



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUESTS FOR WAIVER OF INCUMBENT LEC/CABLE ELIGIBILITY RESTRICTIONS

Comment Also Sought on Letter from the United States Telephone Association

On April 9, 1998, winning bidders in the recently completed auction for the Local Multipoint Distribution Service (LMDS) submitted long-form license applications. The following long-form applicants filed requests for waiver of Section 101.1003 of the Commission's rules, *LMDS eligibility restrictions for incumbent LECs and cable companies*:

<u>File No.</u>	<u>Applicant</u>
0000000102	●Farmers Telephone Cooperative, Inc.
0000000093	●Central Texas Telephone Investments, Inc.
0000000105	●Golden West Telecommunications Corporation
0000000094	●Horry Telephone Cooperative, Inc.
0000000087	●Northern Communications, Inc.
0000000089	●Venture Wireless, Inc. ¹
0000000090	●Venture Wireless, Inc.

Additionally, in a March 26, 1998 letter to Chairman Kennard, the United States Telephone Association ("USTA") raised a number of concerns about the LMDS auction and the potential impact that the incumbent LEC/cable eligibility restriction may have had on the results of the auction ("USTA letter"). In its letter, USTA urged the Commission to eliminate the eligibility and ownership restrictions that "have stifled competition and left many rural and small areas without any bids for the licenses serving such communities." USTA suggested that "[t]he

¹ Venture Wireless, Inc. appears twice because it has two long-form applications pending.

Commission should begin by eliminating eligibility restrictions for reaucted licenses and all ownership restrictions on previously auctioned licenses." A copy of the USTA letter is attached herewith.

To assist the Bureau in making recommendations to the Commission, we seek comment on these waiver requests and the letter from USTA. We anticipate that the Commission will examine each waiver request on a case-by-case basis. In addition, as a general matter, we seek comment on whether the Commission should enforce the incumbent LEC/cable eligibility restrictions in all instances or whether exceptions should be made in certain circumstances. Comment is solicited on all aspects of the specific waivers and each of the concerns raised in the USTA letter. Comments are due May 18, 1998 and reply comments are due June 2, 1998. Comments and reply comments should be addressed to: Auctions & Industry Analysis Division, Wireless Telecommunications Bureau, Room 5604-F, 2025 M Street, N.W., Washington, D. C. 20554.

Copies of the waiver requests, comments and replies may be obtained from the Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 2131 20th Street, N.W., Washington, D.C. 20036, (202)857-3800. Copies are also available for public inspection in the Public Reference Room, Room 5608, 2025 M Street, N.W., Washington, D.C. 20554.

For further information, contact Christina Clearwater of the Auctions & Industry Analysis Division at (202) 418-0660.

Action by the Chief, Wireless Telecommunications Bureau.