

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

In re Applications of)	CC Docket No. 91-142
)	
Bravo Cellular)	File No.: 10673-CL-P-579-A-89
)	
For Facilities in the Domestic Public)	
Cellular Telecommunications Radio)	
Service on Frequency Block A in)	
Market 579 – North Carolina 15-Cabarrus)	
)	
)	
Centaur Partnership)	File No.: 10720-CL-P-631-A-89
)	
For Facilities in the Domestic Public)	
Cellular Telecommunications Radio)	
Service on Frequency Block A in)	
Market 631 – South Carolina 7-Calhoun)	
)	
)	
EJM Cellular Partners)	File No.: 10116-CL-P-721-A-89
)	
For Facilities in the Domestic Public)	
Cellular Telecommunications Radio)	
Service on Frequency Block A in)	
Market 721 – Wyoming 4-Niobarra)	
)	
)	
EJM Cellular Partners)	File No.: 10567-CL-P-596-A-89
)	
For Facilities in the Domestic Public)	
Cellular Telecommunications Radio)	
Service on Frequency Block A in)	
Market 596 – Oklahoma 1-Cimmaron)	

ORDER

Adopted: February 29, 2000

Released: March 1, 2000

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

1. On December 28, 1998, Castle Trust, Orbit Cellular, RSA Cellular Partners, Schuykill Mobile Fone, Inc., Scott Reardon, Skyline Cellular Partners, Sunrise Trust, Walker Trust, and Turnpike Cellular Partners (collectively “Castle Trust”) filed a petition for reconsideration (“Petition”) of the grant of the above-captioned applications.¹ For the reasons discussed below, we dismiss the Petition.

¹ The applications were granted by the Wireless Telecommunications Bureau on remand from the

2. The instant Petition is yet another in a long series of pleadings filed in what is commonly referred to as the *Algreg* proceeding.² The *Algreg* proceeding, which relates to the above-captioned applications, among others, has a lengthy and complicated procedural history.³ In *Algreg II*, the Commission found that the entities that comprise Castle Trust were not permitted to file petitions for reconsideration in this proceeding.⁴ Specifically, the Commission noted that they were not parties to the proceeding, which would have allowed them to file petitions for reconsideration as of right according to Commission rules,⁵ and that they “failed to show why it was not possible for them to participate in the earlier stages of this proceeding as required” by Commission rules.⁶ Moreover, the Commission added, “[a]t no stage of the proceedings did . . . Castle Trust seek party status, despite opportunities to do so.”⁷ For the same reasons as the Commission set forth in *Algreg II*, we also dismiss the instant Petition.

3. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and Sections 0.331 and 1.106(b)(1) of the Commission's rules, 47 C.F.R. § 0.331 and 1.106(b)(1), the Petition filed by Castle Trust on December 28, 1998, is DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

William W. Kunze
Deputy Chief, Commercial Wireless Division

Commission under *Algreg Cellular Engineering*, Memorandum Opinion and Order, 12 FCC Rcd 8148 (1997) (*Algreg I*). Public Notice, Report No. CWS-99-9 (rel. Nov. 27, 1998).

² *Algreg Cellular Engineering*, Memorandum Opinion and Order and Order on Reconsideration, CC Docket No. 91-142, 1999 WL 824638 (FCC October 18, 1999) (*Algreg II*).

³ *Algreg I* and *Algreg II* describe the procedural history in detail, and we need not repeat those discussions here.

⁴ *Algreg II*, 1999 WL 824638 at ¶ 19.

⁵ See 47 C.F.R. § 1.106(b)(1).

⁶ *Algreg II*, 1999 WL 824638 at ¶ 19. Section 1.106(b)(1) of the Commission's rules allows non-parties to file petitions for reconsideration, but it provides that, “[i]f the petition is filed by a person who is not a party to the proceeding, it shall state with particularity the manner in which the person's interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding.” 47 C.F.R. § 1.106(b)(1) (emphasis added).

⁷ *Algreg II*, 1999 WL 824638 at ¶ 19.

Wireless Telecommunications Bureau