

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

In the Matter of)
)
Nextel WIP License Corp.)
)
Licensee of 800 MHz)
Specialized Mobile Radio Stations)

ORDER

Adopted: April 12, 2001

Released: April 13, 2001

By the Deputy Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. We have before us a Petition for Reconsideration (“Petition”) filed by Nextel WIP License Corp. (“Nextel”) on March 24, 2000. Nextel seeks review of the cancellation of several 800 MHz Specialized Mobile Radio (“SMR”) licenses by the Commercial Wireless Division, Wireless Telecommunications Bureau.¹ For the reasons discussed herein, we grant Nextel’s Petition in part and deny it in part.

2. In the *Goodman/Chan Order*² and the *Goodman/Chan Reconsideration Order*,³ the Commission implemented procedures to grant four-month construction extensions to approximately 2,500 so-called “Goodman/Chan” licensees who had obtained 800 MHz General Category SMR licenses through four application processing companies that were placed in receivership in a federal court action. In the *Goodman/Chan Reconsideration Order*, the Commission also concluded that additional General Category licensees should receive relief similar to that afforded to the Goodman/Chan licensees, provided that they had filed timely extension requests prior to the expiration of their eight-month construction periods.

3. Nextel alleges that the Commission wrongfully canceled licenses that it had received in an assignment

¹ The licenses at issue were canceled pursuant to *In re Nathan Sherman Enterprises, Inc., Order on Reconsideration*, DA 99-2705 (rel. Dec. 3, 1999), and removed from the Commission’s license database on February 23, 2000.

² In the Matter of Daniel R. Goodman, Receiver; Dr. Robert Chan, *Petition for Waiver of Sections 90.633(c) and 1.1102 of the Commission’s Rules, Memorandum Opinion and Order*, 10 FCC Rcd 8537 (1995) (*Goodman/Chan Order*).

³ In the Matter of Daniel R. Goodman, Receiver; Dr. Robert Chan, *Petition for Waiver of Sections 90.633(c) and 1.1102 of the Commission’s Rules, Memorandum Opinion and Order and Order on Reconsideration*, 13 FCC Rcd 21,944 (1998) (*Goodman/Chan Reconsideration Order*).

from SRI, Inc. The licenses were granted in December of 1994 and were given eight-month construction periods. Review of Commission records reflects that extension requests for the licenses listed in Attachment A were filed with the Commission on July 11, 1995, prior to the licenses' respective construction deadlines.⁴ As the extension requests were timely filed for those licenses, we conclude that the cancellations of the licenses listed on Attachment A were administrative error. We therefore will grant Nextel's Petition as it applies to those licenses and reinstate them.

4. Commission records reflect, however, that extension requests for the licenses listed in Attachment B were not filed with the Commission prior to the expiration of the licenses' respective construction periods.⁵ Accordingly, those licenses were not eligible for the four-month construction period extension under the *Goodman/Chan Reconsideration Order*, and hence we decline to reinstate them. We therefore will deny Nextel's Petition as it applies to the licenses listed in Attachment B.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the Petition for Reconsideration filed by Nextel WIP License Corp. on March 24, 2000 is GRANTED in part and DENIED in part.

FEDERAL COMMUNICATIONS COMMISSION

Linda C. Ray
Deputy Chief, Policy and Rules Branch
Commercial Wireless Division
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⁴ See Attachment A.

⁵ See Attachment B.