



PUBLIC NOTICE

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DA 03-1775
RELEASED: MAY 23, 2003

WIRELESS TELECOMMUNICATIONS BUREAU
COMMERCIAL WIRELESS DIVISION
APPROVES SETTLEMENT REQUEST AND
DISMISSES TWO APPLICATIONS FOR REVIEW

Action Taken Pursuant to Settlement Window Public Notice DA 99-745

This Public Notice approves the Settlement Request filed by Antigone Communications Limited Partnership, PCS Devco, Inc. (collectively, Petitioners), and NextWave Personal Communications, Inc. (NextWave), and dismisses with prejudice two Applications for Review jointly filed by Petitioners.

On March 17, 1997, Petitioners filed an Application for Review of the Wireless Telecommunications Bureau's (Bureau) conditional grant of 63 C-block PCS licenses to NextWave.¹ On June 16, 1997, Petitioners filed an Application for Review of the Bureau's decision to extend the deadline for NextWave to comply with its foreign ownership restructuring obligations under the NextWave Licensing Order.²

On June 1, 1998, Petitioners filed a Request for Approval of Withdrawal of Pleading and Motion to Dismiss with Prejudice, which they amended on April 29, 1999 and to which they filed an Erratum on May 20, 2003 (Settlement Request). In the Settlement Request, Petitioners request that we dismiss with prejudice their Applications for Review filed on March 17, 1997 and on June 16, 1997.³

The Bureau's Commercial Wireless Division (Division) has reviewed the Settlement Request and finds that it raises no substantial or material questions of fact under Section 309(d) of the Communications Act of 1934, as amended.⁴ Pursuant to the Bureau's Settlement Window Public Notice,⁵

¹ Applications of NextWave Personal Communications, Inc., For Various C-Block Broadband PCS Licenses, File Nos. 00341CWL96 *et al.*, *Memorandum Opinion and Order*, DA 97-328, 12 FCC Rcd 2030 (WTB rel. Feb. 14, 1997) (NextWave Licensing Order).

² NextWave Personal Communications, Inc., Request for Temporary Waiver of Indirect Alien Ownership Limits, File Nos. 00341CWL96 *et al.*, *Order*, DA 97-1040, 12 FCC Rcd 6543 (WTB rel. May 16, 1997).

³ In the Settlement Request, the Petitioners request both "withdrawal" and "dismissal with prejudice" of the designated pleadings.

⁴ 47 U.S.C. § 309(d).

Section 0.331 of the Commission's rules,⁶ and the statements contained in the Settlement Request, the Division hereby approves the Settlement Request and dismisses with prejudice Petitioners' Applications for Review filed on March 17, 1997 and on June 16, 1997. In view of the foregoing, all other related pleadings filed in this matter are hereby deemed moot and dismissed.

Action by the Chief, Commercial Wireless Division.

FOR FURTHER INFORMATION CONTACT: Gary Oshinsky of the Commercial Wireless Division at (202) 418-7167 or goshinsk@fcc.gov.

⁵ See "Wireless Telecommunications Bureau Waives Limitations on Payments in Settlement Agreements Among Parties In Contested Licensing Cases," *Public Notice*, DA 99-745, 14 FCC Rcd 6551 (WTB rel. Apr. 16, 1999) (Settlement Window Public Notice). In the Settlement Window Public Notice, the Bureau provided for a limited waiver of Sections 1.935(a) and 1.935(b) of the Commission's Rules, allowing parties to resolve certain contested licensing proceedings by settlement without limiting the consideration promised, paid, or received.

⁶ 47 C.F.R. § 0.331.