



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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FILING OF TIME CRITICAL, FEEABLE APPLICATIONS

The Commission has received questions concerning the procedures established in its MO&O in General Docket 86-285, for the filing of time critical broadcast and common carrier applications that require a fee.

There are two aspects of these new procedures that require additional explanation.

Timely Filed Applications

For time critical, feeable broadcast and common carrier applications, heretofore filed in Washington, D.C., the Commission will accept as timely filed those applications stamped in by the lockbox bank (Mellon Bank in Pittsburgh, PA) before 12 o'clock midnight on the next business day following the official deadline or cut-off date established by the Commission.

For example, if the Commission establishes a deadline date of May 16, all filings received at the Mellon Bank in Pittsburgh, PA before 12 o'clock midnight on May 17, will be considered as timely filed.

The Commission has not officially extended any deadline or cut-off dates it has established. It has, however, by applying a "mail box" rule, granted filers who are required to file in Pittsburgh one extra business day for transportation.

Applicants do not have to take any additional action to avail themselves of this one extra business day. It is automatically granted.

"Back-Up" Filing Procedures

A back-up filing procedure has been established for only time critical, feeable broadcast and common carrier applications, previously filed in Washington, to provide "insurance" against lost or late filings. This procedure can only be used if applications are being delivered to Pittsburgh via express mail (U.S. Postal Service) or an established courier service which

"normally" may be expected to deliver an application to Pittsburgh by the next business day after placement with the service. This procedure is not available to filers who are mailing via first class mail or delivering by any means other than an established commercial courier or express mail mentioned above. For example, an application that was mailed via US Postal Service Express Mail for delivery the next day would qualify under this procedure. However, a law firm employee using a private vehicle to deliver an application to Pittsburgh would not.

To receive this protection against loss or lateness, the following procedure must be carried out. Two copies of a filled out fee form (FCC Form 155), one copy of a legible proof of express mailing or courier receipt, one copy of the application/filing, and one copy of the remittance (in that order) must be filed with the Office of the Secretary by 5:30 on the official deadline or cut-off date established by the Commission. If multiple applications have been sent under a single courier receipt, copies of this receipt are to be attached to each application filed with the Secretary.

Copies of these "back-up" filings will be retained in storage by the Secretary's Office and can only be accessed by the applicant when an issue concerning a lost or late filing is raised.

Restrictions

It is important to note, however, that use of the back-up filing procedures is acceptable only for those broadcast and common carrier applications heretofore filed in Washington and are time critical (i.e. responding to an official deadline or cut-off date). Use of these back-up procedures for other types of applications is not permitted and will not provide any "insurance" against loss or untimely delivery. These "back-up" procedures do not apply to those time-sensitive applications previously filed with Mellon Bank, i.e. low power TV and cellular and will not in the future.

FAILURE TO FOLLOW THESE PROCEDURES AS OUTLINED WILL RESULT IN THE REJECTION AND INVALIDATION OF BACK-UP FILINGS AS PROOF OF FILING.

Questions regarding these procedures should be addressed to Walker Feaster, 632-0923; Tom Holleran, 632-5316 ; or Martin Blumenthal, 254-6530.