
0161005269	The Alpha Group, L.L.C.	
	The following License(s):	
	E100-A E100-B E107-B E114-B E115-A E116-A E116-B E116-C E117-A E117-B E117-C	

Form 175 Accepted List (Initial)

Auction ID: 16

(Sorted by Applicant)

Date of Report: 10/3/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	Waiver Requested
0161221065	Tri-County Communications, Inc.	
	The following License(s):	
	ALL	
0161618369	ZipWave LLC	
	The following License(s):	
	ALL	

FCC 800MHz SMR-Upper 200 Channels Auction**ATTACHMENT B****Form 175 Incomplete List (Initial)****Auction ID: 16**

(Sorted by Applicant)

Date of Report: 10/3/97

The following entries have been found to be deficient in completing their Form 175 for the following reasons:

FCC Account #	Name	Error Description	Waiver Requested
0161246382	AAR ELECTRONICS, INC.	Invalid TIN/SSN Invalid Attachments Invalid Mail Address	
0161040012	ADVANCED COMMUNICATIONS & ELE	Invalid Attachments	
0161126371	Alpha Communication Sites Inc.	Invalid Attachments	
0161731133	Arthur Patrick d.b.a. Lawton Communicati	Invalid Attachments	
0161105276	Business Radio, Inc	Invalid Attachments	
0161244387	CELLUTECH	Invalid TIN/SSN Invalid Attachments	
0161138182	CEMSTONE PRODUCTS COMPANY	Invalid TIN/SSN Missing Applicant Status	
0161434115	Capital Digitronics, Inc.	Invalid Attachments	

**FCC 800MHz SMR-Upper 200 Channels Auction
 Form 175 Incomplete List (Initial)
 Auction ID: 16**

ATTACHMENT B

(Sorted by Applicant)

Date of Report: 10/3/97

The following entries have been found to be deficient in completing their Form 175 for the following reasons:

FCC Account #	Name	Error Description	Waiver Requested
0161151147	Castle Tower Corporation (PR)	Invalid Attachments	
0161328319	Chariton Valley Communication Corporatio	Invalid Attachments	
0161119541	CoastCom, Inc.	Invalid TIN/SSN	
0161304561	Communications Pacific Inc.	Invalid Attachments	
0161150107	Courtland P. Young	Invalid TIN/SSN Missing Certifying Title	
0161231423	DOMER COMMUNICATION, INC.	Invalid TIN/SSN Invalid Attachments Incorrect Version of FCC Form 175	
0161343021	Fifties Communications, Inc.	Invalid TIN/SSN Invalid Attachments	
0160939412	GSS,LLC	Invalid Attachments	

FCC 800MHz SMR-Upper 200 Channels Auction
Form 175 Incomplete List (Initial)
Auction ID: 16

ATTACHMENT B

(Sorted by Applicant)

Date of Report: 10/3/97

The following entries have been found to be deficient in completing their Form 175 for the following reasons:

FCC Account #	Name	Error Description	Waiver Requested
0161050193	Integrated Communications, Inc.	Invalid TIN/SSN Invalid Attachments	
0161640143	Margaret Docter	Invalid TIN/SSN Missing Fax Number Invalid Attachments Missing Certifying Title	
0161709047	Midwestern Electronics Co.	Invalid Attachments	
0161230144	Mobex Communications, Inc.	Invalid Attachments	
0161415013	Montana TEL-NET, INC.	Invalid Attachments	
0161806027	Mountain SMR Group	Invalid Attachments	
0161622566	Nextel License Acquisition Corp.	Invalid Attachments	
0161323387	Niles Radio Communications	Invalid Attachments	

FCC 800MHz SMR-Upper 200 Channels Auction

ATTACHMENT B

Form 175 Incomplete List (Initial)**Auction ID: 16**

(Sorted by Applicant)

Date of Report: 10/3/97

The following entries have been found to be deficient in completing their Form 175 for the following reasons:

FCC Account #	Name	Error Description	Waiver Requested
0161203599	North Sight Communications, Inc.	Invalid TIN/SSN Invalid Mail Address Incorrect Version of FCC Form 175	
0161104176	PLATTE VALLEY COMMUNICATIONS O	Invalid TIN/SSN Invalid Attachments	
0161620061	Puri Capital Corp.	Invalid Attachments	
0161613474	Radio Communications Co. Inc.	Invalid Attachments	
0161702222	Radio Communications Systems, Inc.	Invalid Attachments	
0161746224	Radio-Comm Services Inc.	Invalid Attachments	
0161145075	Redbank Communications	Invalid TIN/SSN	
0161846102	Reidy, Rhodes & Taylor Inc.	Invalid Attachments	
0161727078	STC Netcom, Inc.	Invalid Attachments	

**FCC 800MHz SMR-Upper 200 Channels Auction
Form 175 Incomplete List (Initial)**

ATTACHMENT B

Auction ID: 16

(Sorted by Applicant)

Date of Report: 10/3/97

The following entries have been found to be deficient in completing their Form 175 for the following reasons:

FCC Account #	Name	Error Description	Waiver Requested
0161200011	Scott Beverly	Invalid TIN/SSN Missing Certifying Title	
0161142477	Stone's Mobile Radio, Inc.	Invalid Attachments	
0161128418	Tallahassee Communications, Inc.	Invalid Attachments	
0161715269	Telebeepr of New Mexico, Inc.	Invalid Mail Address	
0161154109	Timothy M. Spears	Missing Certifying Title	
0161736482	Total Network Comm. dba T-NET Comm.	Invalid Attachments	
0161127558	UNITED COMMUNICATIONS CO.	Invalid TIN/SSN Missing Fax Number Invalid Attachments	
0161535071	Western Communications, Inc.	Invalid Attachments	

FCC REMOTE BIDDING SOFTWARE ORDER FORM

800 MHz Special Mobile Radio Service (SMR)

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

In the Matter of)	
)	
Comcast Cable Communications, Inc.)	CUID No. MS0052 (City of Hattiesburg)
d/b/a Pine Belt Cable, Inc.)	
)	
)	
Petition for Reconsideration)	
and Petition for Stay)	

ORDER ON RECONSIDERATION

Adopted: October 3, 1997

Released: October 3, 1997

By the Chief, Cable Services Bureau:

1. In this Order we consider a petition for reconsideration concerning the rates the above-captioned operator ("Operator") was charging for its cable programming services tier ("CPST") in the community referenced above. Operator attempted to justify its CPST rates through benchmark showings on FCC Form 1200 and multiple FCC Forms 1210. We issued an order addressing the reasonableness of Operator's CPST rates in effect from March 1, 1995 to the present (Prior Order).¹ Our Prior Order held that the Operator's rates in effect beginning July 1, 1995 to the present were unreasonable. Operator filed a Petition for Reconsideration ("Petition") of our Prior Order on August 25, 1997. Operator also filed a Petition for Stay of our Prior Order on August 28, 1997. The Commission has received no opposition to the Petition for Reconsideration or the Petition for Stay. This Order addresses Operator's Petition for Reconsideration of our Prior Order for the community referenced above. Accordingly, we will deny Operator's Petition for Stay as moot.

2. The Communications Act² authorizes the Federal Communications Commission ("Commission") to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. The Cable Television Consumer Protection and Competition Act of 1992³ ("1992 Cable Act"), and our rules implementing the 1992 Cable Act, required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchise authority ("LFA"). If the Commission finds the rate to be unreasonable, it shall determine the correct rate and any

¹ See *In the Matter of Comcast Cable Communications, Inc. d/b/a Pine Belt Cable, Inc.*, DA 97-1562 (released July 24, 1997). This community was not a part of the *Comcast Resolution*. See *In the Matter of Comcast Cable Communications, Inc., Final Resolution of Cable Programming Service Rate Complaints*, 11 FCC Rcd 4029 (1995).

² Section 623(c) of the Communications Act of 1934, *as amended*, 47 U.S.C. Section 543(c) (1996).

³ Pub. L. No. 102-385, 106 Stat. 1460 (1992).