

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Chadmoore Communications, Inc.)	File No. 96F072
)	
Finder's Preference Request)	
For Station WPDF397)	
Licensed to Nextel License Holdings 3, Inc.)	
at Mountain Home, Arkansas)	

MEMORANDUM OPINION AND ORDER

Adopted: July 21, 2000

Released: July 24, 2000

By the Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On September 23, 1999, Nextel License Holdings 3, Inc. (Nextel), a subsidiary of Nextel Communications, Inc., and the current licensee of Station WPDF397 (Mountain Home License), filed a petition for reconsideration (Petition)¹ of a decision by the Wireless Telecommunications Bureau's Commercial Wireless Division (Division) awarding a finder's preference against Station WPDF397 to Chadmoore Communications, Inc. (Chadmoore).² For the reasons discussed below, we grant Nextel's petition for reconsideration and reinstate the license for Station WPDF397, except for frequencies 861-862.8625 and 861-865.8875 MHz.

2. On November 9, 1993, Dial Call of Arkansas, Inc. (Dial Call), Nextel's predecessor-in-interest, was granted a license for Station WPDF397 for the following seven frequencies: 861.8625, 862.8625, 861.8875, 862.8875, 863.8875, 864.8875, and 865.8875 MHz. Additional channels were granted to Station WPDF397 on October 31, 1995, as part of a wide-area proposal (File No. 9407675369).³ On November 22, 1995, Chadmoore filed a finder's preference request against the original seven frequencies of Station WPDF397 alleging that the licensee was in violation of 47 C.F.R. § 90.631 because Station WPDF397 was not constructed. On September 10, 1999, the Division's Policy and Rules Branch awarded the finder's preference request to Chadmoore and cancelled the license for Station WPDF397.

3. In its Petition, Nextel does not seek reconsideration of the Office of Operation's decision to award Chadmoore the seven targeted channels. Rather, Nextel seeks to clarify that we should have

¹ Petition for Reconsideration filed September 23, 1999 (Petition).

² See Letter from William K. Kellett, Esq., Commercial Wireless Division, Policy and Rules Branch, to Marjorie K. Conner, Esq., dated September 10, 1999 (Decision).

³ On April 14, 1998, Dial Call filed a *pro forma* assignment of license application with the Commission. That application assigned numerous licenses, including the license for Station WPDF397, to Nextel. According to Nextel, Station WPDF397 contains 186 channels, including the seven targeted by Chadmoore.

cancelled only the seven channels targeted in the finder's preference request against Station WPDF397 and not the entire license.⁴

4. Chadmoore does not oppose Nextel's petition.⁵ We agree that only the seven frequencies listed in the finder's preference request should be cancelled and awarded to Chadmoore pursuant to the finder's preference request. Therefore, we reinstate the license for Station WPDF397, except for frequencies 861.8625, 862.8625, 861.8875, 862.8875, 863.8875, 864.8875, and 865.8875 MHz.

Ordering Clauses

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 405, and sections 0.331 and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.331 and 1.106, the Petition for Reconsideration filed by Nextel is GRANTED.

5. IT IS FURTHER ORDERED that Chadmoore has 90 days from the date of this Order to file an application with the Commission for frequencies: 861.8625, 862.8625, 861.8875, 862.8875, 863.8875, 864.8875, and 865.8875 MHz. If the target licensee files an application for review of this order, the filing of an application WILL BE TOLLED.

6. IT IS FURTHER ORDERED that the license for Station WPDF397 shall be REINSTATED except for the following frequencies: 861.8625, 862.8625, 861.8875, 862.8875, 863.8875, 864.8875, and 865.8875 MHz.

FEDERAL COMMUNICATIONS COMMISSION



William W. Kunze
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Wireless Telecommunications Bureau

⁴ Petition at 2.

⁵ Chadmoore Response to Petition for Reconsideration or Clarification, filed October 1, 1999.