

105TH CONGRESS
1ST SESSION

H. R. 2901

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. McDADE (for himself, Mr. KLUG, and Ms. ESHOO) 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 (b), the Commission shall—

8 (1) reinstate each applicant as a tentative se-
9 lectees under the covered rural service area licensing
10 proceeding; and

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

7 (b) PROCEEDING.—The proceeding described in this
8 subsection is the proceeding of the Commission In re Ap-
9 plications of Cellwave Telephone Services L.P.,
10 Futurewave General Partners L.P., and Great Western
11 Cellular Partners, 7 FCC Red No. 19 (1992).

12 **SEC. 2. CONTINUATION OF LICENSE PROCEEDING.**

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

17 (b) SERVICE REQUIREMENTS.—The Commission
18 shall provide that, as a condition of an applicant receiving
19 a license pursuant to the covered rural service area licens-
20 ing proceeding, the applicant shall provide cellular radio-
21 telephone service to subscribers in accordance with sec-
22 tions 22.946 and 22.947 of the Commission's rules (47
23 CFR 22.946, 22.947).

24 (c) AUCTION AUTHORITY.—If, after the amendment
25 of an application pursuant to section 1(a)(2) of this Act,

1 the Commission finds that the applicant is ineligible for
2 grant of a license to provide cellular radiotelephone serv-
3 ices for a rural service area or the applicant does not meet
4 the requirements under subsection (b) of this section, the
5 Commission shall grant the license for which the applicant
6 is the tentative selectee (pursuant to section 1(a)(1)) by
7 competitive bidding pursuant to section 309(j) of the Com-
8 munications Act of 1934 (47 U.S.C. 309(j)).

9 **SEC. 3. PROHIBITION OF TRANSFER.**

10 During the 3-year period that begins on the date that
11 an applicant is granted any license pursuant to section 1,
12 the Commission may not authorize the transfer or assign-
13 ment of that license under section 310 of the Communica-
14 tions Act of 1934 (47 U.S.C. 310). Nothing in this Act
15 may be construed to prohibit any applicant granted a li-
16 cense pursuant to section 1 from contracting with other
17 licensees to improve cellular telephone service.

18 **SEC. 4. DEFINITIONS.**

19 For the purposes of this Act, the following definitions
20 shall apply:

21 (1) **APPLICANT.**—The term “applicant”
22 means—

23 (A) Great Western Cellular Partners, a
24 California general partnership chosen by the

1 Commission as tentative selectee for RSA #492
2 on May 4, 1989;

3 (B) Monroe Telephone Services L.P., a
4 Delaware limited partnership chosen by the
5 Commission as tentative selectee for RSA #370
6 on August 24, 1989 (formerly Cellwave Tele-
7 phone Services L.P.); and

8 (C) FutureWave General Partners L.P., a
9 Delaware limited partnership chosen by the
10 Commission as tentative selectee for RSA #615
11 on May 25, 1990.

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

14 (3) COVERED RURAL SERVICE AREA LICENSING
15 PROCEEDING.—The term “covered rural service area
16 licensing proceeding” means the proceeding of the
17 Commission for the grant of cellular radiotelephone
18 licenses for rural service areas #492 (Minnesota
19 11), #370 (Florida 11), and #615 (Pennsylvania
20 4).

21 (4) TENTATIVE SELECTEE.—The term “ten-
22 tative selectee” means a party that has been selected
23 by the Commission under a licensing proceeding for
24 grant of a license, but has not yet been granted the
25 license because the Commission has not yet deter-

- 1 mined whether the party is qualified under the Com-
- 2 mission's rules for grant of the license.

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