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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:	)	
	)	
Amendment of the Commission's Rules Regarding the 37.0 - 38.6 GHz and 38.6 - 40.0 GHz Bands	)	ET Docket No. 95-183 RM-8553
	)	
Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz Bands	)	PP Docket No. 93-253

To: The Commission

MOTION TO ACCEPT LATE-FILED SUBMISSION

Cambridge Partners, Inc., AA&T Wireless Services, Stevan A. Birnbaum, Linda Chester, HiCap Networks, Inc., Paul R. Likins, William R. Lonergan, PIW Development Corporation, Cornelius T. Ryan, SMC Associates, Southfield Communications LLC, Video Communications Corporation, and Wireless Telco ("Movants"), by their undersigned counsel, hereby respectfully move for leave to file one business day late their Application For Review ("Movants' Application") relating to the November 23, 1999 Order issued in the above-captioned proceeding.[1/] As shown below, there is good cause for the brief delay in the formal filing of Movants' Application, and grant of the instant motion will serve the public interest, convenience, and necessity.

[1/] See Order, ET Docket No. 95-183 & Docket No. PP 93-253, DA 99-2632 (released November 23, 1999).

No. of Copies rec'd 0+4
List A B C D E

As attested to in the attached Declaration of Shannon L. Riley, undersigned counsel's Administrative Assistant, Ms. Riley tendered the Movants' Application filing package to a driver representative of the firm's regular professional courier service (the "Courier Service") at 4:30 p.m. on December 23, 1999. Based on all previous experience, this allowed more than ample time for a normal delivery to the Commission's Office of the Secretary by the 7 p.m. filing deadline. After tendering the filing package to the Courier Service, Ms. Riley timely mailed via first-class postage prepaid all service and courtesy copies of Movants' Application from the White Flint Station United States Post Office located at Rockville, MD.

Unfortunately, due to a combination of unforeseen factors that were clearly beyond the control of Movants and undersigned counsel, the Courier Service was unable deliver the filing package to the Commission's offices by the 7 p.m. deadline. As attested to in the attached Declaration of Dennis Lee, the Courier Service driver, on his way to the FCC, his vehicle suffered a mechanical breakdown. He was subsequently unable to reach his dispatcher via his company-supplied two-way radio, or any other means, to report the problem or to arrange for an alternate delivery scheme to meet the 7 p.m. filing deadline.

As a result, the Courier Service failed to complete delivery of Movants' Application in a timely fashion. Undersigned counsel was not made aware of this situation until 7:30 p.m. December 23, 1999, after the closing of the Commission's offices for the extended Christmas holiday weekend. The filing package was subsequently returned to undersigned counsel's offices at 9:08 a.m. the following morning. The instant Motion is hereby tendered along with

the original formal filing copy of Movants' Application on the first business day following the failed delivery attempt.

No prejudice to any party will result from the brief one business day delay in the formal submission and acceptance for filing of Movants' Application. Because the service and courtesy copies of Movants' Application were timely mailed, there is no resulting material delay in the availability of the pleading to any interested party, including the relevant decision-making personnel at the Commission. Additionally, due to the intervening extended holiday weekend, it appears highly unlikely that any related action by the Commission has otherwise been delayed or adversely affected.

Absent grant of the instant motion and formal inclusion of Movants' Application in the Commission's official record of the above-captioned proceeding, Movants' would be unduly prejudiced. Furthermore, the Commission and interested third parties would not have the opportunity to adequately and fully consider the substantive and procedural issues dealt with in Movants' Application.

Wherefore, there is good cause shown, and grant of the instant motion will serve the public interest, convenience, and necessity.

Respectfully submitted,

CAMBRIDGE PARTNERS, INC.

AA&T WIRELESS SERVICES

STEVAN A. BIRNBAUM

LINDA CHESTER

HICAP NETWORKS, INC.

PAUL R. LIKINS

WILLIAM R. LONERGAN

PIW DEVELOPMENT CORPORATION

CORNELIUS T. RYAN

SMC ASSOCIATES

SOUTHFIELD COMMUNICATIONS LLC

VIDEO COMMUNICATIONS CORPORATION

WIRELESS TELCO

By: Walter H. Sonnenfeldt /SUR
Walter H. Sonnenfeldt

Walter Sonnenfeldt & Associates
4904 Ertter Drive
Rockville, Maryland 20852
(301) 770-3299

Counsel to the Movants

December 27, 1999

Declaration of Shannon L. Riley

Shannon L. Riley, based on her personal knowledge, except where otherwise indicated, states as follows:

1. This Declaration is submitted in support of the accompanying December 27, 1999 "Motion to Accept Late-Filed Submission" in the Federal Communications Commission ("FCC") matter relating to "November 23, 1999 Order in ET Docket No. 95-183 & Docket No. PP 93-253, DA 99-2632" (referred to hereinafter as the "Motion").

2. I am over twenty-one years of age and have been a legal secretary since 1988.

3. I have been an Administrative Assistant in the offices of Walter Sonnenfeldt & Assoicates since November 1998.

4. The statements set forth in the Motion relating to the preparation and pickup of the "FCC filing package" from the offices of Walter Sonnenfeldt & Associates for transport to and filing at the FCC Office of the Secretary, 445 12th Street, S.W., Washington, D.C., on December 23, 1999, are true and correct to the best of my knowledge and belief.

5. On December 23, 1999, I prepared an Application for Review package (the "FCC filing package") to be filed with the Federal Communications Commission in ET Docket No. 95-183 and PP Docket No. 93-253.

6. At 3:08 p.m. on December 23, 1999, I contacted Call-A-Courier to have the FCC filing picked up and delivered to the Federal Communications Commission at 445 12th Street, S.W., Washington, D.C. At 4:30 p.m., the courier picked up the FCC filing package from our offices. At approximately 4:50 p.m., I closed up the office to go to the U.S. Post Office to mail the service copies relating to the FCC filing package. At approximately 8:30 p.m. I was contacted by Walter Sonnenfeldt who asked if I could go into the office on Friday, December 24, 1999 to check and see if our date-stamped copies had been returned. Upon my arrival at the office at approximately 9:50 a.m., I found that the FCC filing package had been returned to our offices. I could readily determine that the FCC filing package had not been filed, as there was no proof of filing stamp, and all filing copies were returned.

I declare under the penalties of perjury that the foregoing is true and correct.

Shannon L. Riley

Executed on December 27, 1999 at
Rockville, MD

Declaration of Dennis Lee

Dennis Lee, based on his personal knowledge, except where otherwise indicated, states as follows:

1. This Declaration is submitted in support of the accompanying December 27, 1999 "Motion to Accept Late-Filed Submission" in the Federal Communications Commission ("FCC") matter relating to "November 23, 1999 Order in ET Docket No. 95-183 & Docket No. PP 93-253, DA 99-2632" (referred to hereinafter as the "Motion").

2. I am over twenty-one years of age, and I am a contract delivery driver for Call-A-Courier, Inc.

3. The statements set forth in the Motion relating to the pickup of the "FCC filing package" from the offices of Walter Sonnenfeldt & Associates for transport to and filing at the FCC, and otherwise relating to my unsuccessful attempt to deliver and file the FCC filing package at the FCC Office of the Secretary, 445 12th Street, S.W., Washington, D.C., on December 23, 1999, are true and correct to the best of my knowledge and belief.

4. I picked up the FCC filing package from Ms. Shannon L. Riley at the offices of Walter Sonnenfeldt & Associates at 4:30 p.m. on December 23, 1999.

5. My vehicle subsequently suffered a mechanical breakdown on the way to the FCC.

6. I was unable to contact the Call-A-Courier dispatcher by the company-supplied two-way radio to report the breakdown. I had no other means to contact the dispatcher from my vehicle, and was unable to leave my vehicle to report the breakdown.

7. By the time I was able to remedy the breakdown, it was too late to deliver the FCC filing package to the FCC's offices by the 7 p.m. closure of the FCC filing facility.

8. I returned the unfiled FCC filing package to the offices of Walter Sonnenfeldt & Associates at 9:08 a.m. on the morning of December 24, 1999.

I declare under the penalties of perjury that the foregoing is true and correct.

Dennis E Lee

Dennis Lee

Executed on December 27, 1999 at
Rockville, MD

CERTIFICATE OF SERVICE

I, Shannon L. Riley, hereby certify that on the 27th day of December, 1999, true and correct copies of the foregoing "Motion to Accept Late-Filed Submissions Re: ET Docket 95-183; PP Docket 93-253 (DA 99-2632)" were mailed, first-class postage prepaid, to the following:

Chairman William E. Kennard
Federal Communications Commission
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

Christopher J. Wright
General Counsel
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Kathleen O'Brien Ham, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Third Floor
Washington, D.C. 20554

Shannon L. Riley