

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

In Re Application Of)	
)	
DESERT MOBILE, L.L.C.)	File Nos. 02604-CL-CP-95
)	02605-CL-CP-95
For A Phase II Cellular Unserved Area)	02606-CL-CP-95
Authorization in the Nevada 4 Mineral)	
Rural Service Area)	
Market No. 546B)	

ORDER

Adopted: February 24, 2000

Released: February 25, 2000

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

1. Presently before us are the above-captioned Phase II applications filed by Desert Mobile, L.L.C. (Desert) on December 30, 1994, to provide cellular service to unserved areas in the Nevada 4 Mineral Rural Service Area (RSA) and a Petition to Deny (Petition) Desert's applications filed by AirTouch Cellular (AirTouch), as general partner of Mineral RSA Limited Partnership (Mineral) on March 13, 1995.

2. On August 16, 1994, before Desert filed its applications, Mineral filed an FCC Form 401 seeking authority to expand its Cellular Geographic Service Area (CGSA). The Commission accepted Mineral's application for filing on September 6, 1994.¹ The Commission subsequently granted Mineral's application on June 14, 1999.² Having granted Mineral's application, the Commission cannot now grant Desert's applications, because Desert seeks to serve areas already covered by Mineral's application. We therefore dismiss Desert's above-captioned applications and AirTouch'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 and 22.128 of the Commission's rules, 47 C.F.R. §§ 0.331 and 22.128, the above-captioned applications filed by Desert Mobile, L.L.C. on December 30, 1995 ARE DISMISSED as moot.

¹ Public Notice, Report No. CL-94-97 (Sept. 6, 1994).

² *In Re Application of Eastern Airwaves, L.L.C.*, DA 99-1164, June 14, 1999, at ¶ 15, 1999 WL 386929.

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 and 22.130, the Petition to Deny filed by AirTouch Cellular on March 13, 1995 IS DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

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