



PUBLIC NOTICE

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Wireless Telecommunications Bureau's Commercial Wireless Division Dismisses Petition for Reconsideration as Moot

Cleveland Mobile Services, Inc. (Cleveland) had filed a petition for reconsideration of a decision by the Bureau's Office of Operations in a 900 MHz SMR finder's preference case, No. 93F741 (Call Sign WNMY882), wherein the Office of Operations awarded a finder's preference to the finder, Power Spectrum of Orlando, Inc. (Power Spectrum).¹ Power Spectrum has requested the dismissal of its finder's preference request because it is no longer a going concern and, consequently, does not wish to prosecute the case.

The Commercial Wireless Division (Division) has reviewed Power Spectrum's request 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. Therefore, the Division hereby sets aside the notice of cancellation and finder's preference award for Call Sign WNMY882, without judging the merits or establishing any judicial precedent. The Division also hereby approves the withdrawal of the finder's preference request, and it dismisses Cleveland's petition for reconsideration as moot in accordance with sections 0.331, 1.106, and 90.173(k)(1994) of the Commission's rules.²

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 that has assigned its licenses and discontinued operations.

² 47 C.F.R. §§ 0.331, 1.106, 1.115, 1.935, and 90.173(k)(1994).

