

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

In the Matter of the Application of )  
 )  
 BORO TRANSIT, INC. ) FCC File No. 045698  
 )  
 For Consent to Assignment of )  
 Authorization for Business Radio )  
 Service-Conventional Station WPIQ472 at )  
 New York, New York )

**ORDER**

**Adopted: January 4, 2000**

**Released: January 6, 2000**

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. On July 29, 1996 Hyland Transit Corp. (Hyland) proposed to transfer its license to Boro Transit, Inc. (Boro).<sup>1</sup> On August 27, 1996, Mobile Radio Cooperative Association (MRCA) and S&S Excavating (S&S) (jointly, the Petitioners) filed a petition to dismiss or deny the assignment from Hyland to Boro.<sup>2</sup> In the alternative, Petitioners requested that the Commission defer action on the proposed assignment, pending action by the Commission on the Petitioners' application for review; or condition any grant of the application on the outcome of the pending matters in File Nos. 506876 and 027399.<sup>3</sup> On February 14, 1997, Hyland and Boro requested expedited action on the assignment from Hyland to Boro.<sup>4</sup> On March 11, 1997, the assignment from Hyland to Boro was granted, conditioned on the outcome of the Application for Review filed by the Petitioners on May 3, 1996.<sup>5</sup> We find that Petitioners have received the relief sought in their Petition – namely, a conditional grant of the subject assignment application.

2. Accordingly, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309 and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, the petition to dismiss or deny filed by Mobile Radio Cooperative Association and S&S Excavating on August 27, 1996, is GRANTED to the extent indicated herein.

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<sup>1</sup>Letter from Russel H. Fox and Lauren S. Drake, Counsel for Hyland Transit, Inc. and Boro Transit, Inc. to Terry Fishel, Chief, Land Mobile Branch (filed Feb. 14, 1997) (Request for Expedited Action).

<sup>2</sup>Mobile Radio Cooperative Association and S&S Excavating, Petition to Dismiss or Deny (filed Aug. 27, 1996).

<sup>3</sup>*Id.* at 2 ¶ 1.

<sup>4</sup>Request for Expedited Action.

<sup>5</sup>Mobile Radio Cooperative Association and S&S Excavating Company, Application for Review (filed May 3, 1996).

3. This action is taken under delegated authority pursuant to Section 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry  
Chief, Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau