

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

In the Matter of)
Western Communications, Inc.) Reference No. 7110-19
Request for Waiver of Rule Section 1.949 to)
Reinstate License for 800 MHz Trunked)
Specialized Mobile Radio Service Station)
WNGC384 at Lead, South Dakota)

ORDER

Adopted: September 19, 2001

Released: September 20, 2001

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

1. On August 10, 2001, the Commercial Wireless Division ("Division") of the Wireless Telecommunications Bureau released an Order¹ reversing the June 26, 2000 decision of the Licensing and Technical Analysis Branch authorizing the late-filed reinstatement of expired Specialized Mobile Radio Service ("SMR") license held by Western Communications, Inc. ("Western") for station WNGC384 at Lead, South Dakota. The Division Order stated that the five recovered channels associated with call sign WNGC384 at 861-865.73750 MHz automatically reverted to Nextel License Acquisition Corp. ("Nextel"), the holder of the Economic Area license.²

2. The Division Order granted Special Temporary Authority ("STA") to Western to transition its current subscribers using the facilities licensed under call sign WNGC384.³ Following release of the Division Order, we determined that WNGC384 had been previously assigned to Michael A. Lees ("Lees"), who is now the current licensee, pursuant to Commission authority.⁴ This Order grants the STA to Lees for the lesser of 90 days or until Lees is notified by Nextel that it is ready to provide service in the area previously served by Western ("STA Period"). After the expiration of the STA Period,⁵ Lees will not be authorized to provide service on the channels associated with WNGC384.

3. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(f), and Section 1.931(a) of the Commission's rules, 47 C.F.R. § 1.931(a), Special Temporary Authority IS GRANTED to Michael A. Lees, subject to the terms set forth herein.

¹ Western Communications, Inc., Request for Waiver of Rule Section 1.949 to Reinstate License for 800 MHz Trunked Specialized Mobile Radio Service Station WNGC384 at Lead, South Dakota, Order, DA 01-1904 (rel. Aug. 10, 2001) ("Division Order").

² Division Order at ¶ 6.

³ Division Order at ¶ 8.

⁴ See File No. D146304. We note that Lees is the President of Western Communications, Inc.

⁵ Lees may seek an extension of the STA, which the Commission will consider under the applicable standards.

FEDERAL COMMUNICATIONS COMMISSION

Katherine M. Harris
Deputy Chief, Commercial Wireless Division
Wireless Telecommunications Bureau