

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

In re Applications of)	
)	
Vodafone AirTouch, plc and Bell Atlantic Corporation)	File Nos. 0000032969, <i>et al.</i>
)	
Platte River Cellular Limited Partnership)	File No. 0000033002
)	
Colorado 7 – Saguache Limited Partnership)	File No. 0000033053
)	
San Isabel Cellular of Colorado Limited Partnership)	File No. 0000033084
)	
Wyoming – Park Limited Partnership)	File No. 0000033037
)	
For Consent to Transfer of Control or Assignment of Licenses and Authorizations)	

ORDER ON RECONSIDERATION

Adopted: February 13, 2001

Released: February 14, 2001

By the Deputy Chief, Wireless Telecommunications Bureau:

1. We have before us a Petition for Reconsideration filed by Timothy E. Welch, Esq., on his own behalf, of a March 30, 2000 order granting consent to the transfer of control or assignment of licenses from Vodafone AirTouch plc (“Vodafone”) to Bell Atlantic Corporation, now Verizon Communications, Inc.¹ The Petition is specifically addressed to the grant of four of the transfer of control applications involved in the merger of former Bell Atlantic and Vodafone properties to form Verizon Wireless.² Mr. Welch argues that the *Order* fails adequately to address the merits of certain of his submissions or validate certain claims regarding the conduct of Vodafone’s counsel.³ We conclude that our treatment of Mr. Welch’s submissions was adequate, and we deny the Petition.

2. Reconsideration is appropriate only where the petitioner either shows a material error or omission in the original order or raises additional facts not known or not existing until

¹ Petition for Reconsideration, filed by Timothy E. Welch, May 1, 2000 (“Petition”). No response to the Petition was filed.

² *Applications of Vodafone AirTouch and Bell Atlantic Corporation, Memorandum Opinion and Order*, DA 00-721 (WTB/IB rel. Mar. 30, 2000) (“*Order*”). The specific grants that Mr. Welch challenges pertain to file numbers 0000033002, 0000033053, 0000033084, and 0000033037.

³ Petition at ¶ 1 (citing Complaint and Request for Investigation of Witness Tampering and Request for Referral to the DOJ for Criminal Investigation and Request for a Protective Order and Request for Confidentiality, filed December 15, 1999, by Timothy E. Welch (“Complaint”).

after the petitioner's last opportunity to present such matters.⁴ A petition for reconsideration that simply reiterates arguments previously considered and rejected will be denied.⁵

3. In the *Order*, we found that Mr. Welch's submission did not constitute a petition to deny or other comment on proposed transfers of control.⁶ We declined to address the substance of his submission because we found that it did not have decisional relevance for the issues in this proceeding and did not rise to a level that required further inquiry in the context of this proceeding.⁷ While Mr. Welch claims that our conclusion regarding the nature of his December 15, 1999 submission was inaccurate, he has not provided any information that supports a different conclusion.⁸

4. Further, Mr. Welch is not correct that the designation of this proceeding as "permit-but-disclose" for *ex parte* purposes requires us to address the merits of every such submission, particularly those that are not decisionally relevant.⁹ Mr. Welch's allegations did not present a *prima facie* case of misconduct that needed to be explored further before granting the applications herein, and he presents nothing further in his Petition.¹⁰ Mr. Welch is, of course, free to file a formal complaint against Vodafone pursuant to Section 208 of the Act.

5. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 405, of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 405, and sections 0.331 and 1.106 of the Commission's Rules, 47 C.F.R. §§ 0.331 and 1.106, the Petition for Reconsideration filed by Timothy E. Welch IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting, Deputy Chief
Wireless Telecommunications Bureau

⁴ 47 C.F.R. § 1.106; *LMDS Communications, Inc.*, Order on Reconsideration, DA 00-2674, at ¶ 6 (WTB, rel. Nov. 30, 2000) (citing *WWIZ, Inc.*, 37 FCC 685, 686 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966)).

⁵ 47 C.F.R. § 1.106; *LMDS Communications*, DA 00-2674, at ¶ 6 (citing *WWIZ, Inc.*, 37 FCC at 686; *Gaines, Bennett Gilbert*, 8 FCC Rcd 3986 (Rev. Bd. 1993)).

⁶ *Order*, DA 721, at n. 17.

⁷ *Id.*

⁸ Petition at 1.

⁹ *Id.* at 2.

¹⁰ See, e.g., *Mobilemedia Corporation, et al.*, 14 FCC Rcd 8017 ¶ 4 (1999).