



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 01-326
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Wireless Telecommunications Bureau's Commercial Wireless Division Approves the Withdrawal of Petition for Reconsideration

ACTION TAKEN PURSUANT TO SETTLEMENT PUBLIC NOTICE DA 99-745

Teresa L. Chase (Chase), the target licensee, filed a petition for reconsideration of a decision by the Bureau's Office of Operations in a 900 MHz SMR finder's preference case, Case No. 95F740 (Call Sign WNLS526). The Office of Operations awarded a finder's preference to Power Spectrum of Orlando, Inc. (Power Spectrum),¹ the finder. Power Spectrum and Chase (collectively the "Parties") have settled the dispute and have requested that the petition for reconsideration be withdrawn.

The Commercial Wireless Division (Division) has reviewed the petition for reconsideration and finds that it raises no substantial or material questions of fact under Sections 309 and 405 of the Communications Act, as amended, 47 U.S.C. §§ 309 and 405. In this case, the Parties have requested that the finder's preference award be set aside. The Division also hereby approves the withdrawal of the petition for reconsideration, sets aside the finder's preference award, and sets aside the notice of cancellation for Call Sign WNLS526 without judging the merits or establishing any judicial precedent. It does so in accordance with sections 0.331, 1.106, 1.935, and 90.173(k)(1994) of the Commission's rules² and *Public Notice*, DA 99-745.

Action by Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.

For further information, contact Don Johnson of the Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau at (202) 418-7240.

¹ Power Spectrum was a subsidiary of Geotek Communications, Inc. (Geotek), a former 900 MHz licensee, which has assigned its licenses and discontinued operations. The Parties filed this settlement agreement during the settlement window pursuant to *Public Notice*, DA 99-745, while Geotek was in bankruptcy.

² 47 C.F.R. §§ 0.331, 1.106, 1.935, and 90.173(k)(1994).