

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

In the Matter of	)	
	)	
Application of First Kentucky Cellular Corp.	)	
For Major Modification to Cellular Station	)	File No. 01247-CL-MP-94
KNKN-673, Kentucky 11 – Clay RSA,	)	
Market 453A	)	
	)	
	)	

ORDER

Adopted: February 25, 2000

Released: February 28, 2000

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

1. In this Order, we address the above-captioned major modification application filed by First Kentucky Cellular Corporation (First Kentucky)<sup>1</sup> on December 7, 1993. In its application, First Kentucky sought Commission approval to add a new site in Middlesboro, Kentucky with *de minimis* extensions into the service areas of Contel Cellular of Tennessee, Inc. and Knoxville Cellular Telephone Company, Inc. (collectively, Contel). On January 18, 1994, Contel filed a Consolidated Petition to Deny against First Kentucky’s application.

2. On December 27, 1994, First Kentucky filed a minor modification application to effectuate a cell extension agreement among the parties dated November 23, 1994.<sup>2</sup> Because the minor modification effected the site addition originally sought in the major modification application, we dismiss First Kentucky’s application for a major modification under File No. 01247-CL-MP-94 as moot.<sup>3</sup>

<sup>1</sup> As a result of Commission-approved assignments of authorization, First Kentucky is no longer the licensee of call sign KNKN-673. The station is currently licensed to Westel-Milwaukee Company, Inc. (WMC), as the Commission approved an assignment from United States Cellular Operating Company to WMC on May 30, 1997. *See Public Notice*, Report No. LB-97-36 (rel. May 30, 1997).

<sup>2</sup> First Kentucky’s minor modification application was assigned File No. 02583-CL-ML-95. A minor modification does not require prior Commission authorization, but merely notification. *See* former Commission rule section 22.9(d), 47 C.F.R. § 22.9(d) (1993).

<sup>3</sup> WMC, as current licensee of call sign KNKN-673, has advised the Commission that it does not object to the dismissal of First Kentucky’s major modification application under File No. 01247-CL-MP-94. *See* Letter from Jeffrey S. Cohen, counsel for WMC, to Don Johnson, Commercial Wireless Division, Wireless Telecommunications Bureau, dated February 6, 1998. Because we are dismissing First Kentucky’s major modification application, we also dismiss Contel’s Petition to Deny as moot.

3. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and sections 0.331 and 1.934 of the Commission's Rules, 47 C.F.R. §§ 0.331 and 1.934, First Kentucky Cellular Corporation's above-captioned application under File No. 01247-CL-MP-94, filed on December 7, 1993, is hereby DISMISSED as moot.

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 1.939(g) of the Commission's Rules, 47 C.F.R. §§ 0.331 and 1.939(g), the Consolidated Petition to Deny filed by Contel Cellular of Tennessee, Inc. and Knoxville Cellular Telephone Company, Inc. on January 18, 1994 is hereby DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

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