

FEDERAL COMMUNICATIONS COMMISSION

[DA 95-967]

Petition for Declaratory Ruling**AGENCY:** Federal Communications Commission.**ACTION:** Public Notice.

SUMMARY: The Commission requests comment on a Petition for Declaratory Ruling filed by In-Flight Phone Corp (In-Flight). The petition asks that the Commission consider In-Flight's pioneer's preference request, which originally was filed in ET Docket No. 92-100, in ET Docket No. 94-32.

DATES: Comments are due May 19, 1995. Reply comments are due May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas P. Derenge, (202) 776-1621, Office of Engineering and Technology, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION:**Comment Sought on In-Flight Phone Corp. Petition for Declaratory Ruling**

April 28, 1995.

On March 16, 1995, In-Flight Phone Corp. (In-Flight) filed a Petition for Declaratory Ruling requesting that its pioneer's preference (PP) Request filed in the Narrowband Personal Communications Services proceeding, ET Docket No. 92-100, now be considered in ET Docket No. 94-32, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use. Specifically, In-Flight requests that the Commission rule that: (1) Its PP Request was filed by the deadline applicable to permit consideration in ET Docket No. 94-32, in which the *Second Notice of Proposed Rulemaking (Second NPRM)* proposes that the 4660-4685 MHz band be allocated to a General Wireless Communications Service (GWCS); and (2) that the request will be considered in that docket.

In-Flight filed its PP Request in ET Docket No. 94-100 on October 30, 1992, seeking a preference in the 901-902 MHz and 940-941 MHz bands for a live ground-to-air audio news, information, and entertainment service for airline passengers. However, because the rules adopted in ET Docket No. 94-100 were not related to In-Flight's proposal, its PP Request has not been acted upon by the Commission.

On May 4, 1994, the Commission released a *Notice of Inquiry (NOI)* in ET Docket No. 94-32, seeking information on potential applications of 50 megahertz of transferred Federal Government spectrum. On November 8,

1994, a *Notice of Proposed Rulemaking (NPRM)* was released proposing the allocation of the spectrum, and a *First Report and Order and Second Notice of Proposed Rulemaking* was released on February 17, 1995. The *Second NPRM* proposed that the 4660-4685 MHz band be allocated for a GWCS.

In-Flight argues that its PP Request should be considered in ET Docket No. 94-32 because the proposed service rules would allow it to apply for a license to provide its service in the 4660-4685 MHz band. In-Flight claims that the service for which the preference is sought is identical in all relevant respects to the service it would provide as a GWCS licensee. Finally, In-Flight requests that the Commission issued the requested ruling well in advance of the August 10, 1995 statutory deadline for issuing final rules in ET Docket No. 94-32, so that the Commission will have sufficient time to decide whether to award a pioneer's preference to In-Flight.

We herein request comment on In-Flight's Petition for Declaratory Ruling. Comments are due May 19, 1995, and reply comments are due May 31, 1995. We note that In-Flight's PP Request has been formally opposed. Accordingly, the PP Request constitutes a restricted Commission proceeding in which *ex parte* presentations are prohibited: see 47 CFR 1.1208(c).

The Petition for Declaratory Ruling and related materials are available for inspection in the Office of Engineering and Technology, Suite 480, 2000 M Street N.W., Washington, DC during regular business hours M-F 8:00 AM to 5:00 PM. This material may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20036, (202) 857-3800. For further information, contact Thomas Derenge in the Office of Engineering and Technology, (202) 739-0703.

Federal Communications Commission.

William F. Caton,*Acting Secretary.*

[FR Doc. 95-11285 Filed 5-8-95; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 2069]**Petition for Reconsideration of Actions in Rulemaking Proceedings**

May 2, 1995.

Petition for reconsideration have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this

document are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857-3800. Opposition to this petition must be filed May 24, 1995. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Eligibility for the Specialized Mobile Radio Services and Radio Services in the 220-222 MHz Land Mobile Band and Use of Radio Dispatch Communications. (GEN Docket No. 94-90)

Number of Petition Filed: 1

Subject: Allocation of the 219-220 MHz Band for Use by the Amateur Radio Service. (ET Docket No. 94-40)

Number of Petition Filed: 1

Subject: Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems. (PR Docket No. 93-61)

Number of Petitions Filed: 20.

Federal Communications Commission.

William F. Caton,*Acting Secretary.*

[FR Doc. 95-11283 Filed 5-8-95; 8:45 am]

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FEDERAL RESERVE SYSTEM**The Chase Manhattan Corporation; Application to Engage in Nonbanking Activities**

The Chase Manhattan Corporation, New York, New York (Applicant); has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) to acquire U.S. Trust Corporation's wholly-owned direct subsidiary, Mutual Funds Services Company, Boston, Massachusetts (MF Services), and thereby engage in providing administrative services to mutual funds; and to acquire U.S. Trust Corporation's wholly-owned direct subsidiary U.S. Trust Company of Wyoming, Cody, Wyoming (UST-WY), and thereby engage in serving as an investment advisor pursuant to § 225.25(b)(4)(ii) of the Board's Regulation Y. Applicant states that the proposed administrative services include, but are not limited to, with respect to any investment company customer, computing the investment company's net asset value and performance data, coordinating communications and activities between