expeditiously resume broadcast operations of KWHK(AM) consistent with the Commission's Rules.

2. To determine whether Great American Broadcasting of Hutchinson, Inc. has violated Sections 73.1740 and/or 73.1750 of the Commissions Rules.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Great American Broadcasting of Hutchinson, Inc. is qualified to be and remain the licensee of Station KWHK(AM).

A copy of the complete Show Cause Order and Hearing Designation Order in this proceeding is available for inspection and copying during normal business hours in the dockets section of the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037 (telephone 202–857–3800).

Federal Communications Commission.

Stuart B. Bedell,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 96–10850 Filed 5–1–96; 8:45 am]

BILLING CODE 6712–01–P

Public Safety Wireless Advisory Committee; Subcommittee Meetings

AGENCIES: The National Telecommunications and Information Administration (NTIA), Larry Irving, Assistant Secretary for Communications and Information, and the Federal Communications Commission (FCC), Reed E. Hundt, Chairman.

ACTION: Notice of the Next Meetings of the Spectrum Requirements, Interoperability, Technology, Operational Requirements and Transition Subcommittees.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the next meetings of the five Subcommittees of the Public Safety Wireless Advisory Committee. The NTIA and the FCC established a Public Safety Wireless Advisory Committee, Subcommittees, and Steering Committee to prepare a final report to advise the NTIA and the FCC on operational, technical and spectrum requirements of Federal, state and local Public Safety entities through the year 2010. All interested parties are invited to attend and to participate in the next round of meetings of the Subcommittees.

DATES: May 29, 30, 31 (Wed.–Fri.).

ADDRESSES: Scott Air Force Base, Illinois (near St. Louis, MO), Global Reach Planning Center, Bldg. 1907, Main Conference Room.

FOR FURTHER INFORMATION CONTACT: For information regarding the Subcommittees, contact:

Interoperability Subcommittee: James E. Downes at 202–622–1582

Operational Requirements Subcommittee: Paul H. Wieck at 515–281–5261

Spectrum Requirements Subcommittee: Richard N. Allen at 703–630–6617

Technology Subcommittee: Alfred Mello at 401–738–2220

Transition Subcommittee: Ronnie Rand at 904–322–2500 or 800–949–2726 ext. 600

For information regarding accommodations and transportation, contact: Deborah Behlin at 202–418–0650 (phone), 202–418–2643 (fax), or dbehlin@fcc.gov (email). You may also contact Ms. Behlin for general information concerning the Public Safety Wireless Advisory Committee. Information is also available from the Internet at the Public Safety Wireless Advisory Committee homepage (http://pswac.ntia.doc.gov).

SUPPLEMENTARY INFORMATION: The five Subcommittees of the Public Safety Wireless Advisory Committee will hold consecutive meetings over a three day period, Wednesday through Friday, May 29, 30, and 31, 1996. The expected arrangement of the meetings, which is subject to change at the time of the meetings, is as follows:

May 29: The Interoperability Subcommittee and then the Spectrum Requirements Subcommittee will meet consecutively starting at 9:00 a.m.

May 30: The Technology Subcommittee and then the Operational Requirements Subcommittee will meet consecutively starting at 9:00 a.m.

May 31: The Transition Subcommittee will meet starting at 9:00 a.m.

Visitor passes will be required to gain entrance to Scott AFB. These passes will be mailed to the membership after the April San Diego meetings. Additionally, there will be an off-site registration established at one of the host hotels in the area and details will be made available on the PSWAC Homepage as soon as possible. For further information contact Don Speights, NTIA, directly at 202–482–1652 or by email at wspeights@ntia.doc.gov.

The tentative agenda for each subcommittee meeting is as follows:

1. Welcoming Remarks.
2. Approval of Agenda.
3. Administrative Matters.
4. Work Program/Organization of Work.
5. Meeting Schedule.
6. Agenda for Next Meeting.
7. Other Business.
8. Closing Remarks.

The tentative schedule and general location of future meetings of the Subcommittees of the Public Safety Wireless Advisory Committee is as follows: June 1996, in Washington, D.C.

The tentative schedule and general location of the next full meeting of the Public Safety Wireless Advisory Committee is: June 1996, in Washington, D.C.

The Co-Designated Federal Officials of the Public Safety Wireless Advisory Committee are William Donald Speights, NTIA, and John J. Borkowski, FCC. For public inspection, a file designated WTB–1 is maintained in the Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, Room 8010, 2025 M Street, N.W., Washington, D.C. 20554.

Federal Communications Commission.

Robert H. McNamara,

Chief, Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 96–10848 Filed 5–1–96; 8:45 am]

BILLING CODE 6712–01–M

[FCC 96–140]

Applications for A and B Block Broadband PCS Licenses

AGENCY: Federal Communications Commission.

ACTION: Determination or application for review.

SUMMARY: The Commission released this Memorandum Opinion and Order (MO&O) to address an Application for Review filed by the National Association of Black Owned Broadcasters, Percy E. Sutton, and the National Association for the Advancement of Colored People. This MO&O denies the application. The MO&O is necessary to answer the issues addressed in the application. The intended affect of this action is to resolve the issues set forth in the application.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: John Greenspan, (202) 418–0620, Wireless Telecommunications Bureau, Commercial Wireless Division.

SUPPLEMENTARY INFORMATION: This is the text of the MO&O, adopted March 28, 1996, released April 1, 1996. This order is available for inspection and copying during normal business hours at the Commercial Wireless Division Legal

Branch, Room 7130, 2025 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Memorandum Opinion and Order

I. Introduction

1. The Commission has before it an Application for Review filed on July 21, 1995 by the National Association of Black Owned Broadcasters, Percy E. Sutton, and the National Association for the Advancement of Colored People (collectively ''Petitioners''), and an erratum filed by Petitioners on August 24, 1995, seeking review of an Order by the Chief, Wireless Telecommunications Bureau (the ''Bureau'') granting the applications filed by the auction winners of 99 broadband Personal Communications Services (''PCS'') licenses for the A and B block frequencies. In a separate pleading, Petitioners seek review of a Bureau Order that declined to stay the licensing of the A and B block winners until the licensing of the ultimate winners of the C block auction. See Deferral of Licensing of MTA Commercial Broadband PCS, Memorandum Opinion and Order, DA 95–1410, 1995 WESTLAW 379480 (Wireless Telecom. Bur. June 23, 1995). We address that by a separate order adopted today; in this Order, we deal exclusively with Petitioners' Application for Review of the A and B Block Order.

II. Background

2. On May 12, 1995, Petitioners filed a Petition to Deny the applications of the eighteen winning bidders in the A and B block auction. Petitioners alleged that the Commission violated Section 309(j) of the Communications Act, 47 U.S.C. § 309(j), by failing to provide adequate opportunities for minorities to acquire PCS licenses in the A and B blocks. Petitioners further alleged that this failure to provide incentives has allowed a few dominant carriers to divide A and B block PCS licenses in an unlawful territorial allocation in violation of the antitrust laws. Petitioners contended that the distribution of licenses in the top markets indicated a pattern of collusion by these carriers to ''dominate the wireless telephone industry, both PCS and cellular.''

3. The Bureau dismissed the Petition to Deny. First, the Bureau concluded that Petitioners had failed to demonstrate standing under Section 309(d)(1) of the Communications Act and applicable Commission precedent. Then, treating the petition as an informal objection, the Bureau further held that Petitioners had failed to show that a grant of the A and B block licenses would be inconsistent with the public interest. It rejected Petitioners' contention that the Commission had failed to comply with 47 U.S.C. § 309(j) and deemed that contention ''a belated attempt to revisit the Commission's auction rules for licensing of the A and B blocks.'' The Bureau also rejected Petitioners' argument that the major bidders colluded to allocate territory among themselves.

III. Contentions of the Parties

4. Petitioners present the same contentions before the Commission that were previously rejected by the Bureau. They allege that the Commission has failed to comply with its statutory mandate to provide adequate opportunities for minorities to bid for PCS licenses. Petitioners also repeat their allegation that the Commission ''appears to have allowed the dominant carriers to divide the PCS licenses in an unlawful territorial allocation.'' Petitioners further dispute the Bureau's conclusion that Petitioners' lacked standing to raise the issues presented in its Petition to Deny.

5. In opposition, Western PCS Corporation (''Western'') alleges that Petitioners' Application for Review is procedurally defective because it does not specify the factors that warrant Commission review. Further, Wirelessco, L.P. and Phillieco, L.P. argue that Petitioners lacked standing. Several parties asserted that Petitioner's petition claimed no acts of misconduct by them and that the petition should, therefore, not affect their license grant. Pacific Telesis Mobile Services (''Pacific Telesis'') accuses Petitioners of improperly seeking reconsideration of prior rulemaking proceedings. Pacific Telesis also argues that the Commission fully complied with its statutory mandate by providing for the rapid deployment of services without undue administrative delay. Finally, several parties contend that the Bureau properly rejected Petitioners' claims of collusion.

IV. Discussion

6. We agree with Western that Petitioners' Application for Review is procedurally defective and must be dismissed. Section 1.115(b)(2) of the Commission's rules, 47 CFR § 1.115(b)(2), requires Applications for Review to: Specify with particularity, from among the following, the factors which warrant Commission consideration of the questions presented:

(i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.

(ii) The action involves a question of law or policy which has not previously been resolved by the Commission.

(iii) The action involves application of precedent or policy which should be overturned or revised.

(iv) An erroneous finding as to an important or material question of fact.

(v) Prejudicial procedural error. Petitioners' pleading is defective because it fails to ''specify with particularity'' any of the above subsections as grounds for granting its Application for Review. See Chapman S. Root Revocable Trust, 8 FCC Rcd 4223, 4224 (1993). (''Chapman''). The Commission held in Chapman that a party that fails to identify one of the above factors in support of an application for review will have its application dismissed. Accordingly, we are dismissing Petitioners' Application for Review because it does not comply with 47 CFR § 1.115(b)(2). Although we are dismissing Petitioners' pleading, we briefly will address the issues raised therein.

7. The Bureau held that Petitioners lacked standing to challenge the A and B Block licensees on a blanket basis as it seeks to do here. We agree. To establish standing to file a petition to deny, the petitioners must allege sufficient facts to demonstrate that grant of the subject application would cause them to suffer a direct injury. AmericaTel Corporation, 9 FCC Rcd 3993, 3995 (1994) (citing Sierra Club v. Morton, 405 U.S. 727, 733 (1972)). The premise of Petitioners' standing argument is that the award of licenses to the A and B block applicants threatens their interests (or those of their members) as potential C block licensees as well as the interests of the public. We find, as did the Bureau, that these allegations are too contingent and speculative to support the required finding of a direct injury causally linked to the challenged action. First, there is no certainty that Petitioners or any of their members will in fact participate in the C block auction or that they will win licenses if they do. Both of these events must occur for any injury to even be possible. Second, we have previously held that the mere fact that a petitioner has applied to be a licensee in the same service does not confer standing. See Pittsburgh Partners, L.P., 10 FCC Rcd 2715 (1994), para. 4 (mere status as applicant in one proceeding in the FM broadcast service does not confer

standing as a party in interest in another proceeding in the FM broadcast service); WIBF Broadcasting, 17 FCC 2d 876, 877 (1969) (same).

8. In their Application for Review, Petitioners rely on the holding in United Church of Christ v. FCC, 359 F.2d 994, 1005 (D.C. Cir. 1966) (''UCC''). for the proposition that they have standing as representatives of the public interest. As Pacific Telesis points out, in UCC there were specific allegations by the party filing the petition to deny that the broadcast station in question was ignoring the needs of a major segment of the listening audience. In this case, Petitioners make no allegations and no party has submitted any evidence that the A and B block licensees will fail to provide adequate service to any segment of the population. Petitioners' major complaint appears to be that they would have preferred entities other than the successful bidders to have received the A and B block licenses. This is not sufficient to support a petition to deny. Petitioners fail to demonstrate how they will be harmed, either as consumers or potential bidders, by the granting of licenses to the A and B block winners. Accordingly, we conclude, as did the Bureau, that Petitioners have not alleged sufficient facts in this case to demonstrate that it has standing to challenge the A and B block licenses. We agree with the Bureau that a potential PCS bidder could allege facts sufficient to establish standing to challenge another PCS application by showing that grant of that application would cause them demonstrable injury. See A & B Block Order at 5.

9. Petitioners repeat the argument previously made to the Bureau that the Commission failed to adopt specific provisions in the A and B block auction, which Petitioners contend is a violation of Section 309(j) of the Act. Pacific Telesis points out in opposition that Petitioners fail to address the Bureau's holding that this argument constitutes an untimely petition for reconsideration of the Commission's broadband PCS auction rules rather than a valid basis for a petition to deny. We agree. The Bureau properly concluded that the purpose of the petition to deny process is to assess challenges to applicants' qualifications to be Commission licensees. Petitioners' statutory argument does not address licensee qualifications, however, but challenges the structure of the A and B block auction itself. We agree with the Bureau that Petitioners' argument was not a valid petition to deny, but was instead a belated attempt to revisit the Commission's auction rules for licensing of the A and B blocks. In the Fifth Report and Order in Docket No. 93–253, 59 FR 37566 (July 22, 1994), the Commission decided against making special provisions for designated entities on the A and B blocks. We determined that this approach fully complied with Section 309(j) and affirmed this conclusion on reconsideration more than ten months before Petitioners filed their petition. Petitioners' attempt to challenge the rules again through the petition to deny process is therefore untimely and procedurally improper.

10. Petitioners also reiterate their allegation that the dominant carriers have divided the PCS licenses in an unlawful territorial allocation. We agree with the Bureau that Petitioners have failed to provide evidence supporting this allegation or otherwise to demonstrate that a grant of the A and B block applications would be inconsistent with the public interest. Under Section 309(d)(1) of the Communications Act, 47 U.S.C. § 309 (d)(1), parties filing a petition to deny must make specific allegations of fact sufficient to show that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Except where official notice may be taken, such allegations must be supported by affidavits of persons with personal knowledge of the facts alleged. Section 309(d)(2) states that if the pleadings and affidavits fail to raise substantial and material questions of fact and the Commission concludes that grant of the application would be in the public interest, the Commission shall deny the petition. 47 U.S.C. § 309(d)(2).

11. In support of their claim of territorial allocation both before the Bureau and now before the Commission, Petitioners allege only that three companies—AT&T Wireless PCS, PCS Primeco, and WirelessCo—won 61% of the A and B block licenses. Petitioners suggest that this constitutes ''circumstantial evidence'' that is not only enough to support a petition to deny, but ''a jury verdict finding a conspiracy which violates antitrust laws.'' A petition to deny must ''contain specific allegations of fact sufficient to show * * * that a grant of the application would be prima facie inconsistent with [the public interest].'' Where the Commission finds that such a showing has not been made, it may refuse the petition to deny on the basis of ''a concise statement of the reasons for denying the petition, which statement shall dispose of all substantial issues raised by the petition.'' In this instance, we find that petitioners' allegation of territorial allocation does not constitute a showing that the grant to the A and B block winners was prima facie inconsistent with the public interest. We agree with the Bureau that Petitioners have failed to raise a substantial or material question of fact based on these allegations. First, Petitioners offer no grounds for denying the applications of the fifteen auction winners other than AT&T, PCS Primeco, and WirelessCo. Second, with respect to these latter three applicants, Petitioners fail to provide any factual evidence of collusion. Contrary to Petitioners' contention that the Bureau improperly required a ''smoking gun,'' we agree with the Bureau's conclusion that Petitioners must provide a modicum of a factual showing that collusion occurred—particularly in an auction that lasted over three months and resulted in aggregate winning bids of nearly $8 billion by 18 different parties. Petitioners introduce no evidence showing that AT&T, PCS Primeco, WirelessCo, or any other A or B block winner has violated any of the Commission's rules, including the collusion rules or the rules regarding aggregation of PCS spectrum. We also agree with Western that the bidding patterns were determined to a large degree by the desire of individual applicants to acquire national wireless footprints and/or to acquire markets complementing their existing telecommunications holdings. We therefore find Petitioners' allegation of collusion to be without merit.

V. Conclusion

12. For the reasons discussed above, we are dismissing Petitioners' Application for Review for failure to comply with Section 1.115(b)(2) of our rules. Although our action renders further discussion unnecessary, we agree with the Bureau's disposition of the issues Petitioners raised in their original Petition to Deny.

V. Ordering Clause

13. Accordingly, it is ordered pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.115(b)(2) of the Commission's Rules, 47 CFR § 1.115(b)(2), that the Application for Review filed by Petitioners on July 21, 1995, is denied.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–10615 Filed 5–01–96; 8:45 am]

BILLING CODE 6712–01–P