



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU APPROVES REQUEST TO WITHDRAW PETITION FOR RECONSIDERATION FILED BY MOBILE REPEATER SERVICE, INC.

This Public Notice approves Mobile Repeater Service, Inc.'s (Mobile Repeater) request to withdraw a petition for reconsideration of the decision to dismiss its renewal application filed on February 22, 2001. Mobile Repeater is the former licensee of WQU842, a Specialized Mobile Radio station located in Miami, Florida.<sup>1</sup> On December 14, 2000, Mobile Repeater and Nextel License Holdings 1 Inc. d/b/a Nextel Communications (Nextel) filed an application seeking Commission consent for the assignment of Station WQU842 to Nextel.<sup>2</sup> In January 2001, Nextel submitted to the Commercial Wireless Division's Licensing and Technical Analysis Branch (Branch) a batch filing of applications to renew several of its licenses. As part of that filing, on January 18, 2001, Nextel submitted a renewal application for WQU842 because the Tax Identification Number (TIN) had been inadvertently converted in the Universal Licensing System to Nextel's TIN shortly after the assignment application was filed.<sup>3</sup> That renewal application was granted on January 19, 2001.<sup>4</sup> Because it was still in the process of assigning the license for WQU842 to Nextel, and unaware of Nextel's submission, Mobile Repeater filed its own renewal application on February 8, 2001.<sup>5</sup> The application was dismissed because the Commission's database showed the license had recently been renewed, making the application untimely.<sup>6</sup>

On March 26, 2001, Mobile Repeater filed a petition seeking reconsideration of the February 22, 2001 dismissal of its February 8, 2001 renewal application (Petition).<sup>7</sup> While the Petition was pending, Nextel filed an amendment to the assignment application on April 3, 2001, and the Branch granted the amended application on May 14, 2001.<sup>8</sup> As a result, a license has been issued to Nextel for Station

<sup>1</sup> SMR Trunked Station, 851.8125 MHz, 861.7875 MHz, 862.7875 MHz, 863.7875 MHz, 864.7875 MHz, 865.7875 MHz, Miami, Florida.

<sup>2</sup> FCC Application for Wireless Telecommunications Bureau Radio Service Authorization filed by Nextel License Holdings 1 Inc. d/b/a Nextel Communications (File No. 0000329769) (Dec. 14, 2000).

<sup>3</sup> Petition at 2; FCC Application for Wireless Telecommunications Bureau Radio Service Authorization filed by Nextel License Holdings 1 Inc. d/b/a Nextel Communications (File No. 0000332913) (Jan. 18, 2001).

<sup>4</sup> Wireless Telecommunications Bureau Site-By-Site Action, *Public Notice*, Report No. 758 at 49 (Jan. 24, 2001).

<sup>5</sup> FCC Application for Wireless Telecommunications Bureau Radio Service Authorization filed by Mobile Repeater Service, Inc. (File No. 0000373301) (Feb. 8, 2001). The expiration date for Mobile Repeater's original license for Station WQU842 was March 29, 2001. Petition at 2.

<sup>6</sup> Wireless Telecommunications Bureau Site-By-Site Action, *Public Notice*, Report No. 789 at 51 (Feb. 28, 2001).

<sup>7</sup> Petition for Reconsideration filed by Mobile Repeater Service, Inc. (Mar. 26, 2001).

<sup>8</sup> Wireless Telecommunications Bureau Site-By-Site Action, *Public Notice*, Report No. 864 at 17 (May 23, 2001).

WQU842. Because the transaction has been completed and Nextel holds a license for Station WQU842, Mobile Repeater filed a request to withdraw its Petition on November 29, 2001.<sup>9</sup> Having reviewed the Petition and circumstances pertaining to the renewal and assignment of the license for Station WQU842 from Mobile Repeater to Nextel, we approve the withdrawal request and dismiss the Petition as moot pursuant to Section 4(i) and 405 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 405, and Sections 0.331 and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.106.

Action by the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau.

For further information, contact Leon Jackler, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at 202-418-0946, or by email, [Ljackler@fcc.gov](mailto:Ljackler@fcc.gov).

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<sup>9</sup> Letter from John A. Pendergast and Kathleen A. Kaercher, Counsel for Mobile Repeater, to Sam Gumbert, Wireless Telecommunications Bureau (Nov. 29, 2001).