

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

In re Application of)	
)	
SDC CELLULAR PARTNERSHIP)	
)	File No. 10097-CL-P-51-A-94
For Phase I Unserved Area Authorization)	
in the Cellular Radiotelephone Service)	
Market 51A - Jacksonville, Florida)	

ORDER

Adopted: February 23, 2000

Released: February 24, 2000

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. We have before us an application for a cellular Phase I unserved area authorization in the Jacksonville, Florida Metropolitan Service Area, Market No. 51A (Jacksonville MSA), filed by SDC Cellular Partnership (SDC) on March 10, 1993 and a Petition to Deny (Petition) this application filed by Jacksonville Cellular Telephone Company (Jacksonville Cellular) on March 16, 1995.¹ Jacksonville Cellular is the channel Block A licensee in the Jacksonville MSA. Jacksonville Cellular claims that SDC's application should be dismissed because SDC's proposed cell coverage includes an area where Jacksonville Cellular is authorized to provide service.²

2. Section 22.924 of the Commission's rules provides that applications for authority to operate a new cellular system in an unserved area, other than those filed by the licensee of an existing system that abuts the unserved area, must propose a contiguous Cellular Geographic Service Area (CGSA) of at least 130 square kilometers (50 square miles).³ Our review of SDC's application has determined that SDC's unserved area application proposes a CGSA of only 46.6 contiguous square miles. We therefore dismiss SDC's application as defective and dismiss Jacksonville Cellular's Petition as moot.

3. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act of 1934 as amended, 47 U.S.C. § 154(i), and sections 0.331, 22.128(d)(2), and 22.924 of the Commission's rules, 47 C.F.R. §§ 0.331, 22.128(d)(2), and 22.924, the above-captioned application filed by SDC Cellular

¹ See *Public Notice*, Report No. CL-95-42 (rel. Jan. 31, 1995), announcing that petitions to deny the above-captioned application were due on March 16, 1995.

² Petition at 1.

³ 47 C.F.R. § 22.924 (1994). That section has since been recodified as 47 C.F.R. § 22.951 (1998). See also *John K. Lemons/Delta Trust Partnership*, 13 FCC Rcd. 8058, 8060 (1997) (unserved area application dismissed because the proposed CGSA encompassed less than 50 square miles).

Partnership on March 10, 1993 IS DISMISSED.

4. IT IS FURTHER ORDERED that, pursuant to section 4(i) of the Communications Act of 1934 as amended, 47 U.S.C. § 154(i), and sections 0.331 and 22.130 of the Commission's rules, 47 C.F.R. §§ 0.331, 22.130, the Petition to Deny filed by Jacksonville Cellular Telephone Company on March 16, 1995 IS DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau