

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

<b>In the Matter of</b>	)	
	)	
<b>PetroCom License Corporation</b>	)	
<b>Petition for Declaratory Ruling</b>	)	<b>ULS Application File No. 0004011925</b>
<b>Pursuant to Section 310(b)(4) of the</b>	)	
<b>Communications Act of 1934</b>	)	
	)	

**PETITION FOR DECLARATORY RULING**

PetroCom License Corporation (“PetroCom”) through its undersigned counsel and pursuant to Section 1.2 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>1/</sup> hereby petitions the Commission for a declaratory ruling under Section 310(b)(4) of the Communications Act of 1934, as amended (the “Act”).<sup>2/</sup> PetroCom requests that the FCC extend its previous rulings,<sup>3/</sup> in which the Commission found it in the public interest to permit indirect foreign voting interests in PetroCom in excess of the 25 percent benchmark set forth in Section 310(b)(4) of the Act, to its licensing of spectrum in the 3.65 GHz band.<sup>4/</sup> Specifically, PetroCom seeks a ruling that, because the previous conditions and foreign ownership levels remain the same as when the Commission granted a Petition for Declaratory Ruling relating to Section 310(b)(4) in the recent past, and there are no unique rules or relevant

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<sup>1/</sup> 47 C.F.R. § 1.2.

<sup>2/</sup> 47 U.S.C. § 310(b)(4).

<sup>3/</sup> See FCC Public Notice, *International Authorizations Granted*, Report No. TEL-01102, DA 07-9 (2007) (granting both a Petition for Declaratory Ruling, ISP-PDR-20060919-00012 (“*Petition*”), and an Amendment to the Petition, ISP-AMD-20061116-00016, requesting that any Section 310(b)(4) ruling issued by the FCC in connection with the Petition also encompass PetroCom’s ability to acquire and hold Advanced Wireless Services licenses in addition to licenses in the radio services identified in the Petition as originally filed.).

<sup>4/</sup> See ULS Application File No. 0004011925 (filed Oct. 29, 2009).

foreign ownership limitations involving the 3.65 GHz band, the licensing of 3.65 GHz spectrum by PetroCom does not harm the public interest and should likewise be granted.

## DISCUSSION

The Commission previously granted a Petition for Declaratory Ruling holding that it was in the public interest to permit indirect voting interests in PetroCom in excess of the 25 percent statutory benchmark.<sup>5/</sup> That request and its amendment were filed in 2006 in connection with applications for consent to transfer control of Cellular Radiotelephone, 800 MHz Specialized Mobile Radio (“SMR”), Advanced Wireless Service (“AWS”) licenses;<sup>6/</sup> Domestic Fixed Satellite transmit/receive earth station licenses;<sup>7/</sup> and Very Small Aperture Terminal (“VSAT”) licenses.<sup>8/</sup> However, the Commission has stated that if the scope of any prior declaratory ruling did not cover new spectrum for which a licensee seeks authorization, a supplemental ruling is required.<sup>9/</sup>

PetroCom now seeks nationwide authorization for operations in the 3.65 GHz band (and will ultimately submit requests for site registrations, consistent with the rules governing the 3.65 GHz service). Accordingly, it requires a supplemental ruling covering this service. The facts underlying PetroCom’s 2006 request for declaratory ruling remain the same. Accordingly, the Commission should extend the previous grant of authority to apply to its current application for 3.65 GHz spectrum. PetroCom could not have sought approval for 3.65 GHz operations at the time of its earlier Petition for Declaratory Ruling, because the Commission did not begin

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<sup>5/</sup> See *supra* note 3.

<sup>6/</sup> See FCC ULS Application File No. 0002734993 (filed Sept. 19, 2006, amended Jan. 4, 2007).

<sup>7/</sup> See FCC IBFS File No. SES-T/C-20060920-01757 (filed Sept. 19, 2006).

<sup>8/</sup> See FCC IBFS File No. SES-T/C-20060920-01758 (filed Sept. 19, 2006).

<sup>9/</sup> See *Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets*, WT Docket No. 00-230, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 19 FCC Rcd 17503, 17514-15 ¶ 21 (2004).

accepting applications for nationwide 3.65 GHz licenses until November 15, 2007,<sup>10/</sup> after PetroCom's prior request.

## CONCLUSION

Because grant of this petition will continue to serve the public interest and enable PetroCom to continue its business operations in providing communications services, project management, engineering, and network management services in the Gulf of Mexico and along the Gulf Coast region, PetroCom respectfully asks that Commission grant this petition.

Respectfully submitted,

### **PetroCom License Corporation**

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<sup>10/</sup> See *Wireless Telecommunications Bureau Announces Start Date for Licensing and Registration Process for the 3650-3700 MHz Band*, Et Docket No. 04-151, WT Docket No. 05-96, Public Notice, 22 FCC Rcd 19802 (2007) (announcing November 15, 2007 as the start date for filing applications for nationwide non-exclusive licenses in the 3.65 GHz band). See also *Operations in the 3650-3700 MHz Band, Rules for Wireless Broadband Services in the 3650-3700 MHz Band, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket No. 04-151, WT Docket No. 05-96, ET Docket No. 02-380, Memorandum Opinion and Order, 22 FCC Rcd 10421 (2007) (upholding an earlier decision on non-exclusive licensing of broadband wireless services in the 3.65 GHz band).