

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

In the matter of	)
	)
TRITON PCS LICENSE COMPANY, L.L.C.	)
	)
Petition for Waiver of Section 22.367 of the Rules	)
Concerning Wave Polarization in the Cellular	)
Radiotelephone Service	)
	)
AT&T WIRELESS SERVICES, INC.	)
	)
Petition for Waiver of Section 22.367 of the Rules	)
Concerning Wave Polarization in the Cellular	)
Radiotelephone Service	)
	)

**Order**

**Adopted: March 6, 2003**

**Released: March 6, 2003**

By the Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. This Order addresses Petitions for Waiver ("Petitions") filed separately by Triton PCS License Company, L.L.C. (Triton) on March 22, 2002 and AT&T Wireless Services, Inc., (AWS) on April 12, 2002, for waiver of section 22.367 of the Commission's rules regarding vertical wave polarization in the cellular radiotelephone service.<sup>1</sup> In their Petitions, Triton and AWS request waivers of section 22.367(a)(4) of the Commission's rules in order to employ wave polarization other than vertical.<sup>2</sup>

2. The Commission released an order on September 24, 2002, as part of the year 2000 Biennial Review of Regulations, which modified or eliminated certain Part 22 Commission rules.<sup>3</sup> In the Part 22 Biennial Review, the Commission eliminated section 22.367(a)(4) of the Commission's rules, which provided that electromagnetic waves radiated by base, mobile, and auxiliary test transmitters in the

<sup>1</sup> See Triton PCS License Company, L.L.C., Petition for Waiver of Section 22.367 of the Rules Concerning Wave Polarization in the Cellular Radiotelephone Service, filed March 22, 2002; Triton PCS License Company, L.L.C., Petition for Waiver of Section 22.367 of the Rules Concerning Wave Polarization in the Cellular Radiotelephone Service (Supplement to Petition for Waiver), filed May 28, 2002; AT&T Wireless Services, Inc., Petition for Waiver of Section 22.367 of the Rules Concerning Wave Polarization in the Cellular Radiotelephone Service, filed April 12, 2002.

<sup>2</sup> Triton requests a waiver at its transmitter locations in the Myrtle Beach, South Carolina cellular market. See Triton Petition at 1. AWS requests a waiver for any transmitter locations associated with licensees under its control. See AWS Petition at 3.

<sup>3</sup> See Year 2000 Biennial Regulatory Review – Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and other Commercial Mobile Radio Services, WT Docket 01-108, *Report and Order*, 17 FCC Rcd 18401 (2002) (*Part 22 Biennial Review*).

Cellular Radiotelephone Service had to be vertically polarized.<sup>4</sup> The elimination of the vertical polarization rule became effective on February 18, 2003.

3. Because section 22.367(a)(4) was eliminated, we dismiss both Petitions as moot.

4. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i) and sections 0.131, 0.331, 1.925 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.925, the Petitions for Waiver filed by Triton PCS License Company, L.L.C., on March 22, 2002, and AT&T Wireless Services, Inc., on April 12, 2002 are DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

Roger S. Noel  
Deputy Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

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<sup>4</sup> *Part 22 Biennial Review* at 18428-18429, paras. 47-51.