

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

In the matter of
MBO Wireless, Inc.
Requests for Special Temporary Authority
to Operate PCS F Block License KNLF925,
BTA311, Muskogee, Oklahoma and
PCS C Block License KNLF591, BTA433
Stillwater, Oklahoma
File Nos. 0000432789
0000432788

ORDER

Adopted: June 14, 2001

Released: June 15, 2001

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

1. In this Order, we address the Requests for Special Temporary Authority ("STA Requests") filed by MBO Wireless, Inc. ("MBO") on March 29, 2001. MBO requests Special Temporary Authority ("STA") for a period of 180 days under Section 309(f) of the Communications Act, as amended, and Section 1.931 of the Commission's rules, to allow it to continue operating under PCS F Block License KNLF925, BTA311, Muskogee, Oklahoma ("Muskogee BTA") and PCS C Block License KNLF591, BTA433, Stillwater, Oklahoma ("Stillwater BTA"). Subject to the terms and conditions set forth herein, we grant MBO's STA Requests.

2. In its STA Requests, MBO states that it failed to timely make its late fee for an installment payment and these licenses, therefore, automatically cancelled on January 29, 2001. MBO submitted a Petition for Reinstatement of Licenses and Request for Waiver of Section 1.2110(g)(4) of the Commission's Rules on April 26, 2001 ("Petition for Reinstatement").

3. MBO states that it provides service to approximately 650 customers in the Muskogee and Stillwater BTAs. MBO argues that the Commission should therefore allow it to continue to provide service to its customers while its Petition for Reinstatement is pending before the Commission.

4. Pursuant to section 309(f) of the Communications Act of 1934, as amended, and section 1.931(a)(3) of the Commission's rules, an STA may only be granted upon a finding that there are

1 47 U.S.C. § 309(f).

2 47 C.F.R. § 1.931.

3 STA Requests at 1.

4 Id. at 2.

5 Id. at 1.

6 47 U.S.C. § 309(f).

7 47 C.F.R. § 1.931(a)(3).

extraordinary circumstances, and pending the filing of an application for regular operation.

5. Because MBO has numerous customers currently receiving service and its Petition for Reinstatement is pending, we find it in the public interest to grant MBO's STA Requests. We grant this STA to allow time for consideration of the merits of MBO's Petition for Reinstatement, about which we make no determination at this time. The STA is granted for the lesser of: (i) 180 days from the release of this Order; or (ii) the release of the Commission's decision concerning MBO's Petition for Reinstatement ("STA Period"). After the expiration of the STA Period, MBO will not be authorized to provide further service and shall cease any and all operations in the Muskogee and Stillwater BTAs. Any continued operation following the expiration of the STA Period will be unauthorized in violation of Section 301 of the Communications Act of 1934,<sup>8</sup> as amended, and Section 24.803 of the Commission's rules.<sup>9</sup>

6. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 309(f) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 309(f), and sections 0.331 and 1.931(a)(3) of the Commission's rules, 47 C.F.R. §§ 0.331, 1.931(a)(3), the Requests for Special Temporary Authority filed by MBO Wireless, Inc. on March 29, 2001 ARE HEREBY GRANTED, subject to the terms and conditions set forth herein.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>8</sup> 47 U.S.C. § 309(f).

<sup>9</sup> 47 C.F.R. § 24.803.