

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

DA03-1997

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: June 19, 2003

WIRELESS TELECOMMUNICATIONS BUREAU GRANTS CONSENT TO TRANSFER CONTROL OF 218-219 MHz SERVICE LICENSES

Pursuant to Section 310(d) of the Communications Act, 47 U.S.C. § 310(d), and Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the Wireless Telecommunications Bureau (Bureau) approves, subject to the conditions set forth below, the applications requesting Commission consent to the following transfers of control:

U.S. Telemetry-Abilene, L.L.C. – U.S. Telemetry Network, Inc. to Datex Spectrum, LLC: Market IVM220B (KIVD0390) – Abilene, TX; File No. 0001163631.

U.S. Telemetry-Odessa, L.L.C. – U.S. Telemetry Network, Inc. to Datex Spectrum, LLC: Market IVM255B (KIVD0439) – Odessa, TX; File No. 0001163651.

U.S. Telemetry-Gulf of Mexico, L.L.C. – U.S. Telemetry Network, Inc. to Datex Spectrum, LLC: Market IVM306A (KIVD0509) – Gulf of Mexico; File No. 0001163668.

U.S. Telemetry-San Angelo, L.L.C. – U.S. Telemetry Network, Inc. to Datex Spectrum, LLC: Market IVM294A (KIVD0496) – San Angelo, TX; File No. 0001163680.

The above referenced applications are subject to the following conditions: all installment payments must be current on the consummation date.¹ Consent is also conditioned upon full payment of any required unjust enrichment payments on or before the consummation date. *See* 47 C.F.R. § 1.2111(c) and (d).

We approve these transfers of control applications because we find they are in the public interest, convenience, and necessity. *See* 47 U.S.C. § 310(d). By this approval, the parties are authorized to proceed to the final stages of their respective transactions. Section 1.948(d) of the Commission's rules

¹ In order to be current, the installment payment may not be in the non-delinquency period or grace period. Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, *Third Report and Order and Second Further Notice of Proposed Rulemaking*, 13 FCC Rcd. 374 (1997). In addition, there must be no outstanding fees, including late fees, due to the Commission.

provides that licensees are required to notify the Commission of consummation using a FCC Form 603.² Transactions must be consummated and notification provided to the Commission within 180 days of this Public Notice and notification of consummation must occur no later than 30 days after actual consummation unless an extension has been requested. Hence, we remind parties that a transfer shall not be considered complete until the underlying transaction closes and all conditions set forth in the grant documents, including this Public Notice and the application, are met. Upon receipt of the notification required by Section 1.948(d) of the Commission's rules, and satisfaction of all requisite conditions, the Bureau will consider the transfer "complete."

Failure of the parties to comply with Section 1.948(d) of the Commission's rules, or any specific condition described above, will result in automatic cancellation of the Commission's approval, and dismissal of the underlying application.

For information regarding this notice contact Rita Cookmeyer or Yolanda Lee at (202) 418-0660.

This Public Notice is issued by the Chief, Wireless Telecommunications Bureau.

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² See 47 C.F.R. § 1.948(d).