

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

In the Matter of)	
)	
THE NEW YORK STOCK EXCHANGE)	File No. 0001087362
)	
Petition for Reconsideration of Dismissal of)	
Application for Special Temporary Authority)	
to Operate a Paging System on 151.190 MHz,)	
151.220 MHz, 151.400, 159.285, and 159.420)	
MHz in Manhattan, New York)	

ORDER

Adopted: April 25, 2003

Released: April 28, 2003

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. On February 26, 2003, the New York Stock Exchange, Inc. (NYSE) filed a motion to withdraw¹ its Petition for Reconsideration (Petition)² of the November 13, 2002 action³ by the Public Safety and Private Wireless Division, Licensing and Technical Analysis Branch (Branch) denying NYSE's November 12, 2002 application requesting Special Temporary Authority (STA).⁴ For the reasons set forth below, we grant NYSE's motion to withdraw.

2. By way of background, on September 13, 1984, NYSE was granted a license to operate a paging system on frequencies 151.190, 151.220, 151.400, 159.285, and 159.420 MHz, under Call Sign WZU487, for a term not to exceed five years.⁵ According to the Commission's records, NYSE's license was never renewed in accordance with Commission Rules. However, NYSE asserts that it believes the license was timely renewed prior to the expiration of the initial license term and again prior to the expiration of all subsequent renewal terms, except for the most recent renewal term.⁶ On November 12, 2002, NYSE filed an application for STA to permit temporary operations on the previously authorized frequencies, pending an application for reinstatement and renewal of its license for Station WZU487. However, the STA application did not provide any evidence of NYSE having been previously licensed on these frequencies. On November 13, 2002, the Branch denied NYSE's STA application, holding that the application appeared to request authorization to initiate service,⁷ which is not a permissible purpose for an

¹ The New York Stock Exchange, Inc., Motion of the New York Stock Exchange, Inc. to Withdraw Petition for Reconsideration (filed Feb. 26, 2003).

² The New York Stock Exchange, Inc., Petition for Reconsideration (filed Dec. 13, 2002) (Petition).

³ Ref. No. 1625462 (Nov. 13, 2002) (Branch Letter).

⁴ FCC File No. 0001087362 (filed November 12, 2002) (STA Application).

⁵ See 47 C.F.R. § 90.149 (1984).

⁶ Petition at 2; Declaration of Dennis Pallone at 2-3; Declaration of Robert Davy at 2.

⁷ See Branch Letter.

STA under Section 1.931 of the Commission's Rules.⁸ On December 13, 2002, NYSE filed the referenced Petition, requesting reconsideration of the Branch's decision.⁹

3. On February 21, 2003, NYSE filed a new application for STA.¹⁰ This application included evidence of NYSE having previously been licensed on the subject frequencies. The Branch granted the application on February 25, 2003, under Call Sign WPXB394.

4. On February 26, 2003, however, NYSE filed a motion to withdraw the above-referenced Petition for Reconsideration. We agree that the Petition is now moot. Consequently, we conclude that grant of the motion to withdraw is warranted.

5. Accordingly, IT IS ORDERED, 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, that the Motion to Withdraw Petition for Reconsideration filed by the New York Stock Exchange, Inc. on February 26, 2003 is GRANTED.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁸ 47 C.F.R. § 1.931. 47 C.F.R. § 1.931(b)(3) provides that STA may be granted in the following circumstances: 1) in emergency situations; 2) to permit the restoration or relocation of existing facilities to continue communication service; 3) to conduct tests to determine necessary data for the preparation of an application for regular authorization; 4) for a temporary, non-recurring service where a regular authorization is not appropriate; or 5) in other situations involving circumstances which are of such an extraordinary nature that delay in the institution of service would seriously prejudice the public interest.

⁹ See Petition at 4.

¹⁰ FCC File No. 0001206658 (filed Feb. 21, 2003).