



PUBLIC NOTICE

Federal Communications Commission
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DA 02-971
April 26, 2002

**PLEADING CYCLE ESTABLISHED FOR OPPOSITIONS TO APPLICATION FOR
REVIEW OF WIRELESS TELECOMMUNICATIONS BUREAU APRIL 10, 2002
LETTER, D.A. 02-857, REGARDING SCHEDULE FOR AUCTION NOS. 31 AND 44**

Oppositions Due: May 3, 2002

Notice is hereby given that the Cellular Telecommunications & Internet Association (“CTIA”) has filed an Application for Review dated April 24, 2002 of the April 10, 2002 Wireless Telecommunication Bureau letter regarding the schedule for Auction Nos. 31 and 44.¹ In the WTB Letter, the Bureau denied CTIA’s earlier request that Auction Nos. 31 and 44 be delayed beyond the auctions’ scheduled start date of June 19, 2002.

Given the existing schedule for the upcoming auctions,² good cause exists in this instance to alter the periods specified in Section 1.115 of the Commission’s rules, 47 C.F.R. § 1.115, for the filing of oppositions to the pending Application for Review.³ An expedited pleading schedule will minimize any potential disruptive effect on parties preparing to meet upcoming pre-auction deadlines. Accordingly, oppositions to the Application for Review shall be filed no later than **May 3, 2002**, and no replies to oppositions will be accepted.

¹ See April 10, 2002, Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, Federal Communications Commission, to Thomas E. Wheeler, President/CEO, Cellular Telecommunications & Internet Association, DA 02-857 (rel. April 11, 2002) (“WTB Letter”).

² See Auction of Licenses in the 747-762 and 777-792 Bands Scheduled for June 19, 2002; Further Modification of Package Bidding Procedures and Other Procedures For Auction No. 31, *Public Notice*, DA 02-659 (rel. March 19, 2002), corrected by Erratum, *Public Notice*, DA 02-880 (rel. April 16, 2002); and Auction of Licenses in the 698-746 MHz Band Scheduled for June 19, 2002; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures, *Public Notice*, DA 02-563 (rel. March 20, 2002).

³ See 47 C.F.R. § 0.331 (authority delegated to Wireless Telecommunications Bureau); 47 C.F.R. § 1.3 (suspension, amendment, and waiver of Commission Rules).

Procedural Matters

Parties submitting oppositions should address the issues raised in the Application for Review in light of the relevant statutory requirements,⁴ procedures,⁵ and public interest considerations.⁶ All responsive filings should reference the docket numbers of the underlying proceedings, *i.e.*, WT Docket No. 99-168, GN Docket No. 01-74, as well as any other underlying proceedings relevant to the filing, *e.g.*, WT Docket No. 02-55.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must reflect the substance of the presentations and not merely list the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁸ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules.⁹

Parties may obtain copies of the WTB Letter at the WTB website, http://wireless.fcc.gov/auctions/releases2002_1.html, and the Application for Review at the FCC website, <http://www.fcc.gov/e-file/ecfs.html>. The documents are also available for public inspection and copying in the Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, DC 20554. Copies of the petitions are also available from Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or e-mail at qualexint@aol.com.

Oppositions may be filed using the Commission's Electronic Comment Filing System (“ECFS”) or by filing paper copies. Oppositions and replies filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Each filing should be submitted into all relevant dockets, *e.g.*, WT Docket No. 99-168, GN Docket No. 01-74, and WT Docket No. 02-55. In completing the transmittal screen, parties should include their full name and Postal Service mailing address. Parties may also submit an electronic filing by Internet e-mail. To get filing instructions for e-mail filings, parties should send an e-mail message to ecfs@fcc.gov, including “get form to <your e-mail address>” in the body of the message. A sample form and directions will be sent in response.

⁴ *See, e.g.*, 47 U.S.C. § 309.

⁵ *See, e.g.*, 47 C.F.R. § 1.1115.

⁶ *See, e.g.*, 47 U.S.C. §§ 303, 309.

⁷ *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

⁸ *See* 47 C.F.R. § 1.1206(b).

⁹ *Id.*

Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an *Order*,¹⁰ temporarily amending certain procedural rules on an emergency basis. Oppositions must be filed electronically (i.e., by e-mail or facsimile), or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed electronically** by e-mail, oppositions shall be filed at the following e-mail address: WTBSecretary@fcc.gov. Please also copy (CC) Rana Shuler at rshuler@fcc.gov. For security purposes, we recommend that documents filed via e-mail be converted to PDF format.
- **If filed by facsimile**, oppositions shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number and, if available, an e-mail address. In addition to the official filing, please also fax copies to Rana Shuler, Room 4-A628, Legal Branch, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau at (202) 418-0890.
- **If filed by hand delivery**, oppositions shall be delivered to 236 Massachusetts Avenue, NE, Suite 110, Washington DC 20002.¹¹ Please address documents to the Secretary, and copies thereof to the attention of Rana Shuler, Room 4-A628, Legal Branch, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.
- **If filed by overnight delivery service** (other than U.S. Postal Service Express and Priority Mail), filings must be received at the Commission's headquarters at 445 12th Street, S.W., Washington, DC 20554. As noted in the October 17 and October 18, 2001 public notices,¹² the Commission will divert those deliveries to the Capitol Heights facility.

In addition, one copy of each opposition must be delivered to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, by facsimile (202) 863-2898, or via e-mail at qualexint@aol.com.

FOR FURTHER INFORMATION CONTACT:

Wireless Telecommunications Bureau: Erik Salovaara, (202) 418-0660, e-mail: esalovaa@fcc.gov.

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¹⁰ See In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, FCC 01-345 (rel. Nov. 29, 2001)

¹¹ See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

¹² See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, DA 01-2436 (rel. Oct. 17, 2001); FCC Announces Changes In Filing Procedures, *Public Notice*, DA 01-2430 (rel. Oct. 17, 2001); Clarification on FCC's Announced Changes in Filing Procedures, *Public Notice*, DA 01-2451 (rel. Oct. 18, 2001).