

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

In the Matter of	)	
	)	
Minnesota Southern Cellular Telephone Company	)	
Application for Interim Operating Authority	)	File No. 02815-CL-CP-93
Minnesota 7 – Chippewa RSA	)	
Market 488A	)	
	)	
Triad Minnesota Limited Partnership	)	File No. 02780-CL-CP-93
Application for Interim Operating Authority	)	
Minnesota 7 – Chippewa RSA	)	
Market 488A	)	

**ORDER**

**Adopted: February 29, 2000**

**Released: March 1, 2000**

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

1. In this Order, we jointly address two Petitions to Dismiss or Deny (collectively, the Petitions) filed by CSH Cellular (CSH) against the above-captioned applications on August 26, 1993, and September 20, 1993, respectively. For the reasons discussed below, we dismiss CSH's Petitions and the above-captioned applications as moot.

2. On March 30, 1993, Triad Minnesota Limited Partnership (Triad) filed an application for interim operating authority in the Minnesota 7 – Chippewa RSA, Market 488A,<sup>1</sup> and on April 2, 1993, Minnesota Southern Cellular Telephone Company (Minnesota Southern) filed an application for interim operating authority in the same cellular market<sup>2</sup> (collectively, the Applications).

3. On March 1, 1996, the Wireless Telecommunications Bureau (Bureau) granted CSH's application to provide permanent cellular service in the Minnesota –7 Chippewa RSA.<sup>3</sup> By letter dated November 13, 1996 (Branch Letter), the Deputy Chief, Legal Branch, Commercial Wireless Division, notified CSH that the grant of the CSH's application for permanent authority in the Minnesota 7 –

<sup>1</sup> See *Public Notice*, Report No. CL-93-132 (rel. August 20, 1993).

<sup>2</sup> See *Public Notice*, Report No. CL-93-125 (rel. July 30, 1993).


<sup>3</sup> See *Memorandum Opinion and Order*, In re Applications of Clifford Stanton Heinz Trust d/b/a CSH Cellular, 11 FCC Rcd 5354 (1996) (granting CSH's petition for reconsideration of the Mobile Services Division's dismissal of CSH's application for permanent authority in the Minnesota 7 – Chippewa RSA for violation of cross-ownership rules).

Chippewa RSA rendered CSH's Petitions moot and requested that CSH withdraw its Petitions.<sup>4</sup> The Branch Letter provided that the Petitions would be dismissed through appropriate action in the event a response to the Branch Letter was not received.<sup>5</sup> We therefore dismiss CSH's Petitions because they were rendered moot by the Bureau's grant of permanent authority in the Minnesota 7 – Chippewa RSA<sup>6</sup> and because our records do not reflect that a request to withdraw the Petitions was received in response to the Branch Letter.<sup>7</sup>

4. 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 1.939(g) of the Commission's Rules, 47 C.F.R. §§ 0.331 and 1.939(g), CSH Cellular's Petitions to Dismiss or Deny the above-captioned Applications filed on August 26, 1993 and September 20, 1993, respectively, are hereby DISMISSED as moot.

5. IT IS FURTHER 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, Minnesota Southern Cellular Telephone Company's above captioned application, filed on April 2, 1993, and Triad Minnesota Limited Partnership's above-captioned application, filed on March 30, 1993, are hereby DISMISSED as moot.

## FEDERAL COMMUNICATIONS COMMISSION



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

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<sup>4</sup> See Letter from Janet Sievert, Deputy Chief, Legal Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, to Stephen Kaffee, Esquire, dated November 13, 1996.

<sup>5</sup> *Id.*

<sup>6</sup> We note that on February 14, 1997, the Commission granted an assignment of CSH's permanent authorization in the Minnesota 7 – Chippewa RSA to Triad Minnesota under call sign KNKQ-432 and therefore there is no remaining dispute between the parties. See *Public Notice*, Report No. LB-97-19 (rel. February 14, 1997).

<sup>7</sup> We also dismiss as moot Minnesota Southern's application under File No. 02815-CL-CP-93 and Triad Minnesota's application under File No. 02780-Cl-CP-93 because permanent service is being provided in the Minnesota 7 – Chippewa RSA.