

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

In the Matter of
SUMMIT WIRELESS, LLC,
SUMMIT WIRELESS WOW, LLC, and
SUMMIT WIRELESS BILLINGS, LLC
Request for Limited Waiver and Extension of
Time to Construct for Broadband PCS Licenses
File Nos. 0000501254, 0000501256

ORDER

Adopted: December 20, 2001

Released: December 21, 2001

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

1. On June 26, 2001, Summit Wireless, LLC, Summit Wireless WOW, LLC, and Summit Wireless Billings, LLC (collectively, "Summit") filed a Request for Limited Waiver and Extension of Time to Construct ("Extension Request") for five broadband PCS licenses. For the reasons set forth below, we dismiss Summit's Extension Request as moot and close the proceeding initiated by Summit's Extension Request.

2. In its Extension Request, Summit specifically requested a waiver of section 24.203 of the Commission's rules to extend the five-year construction period by seven months (i.e., from September 17, 2001 to April 17, 2002). On July 13, 2001, the Wireless Telecommunications Bureau ("Bureau") sought comment of Summit's Extension Request. In response, two parties filed comments, both of which opposed grant of the Extension Request.

1 Each entity filed the Extension Request separately. See ULS File Nos. 0000501254 and 0000501256. Summit also filed a third request manually for three of the licenses because the Commission's Universal Licensing System (ULS) had not yet been updated to show Summit as the licensee.

2 The five licenses that were the subject of the Extension Request were: call sign KNLF770, C-block in Billings, MT (BTA041); call sign KNLF774, C-block in Clarksburg-Elkins, WV (BTA082); call sign KNLF773, C-block in Coos Bay-North Bend, OR (BTA097); call sign KNLF772, C-block in Klamath Falls, OR (BTA231); and call sign KNLF729, C-block in Kennewick-Pasco-Richland, WA (BTA228).

3 For four of the licenses, Summit was required to provide coverage to at least one-third of the population in the licensed area within five years of original grant. See 47 C.F.R. § 24.203(a). The fifth license, call sign KNLF729, is a C-block license that was disaggregated as a result of the Commission's Installment Payment Restructuring, and therefore, Summit was required to provide coverage to at least one-quarter of the population in the licensed area within five years of original grant. See 47 C.F.R. § 24.203(b). See also Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees, Second Report and Order and Further Notice of Proposed Rule Making, WT Docket 97-82, 12 FCC Rcd. 16436 (1997).

4 See Wireless Telecommunications Bureau Seeks Comment on Summit Wireless's Request for Limited Waiver and Extension of Time to Construct, Public Notice, 16 FCC Rcd. 13,934 (2001) (Public Notice).

5 See Comments of the Designated Entities Committee for Integrity of the Commission's Processes, filed July 26, 2001, and Opposition of Cingular Wireless LLC, filed July 27, 2001.

3. Between September 11 and September 24, 2001, Summit filed Notifications of Construction for each of the five licenses that were the subject of the Extension Request.⁶ In the Notifications of Construction, Summit set forth that it met the requisite level of coverage to satisfy the five-year construction requirement of section 24.203 for each of the markets, and therefore, did not need the requested extension to meet the five-year benchmark. Since filing the Notifications of Construction, Summit has requested withdrawal of its Extension Request.⁷

4. Because Summit timely filed construction notifications for each of the five licenses, we find that Summit's Extension Request is now moot. Therefore, we do not need to address the comments filed in response to the Bureau's *Public Notice* and we close the proceeding initiated by Summit's Extension Request.

5. Accordingly, IT IS ORDERED, pursuant to section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, that the Request for Limited Waiver and Extension of Time to Construct filed by Summit Wireless, LLC, Summit Wireless WOW, LLC, and Summit Wireless Billings, LLC on June 26, 2001 IS DISMISSED AS MOOT.

6. IT IS FURTHER ORDERED, that the proceeding established by the Wireless Telecommunications Bureau regarding the Request for Limited Waiver and Extension of Time to Construct filed by Summit Wireless, LLC, Summit Wireless WOW, LLC, and Summit Wireless Billings, LLC IS HEREBY CLOSED.

FEDERAL COMMUNICATIONS COMMISSION

Roger S. Noel
Deputy Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

⁶ See ULS File Nos. 0000589425, 0000591830, 0000601116, 0000601125, and 0000636233. Pursuant to 47 C.F.R. § 1.946(d), a licensee has up to 15 days after its deadline to file the notification. In this case, Summit was required to file its notifications by October 2, 2001.

⁷ See ULS File Nos. 0000501254 and 0000501256. See also Letter from Todd Slamowitz, Esq., Counsel for Summit, to Magalie Roman Salas, Secretary, Federal Communications Commission, received October 24, 2001.