

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

In the Matter of)
)
Interactive Wireless Access, Inc.)
)
Application for Authorization for Temporary Use)
218-219 MHz Service Frequencies in Norwalk,)
Connecticut)

ORDER

Adopted: August 4, 2000

Released: August 7, 2000

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. In this *Order*, we grant a request by Interactive Wireless Access, Inc. (Interactive) to dismiss its application for authority to use frequencies in the 218-219 MHz Service on a temporary, experimental basis.¹ On April 6, 2000, Interactive requested authority to use frequency block “A” of the 218-219 MHz Service in the Norwalk, Connecticut, market to operate a private radio system using automated utility meter reading technology until such time as the Commission grants a license for that frequency block.² On May 31, 2000, we released a *Public Notice* seeking comment on Interactive’s application.³ By letter dated July 17, 2000, Interactive indicated that it had changed its business plan such that it no longer desired use of the 218-219 MHz frequencies, and requested that we dismiss its application.⁴

¹ Letter from Paul H. Brown, counsel for Interactive Wireless Access, Inc., to D’wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, dated July 17, 2000 (Dismissal Request).

² Interactive Wireless Access, Inc., Application for License in the 218-219 MHz Service, Norwalk, Connecticut (filed April 6, 2000). The 218-219 MHz Service is a short-distance communications service that allows one- and/or two-way communications for both common carrier and private operations on a fixed or mobile basis, and is allocated by two equal-sized frequency blocks in each of 306 Metropolitan Statistical Areas (MSAs) and 428 Rural Service Areas (RSAs). See Amendment of Part 95 of the Commission’s Rules to Provide Regulatory Flexibility in the 218-219 MHz Service, WT Docket No. 98-169, *Report and Order and Memorandum Opinion and Order*, 15 FCC Rcd 1497 (1999). The frequencies subject to Interactive’s application – the 218.0-218.5 MHz frequency block in Market M042, the Bridgeport-Stanford-Norwalk-Danbury MSA – are currently unlicensed. See Interactive Video and Data Service February 18, 1997, Bidder Information Package at 13 (listing Market M042, frequency block “A” as a defaulted license available for auction).

³ Wireless Telecommunications Bureau Seeks Comment on Application of Interactive Wireless Access, Inc., for Temporary Use of 218-219 MHz Service Frequencies in Norwalk, Connecticut, *Public Notice*, DA 00-1189 (WTB PSPWD rel. May 31, 2000). We received comments from Interactive and both comments and reply comments from Loli, Inc. (Loli).

⁴ Dismissal Request at 1.

2. Under Section 1.934(a)(1)(ii) of the Commission's Rules,⁵ we will dismiss an application without prejudice upon request of the applicant unless the application has been designated for comparative hearing or is one for which the applicant submitted a winning bid in a competitive bidding process. Because neither of these conditions applies to the subject request, we grant Interactive's request and dismiss its application without prejudice.⁶

3. Accordingly, IT IS ORDERED that, pursuant to Section 1.934 of the Commission's Rules, 47 C.F.R. § 1.934, the application of Interactive Wireless Access, Inc. to use frequency block "A" of Market M034 in the 218-219 MHz Service IS DISMISSED without prejudice.

4. This action is taken pursuant to delegated authority granted under the provisions of Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁵ 47 C.F.R. § 1.934(a)(1)(ii).

⁶ In its comments and reply comments, Loli requested that we deny Interactive's application on the basis that Interactive did not comply with the Commission's filing requirements and that its application fails to provide the necessary legal and technical showings to allow the Commission to grant a radio authorization. Because we are dismissing Interactive's application at Interactive's request pursuant to Section 1.934 of the Commission's Rules, we do not reach the issues Loli raises.