



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 98-2246
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WIRELESS TELECOMMUNICATIONS BUREAU POSTPONES DECEMBER 15, 1998 AUCTION DATE FOR 528 MULTILATERATION LOCATION AND MONITORING SERVICE LICENSES

Commencement of the Auction Postponed to February 23, 1999

Report No. AUC-98-21-C (Auction No. 21)

In a letter dated October 22, 1998, to the Wireless Telecommunications Bureau ("Bureau"),¹ MicroTrax™ ("MicroTrax") requested a temporary delay of the Location and Monitoring Service ("LMS") auction. On October 23, 1998, the Bureau released a Public Notice,² seeking comment on MicroTrax's request for temporary delay of the auction. The Bureau received nine comments in response to the *LMS Stay Public Notice*.³ MicroTrax, and other commenters, contend, among other things, that information for evaluating incumbent

¹ See Letter to Daniel Phythyon, Chief, Wireless Telecommunications Bureau, and Amy Zoslov, Chief, Auctions & Industry Analysis Division, Wireless Telecommunications Bureau, from MicroTrax (October 22, 1998).

² See "Wireless Telecommunications Bureau Seeks Comment on Request for Stay of Location and Monitoring Service Auction; Comment Sought on Request for Temporary Delay from MicroTrax," *Public Notice*, DA 98-2144 (rel. October 23, 1998) ("*LMS Stay Public Notice*"), 63 FR 57688 (October 28, 1998).

³ Comments were received from MicroTrax, Small Business in Telecommunications ("SBT"), Progeny Post, LLC ("Progeny"), BI Incorporated ("BI"), Goosetown Communications, Comtrak, Teletrac, Hennepin County, and Ameritech Corporation ("Ameritech").

spectrum is unavailable for inspection.⁴ These commenters specifically note that information on Federal usage of the 902-928 MHz band has not been released by the National Telecommunications and Information Administration ("NTIA"). Commenters contend that without this data, potential bidders cannot accurately assess the value of the licenses for these frequencies nor analyze which frequencies would be most useful for a particular planned service.

Pursuant to authority delegated by § 0.131 of the Commission's Rules, 47 C.F.R. § 0.131, the Bureau will postpone the commencement of the LMS auction to give potential bidders a reasonable opportunity to consider deployment and technical information that NTIA is currently compiling regarding government primary users occupying the 902-928 MHz band. We note that other arguments made by some commenters in support of MicroTrax's request for temporary delay of the auction do not justify a delay of the auction.⁵ Commencement of the LMS auction is now scheduled for February 23, 1999.

In light of this action, any applications manually filed to date will be returned. However, the window for filing the FCC Form 175 will remain open until 5:30 p.m. ET on January 25, 1999. The following critical dates now apply to the rescheduled LMS auction:

Pre-Auction Deadlines:

- Short Form Application (FCC Form 175) January 25, 1999; 5:30 p.m. ET
- Upfront Payments (via wire transfer) February 8, 1999; 6:00 p.m. ET
- Auction February 23, 1999

A subsequent Public Notice will be released announcing a complete list of revised pre-auction deadlines.

Action by Chief, Wireless Telecommunications Bureau.

Copies of the request for temporary delay 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.

⁴ See MicroTrax Comments at 1-3; SBT Comments at 2 n. 1; Ameritech Comments at 2; BI Comments at 1-2; and Progeny Comments at 2.

⁵ For example, MicroTrax argues that it needs additional time to obtain the necessary funds to successfully bid in the auction. MicroTrax Comments at 5. Similarly, SBT and Progeny contend that any delay of the auction would improve the ability of potential auction participants to obtain additional financing. SBT Comments at 2; Progeny Comments at 2.

For further information: Media Contact: Meribeth McCarrick at (202) 418-0654.
Auctions and Industry Analysis Division, Wireless Telecommunications Bureau: Kenneth
Burnley, Legal Branch at (202) 418-0660; Kathryn Garland, Operations at (717) 338-2801;
Bob Reagle, Operations at (202) 418-0660.