

106TH CONGRESS
1ST SESSION

H. R. 1817

To improve cellular telephone service in selected rural areas and to achieve equitable treatment of certain cellular license applicants.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1999

Mr. GILMAN (for himself, Ms. ESHOO, and Mrs. MALONEY of New York) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To improve cellular telephone service in selected rural areas and to achieve equitable treatment of certain cellular license applicants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REINSTATEMENT OF APPLICANTS AS TEN-**
4 **TATIVE SELECTEES.**

5 (a) IN GENERAL.—Notwithstanding the order of the
6 Federal Communications Commission in the proceeding
7 described in subsection (c), the Commission shall—

1 (1) reinstate each applicant as a tentative se-
2 lectee under the covered rural service area licensing
3 proceeding; and

4 (2) permit each applicant to amend its applica-
5 tion, to the extent necessary to update factual infor-
6 mation and to comply with the rules of the Commis-
7 sion, at any time before the Commission's final li-
8 censing action in the covered rural service area li-
9 censing proceeding.

10 (b) EXEMPTION FROM PETITIONS TO DENY.—For
11 purposes of the amended applications filed pursuant to
12 subsection (a)(2), the provisions of section 309(d)(1) of
13 the Communications Act of 1934 (47 U.S.C. 309(d)(1))
14 shall not apply.

15 (c) PROCEEDING.—The proceeding described in this
16 subsection is the proceeding of the Commission In re Ap-
17 plications of Cellwave Telephone Services L.P.,
18 Futurewave General Partners L.P., and Great Western
19 Cellular Partners, 7 FCC Red No. 19 (1992).

20 **SEC. 2. CONTINUATION OF LICENSE PROCEEDING; FEE AS-**
21 **SESSMENT.**

22 (a) AWARD OF LICENSES.—The Commission shall
23 award licenses under the covered rural service area licens-
24 ing proceeding within 90 days after the date of the enact-
25 ment of this Act.

1 (b) SERVICE REQUIREMENTS.—The Commission
2 shall provide that, as a condition of an applicant receiving
3 a license pursuant to the covered rural service area licens-
4 ing proceeding, the applicant shall provide cellular radio-
5 telephone service to subscribers in accordance with sec-
6 tions 22.946 and 22.947 of the Commission’s rules (47
7 CFR 22.946, 22.947); except that the time period applica-
8 ble under section 22.947 of the Commission’s rules (or
9 any successor rule) to the applicants identified in subpara-
10 graphs (A) and (B) of section 4(1) shall be 3 years rather
11 than 5 years and the waiver authority of the Commission
12 shall apply to such 3-year period.

13 (c) CALCULATION OF LICENSE FEE.—

14 (1) FEE REQUIRED.—The Commission shall es-
15 tablish a fee for each of the licenses under the cov-
16 ered rural service area licensing proceeding. In de-
17 termining the amount of the fee, the Commission
18 shall consider—

19 (A) the average price paid per person
20 served in the Commission’s Cellular Unserved
21 Auction (Auction No. 12); and

22 (B) the settlement payments required to be
23 paid by the permittees pursuant to the consent
24 decree set forth in the Commission’s order, In

1 re the Tellesis Partners (7 FCC Red 3168
2 (1992)), multiplying such payments by two.

3 (2) NOTICE OF FEE.—Within 30 days after the
4 date an applicant files the amended application per-
5 mitted by section 1(a)(2), the Commission shall no-
6 tify each applicant of the fee established for the li-
7 cense associated with its application.

8 (d) PAYMENT FOR LICENSES.—No later than 18
9 months after the date that an applicant is granted a li-
10 cense, each applicant shall pay to the Commission the fee
11 established pursuant to subsection (c) of this section for
12 the license granted to the applicant under subsection (a).

13 (e) AUCTION AUTHORITY.—If, after the amendment
14 of an application pursuant to section 1(a)(2) of this Act,
15 the Commission finds that the applicant is ineligible for
16 grant of a license to provide cellular radiotelephone serv-
17 ices for a rural service area or the applicant does not meet
18 the requirements under subsection (b) of this section, the
19 Commission shall grant the license for which the applicant
20 is the tentative selectee (pursuant to section 1(a)(1)) by
21 competitive bidding pursuant to section 309(j) of the Com-
22 munications Act of 1934 (47 U.S.C. 309(j)).

23 **SEC. 3. PROHIBITION OF TRANSFER.**

24 During the 5-year period that begins on the date that
25 an applicant is granted any license pursuant to section 1,

1 the Commission may not authorize the transfer or assign-
2 ment of that license under section 310 of the Communica-
3 tions Act of 1934 (47 U.S.C. 310). Nothing in this Act
4 may be construed to prohibit any applicant granted a li-
5 cense pursuant to section 1 from contracting with other
6 licensees to improve cellular telephone service.

7 **SEC. 4. DEFINITIONS.**

8 For the purposes of this Act, the following definitions
9 shall apply:

10 (1) APPLICANT.—The term “applicant”
11 means—

12 (A) Great Western Cellular Partners, a
13 California general partnership chosen by the
14 Commission as tentative selectee for RSA #492
15 on May 4, 1989;

16 (B) Monroe Telephone Services L.P., a
17 Delaware limited partnership chosen by the
18 Commission as tentative selectee for RSA #370
19 on August 24, 1989 (formerly Cellwave Tele-
20 phone Services L.P.); and

21 (C) FutureWave General Partners L.P., a
22 Delaware limited partnership chosen by the
23 Commission as tentative selectee for RSA #615
24 on May 25, 1990.

1 (2) COMMISSION.—The term “Commission”
2 means the Federal Communications Commission.

3 (3) COVERED RURAL SERVICE AREA LICENSING
4 PROCEEDING.—The term “covered rural service area
5 licensing proceeding” means the proceeding of the
6 Commission for the grant of cellular radiotelephone
7 licenses for rural service areas #492 (Minnesota
8 11), #370 (Florida 11), and #615 (Pennsylvania
9 4).

10 (4) TENTATIVE SELECTEE.—The term “ten-
11 tative selectee” means a party that has been selected
12 by the Commission under a licensing proceeding for
13 grant of a license, but has not yet been granted the
14 license because the Commission has not yet deter-
15 mined whether the party is qualified under the Com-
16 mission’s rules for grant of the license.

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