

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

In Re the Application of:	)	
	)	
K59FL, INC. d/b/a	)	
Worldwide STAR Corporation	)	
Attn.: James Edwin Whedbee	)	
Post Office Box No. 901400	)	
Kansas City, MO 64190-1400	)	File No. 5643-EX-PL-97
	)	
Applicant,	)	
	)	
For Station License in the	)	
Experimental Radio Service.	)	

PETITION FOR RECONSIDERATION

To Chief Paul L. Marrangoni,
Experimental Licensing Branch:

COMES NOW the Petitioner and Applicant, K59FL, INC. d/b/a Worldwide STAR Corporation ("Worldwide"), by and through its undersigned agent and corporate representative, James Edwin Whedbee, who pursuant to Section 1.101, et seq, of Chapter One and Title 47 of the Code of Federal Regulations [47 C.F.R., Ch. I, § 1.101, et seq.], respectfully petitions and moves the reconsideration of the Federal Communications Commission returning Worldwide's application for station authorization in the experimental radio service on March 26, 1997, for the reasons stated hereinafter.

1. In its action on March 26, 1997, returning Worldwide's application, the Commission states as its reasons therefor: "The frequency bands above 300 GHz are not allocated and experimentation on 447.76119 THz does not require a license from the Federal Communications Commission at this time..."

2. Responding, Worldwide states that, pursuant to 47 U.S.C. §151,

the Federal Communications Commission is the appropriate regulatory agency for all interstate communications, and therefore, has jurisdiction to consider and grant Worlwide's application.

3. Further responding, Worldwide states that, pursuant to Section 2.102(b)(3) of the Commission's rules [47 C.F.R., Ch. I, §2.101(b)(3)], the Commission's assignment of frequencies for the experimental radio services must merely comply with the following requirement: "Experimental stations pursuant to Part 5, may be authorized the use of **any frequency or frequency band** not exclusively allocated to the passive services..." In its response returning Worldwide's application, the Commission states the frequency bands above 300 GHz are **not allocated**, which means that these are not exclusive allocated to the passive services, and therefore, are eligible for for use by the experimental services. The use of the words "any frequency or frequency band" seems to preclude the argument that because the bands above 300 GHz are not allocated that a license not be granted for stations in the experimental service.

4. Further responding, Worldwide states that just because a license is not required is not, in and of itself, reason not to grant a license when applied for properly by an eligible applicant; i.e.: the lack of requirement does not preclude meeting that requirement.

5. Further responding, Worldwide states that its application was substantially complete in all material respects, that its application was accompanied by an appropriate fee, and Worlwide is eligible for the license, despite the fact that the license itself may not be required. Moreover, the Commission may not deny a license merely because it is not required, when one is available for grant.

6. Further responding, Worldwide notes that in the Commission's Table of Frequency Allocations, in column #6, the bands above 300 GHz are

allotted to the Amateur Radio Service; however, in that Worldwide is not a natural person, but a corporation, it cannot be granted an amateur radio station license, and therefore, the experimental radio service authorization applied for is the most appropriate one.

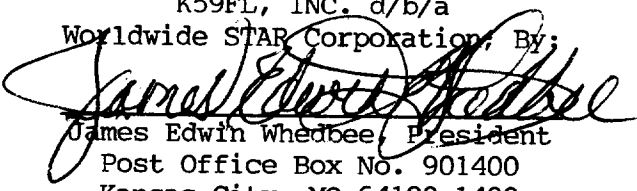
7. For each of the foregoing reasons, and those apparent herefrom, Worldwide believes the reasons cited by the Commission in returning the application of Worldwide are arbitrary, capricious, erroneous, and with respect to interstate commerce by way of telecommunications, mistaken in both fact and in law, and should therefore be reconsidered with a view towards granting the application for station authorization in the experimental radio service.

WHEREFORE, Worldwide respectfully requests the Commission vacate its original action returning Worldwide's application, reconsider said application, and absent a factual or legal reason not to grant a station authorization, that such station authorization forthwith issue as requested.

WHEREFORE AGAIN, Worldwide respectfully prays the Commission's expeditious reconsideration of this pending issue, and its grant of the authorization applied for in accordance with the regulations hereinabove.

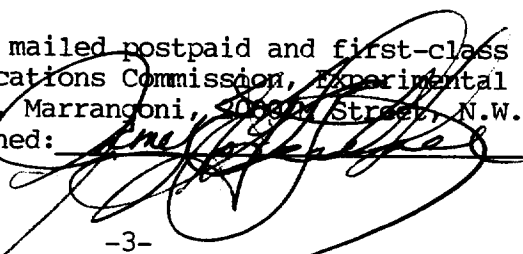
Respectfully Submitted:

K59FL, INC. d/b/a
Worldwide STAR Corporation. By:


James Edwin Whedbee, President

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(816) 386-5596

PETITIONER & APPLICANT.

This 2nd day of April, 1997, mailed postpaid and first-class by the undersigned, to: Federal Communications Commission, Experimental Licensing Branch, Attn.: Chief, Paul L. Marrangoni, 4050 M Street, N.W., Suite 230, Washington, D.C. 20554. Signed: , J.E. Whedbee.