

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Applications of)	
)	
DCR PCS, INC.)	File No. 00182WL96, et al.
)	
Applications for Broadband PCS)	
C Block Licenses)	

ORDER

Adopted: March 7, 2000

Released: March 13, 2000

By the Commission:

1. The Commission has before it an Application for Review (Application) filed by National Telecom PCS, Inc. (NatTel) on November 27, 1996. NatTel seeks review of an order by the Wireless Telecommunications Bureau (Bureau) denying NatTel's June 21, 1996, petition to deny the above-captioned applications of DCR PCS, Inc. (DCR) for various PCS C Block licenses won at auction.¹ On January 30, 1997, NatTel filed a supplement to its Application captioned as an "Informal Request for Commission Action" (Request). In the Request, NatTel seeks remand of this matter to the Bureau for an inquiry regarding certain issues raised in NatTel's petition to deny.

2. NatTel presents no arguments or facts in its Application that would lead us to change the Bureau's decision.² In its Request, NatTel states that DCR's corporate parent, Pocket Communications, Inc. (Pocket), filed an SEC Form S-1 on December 17, 1996, indicating that foreign creditors hold 96.5 percent of Pocket's debt.³ NatTel contends that this level of

¹ *DCR PCS, Inc.*, 11 FCC Rcd. 16849 (WTB 1996).

² After the Application was filed, DCR returned 31 of its C Block licenses for cancellation pursuant to the Commission's C Block amnesty procedure. *See* Wireless Telecommunications Bureau Announces Broadband Personal Communications Services C Block Elections, *Public Notice*, DA 98-1168 (rel. June 16, 1998). As to these 31 licenses, the Application is moot.

³ Request at 5. NatTel's January 30, 1997, Request is time barred by Section 1.115 (d) of the Commission's rules. *See* 47 C.F.R. § 1.115 (d). We address the Request, however, because NatTel states that it learned of the December 17, 1996, SEC filing in Mid-January, 1997. Request at 3 n.2.

foreign debt “clearly violates Section 310(b) of the Act.”⁴ We disagree. It is well established that “the Commission does not consider debt interests in determining compliance with the statutory ownership benchmark.”⁵ There is no evidence in the record that Pocket’s foreign creditors possess either an ownership or a voting interest in DCR through their debt relationship with Pocket **or otherwise exercise control over the licensee**. We therefore deny NatTel’s Application and affirm the Bureau’s decision for the reasons stated therein, and deny the relief sought by NatTel in the Request for the reasons stated above.

3. Accordingly, IT IS ORDERED that pursuant to section 5(c)(5) of the Communications Act, as amended, 47 U.S.C. § 155(c)(5), and section 1.115(g) of the Commission’s rules, 47 C.F.R. § 1.115(g), the Application for Review filed by National Telecom PCS, Inc., on November 27, 1996, IS DENIED.

4. IT IS FURTHER ORDERED that pursuant to section 5(c)(5) of the Communications Act, as amended, 47 U.S.C. § 155(c)(5), and section 1.115(g) of the Commission’s rules, 47 C.F.R. § 1.115(g), the Informal Request for Commission Action filed by National Telecom PCS, Inc., on January 30, 1997, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

⁴ Request at 5, citing 47 U.S.C. § 310(b).

⁵ *Fox Television Stations, Inc.*, 10 FCC Rcd. 8452, 8483 ¶77 (1995) (citing *Wilner & Scheiner*, 103 FCC2d 511, 519 (1985)). **NatTel made no showing that the elements associated with the debt provide the creditors with control over DCR.**