

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

In re Application of )  
 )  
Excomm, LLC ) File No. 0000909270  
 )  
For Authorization to Provide )  
Cellular Service in Market )  
No. 348A, Colorado 1, Moffat RSA )

ORDER

Adopted: December 3, 2002

Released: December 4, 2002

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

1. On May 31, 2002, Excomm, LLC (Excomm) filed the above-captioned application seeking authorization to provide cellular service in the Colorado 1 - Moffat Rural Service Area. The application appeared on public notice as accepted for filing on June 5, 2002,<sup>1</sup> and was granted on July 26, 2002.<sup>2</sup> On July 25, 2002, CommNet Cellular License Holding, LLC (CommNet) filed an untimely petition to deny the application (Petition)<sup>3</sup> together with a request for waiver of section 1.939(a)(2) of the Commission's rules,<sup>4</sup> which sets forth the filing deadline for petitions to deny.

2. On August 8, 2002, the Licensing and Technical Analysis Branch of the Commercial Wireless Division set aside the July 26, 2002 grant of Excomm's application and dismissed the application because the service area boundary of the proposed cellular site extended into CommNet's protected cellular geographic service area.<sup>5</sup> We therefore dismiss the CommNet Petition as moot. Because we are dismissing the Petition as moot, we do not address CommNet's request for waiver of the filing deadline for petitions to deny.

3. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 303(r), and 309(d) of the

<sup>1</sup> Public Notice, Report No. 1195 (June 5, 2002).

<sup>2</sup> Public Notice, Report No. 1244 (July 31, 2002).

<sup>3</sup> Petition to Deny filed by CommNet Cellular License Holding, LLC (July 25, 2002).

<sup>4</sup> 47 C.F.R. § 1.939(a)(2).

<sup>5</sup> See Letter from Michael Ferrante, Chief, Licensing and Technical Analysis Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, to David J. Kaufman, Esq., counsel for Excomm, LLC (August 8, 2002); Public Notice, Report No. 1257 (August 14, 2002).

Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and sections 0.331 and 1.939 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.939, the petition to deny filed by CommNet Cellular License Holding, LLC on July 25, 2002, IS DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari  
Chief, Policy & Rules Branch  
Commercial Wireless Division  
Wireless Telecommunications Bureau