



PUBLIC NOTICE

Federal Communications Commission
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DA 97-2368
November 10, 1997

**WESTERN WIRELESS AND WESTERN PCS SEEK DECLARATORY RULING
UNDER SECTION 310(b)(4) TO PERMIT INDIRECT FOREIGN OWNERSHIP OF
COMMON CARRIER RADIO LICENSES
File No. ISP-97-003**

Western Wireless Corporation (Western) and its wholly owned subsidiary, Western PCS Corporation (Western PCS), have petitioned the Commission for a declaratory ruling that a 19.9 percent equity investment in Western PCS by an indirect, wholly-owned subsidiary of Hutchinson Whampoa Limited (HWL), a Hong Kong Company, would serve the public interest. Petitioners state that the proposed investment will result in alien ownership of corporations controlling Western's Personal Communications Services (PCS), associated point-to-point microwave, and Specialized Mobile Radio (SMR) licenses in excess of the 25 percent benchmark established under Section 310(b)(4) of the Communications Act of 1934, as amended.¹ According to petitioners, the proposed investment will increase Western's aggregate level of alien ownership to 39.9 percent.

Petitioners argue that grant of their request would serve the public interest. Among other things, petitioners assert that Hong Kong satisfies the Commission's effective competitive opportunities test² because Hong Kong's wireless telephony market is open to entry by U.S. and other foreign companies without restrictions. Petitioners also observe that Hong Kong is a member of the World Trade Organization (WTO) and has committed to an open telecommunications industry pursuant to the WTO negotiations on basic telecommunications. Finally, petitioners assert that the additional foreign investment serves the public interest because it will enhance Western's ability to expand its PCS businesses and thereby promote competition in the United States.

Interested parties may file comments regarding this petition no later than December 10, 1997. Reply comments may be filed no later than December 22, 1997. All filings should refer to File No. ISP-97-003.

¹ 47 U.S.C. § 310(b)(4).

² See Market Entry and Regulation of Foreign-Affiliated Entities, *Report and Order*, 11 FCC Rcd 3873 (1995), *recon. pending*.

In accordance with Section 1.51(c) of the Commission's rules,³ an original and four copies of all pleadings must be filed with the Acting Secretary at the above address. In addition, one copy of each pleading must be filed with: (1) International Transcription Services, Inc. (ITS), the Commission's duplicating contractor, at its office at 1231 20th Street, N.W., Washington D.C. 20036; and (2) the International Reference Room, International Bureau, Room 102, 2000 M Street, N.W., Washington D.C. 20554.

Copies of the application and any subsequently filed documents in this matter may be obtained from ITS. Such documents are also available for public inspection and copying in the International Reference Room during normal reference room hours.

For further information, contact Jamie Hedlund, Telecommunications Division, International Bureau, (202) 418-1399.

³ 47 C.F.R. § 1.51(c).