

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

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|--|---|-----------------------|
| Karl Hosterman and Eric Brooks |) | |
| d/b/a Centre Communications, |) | |
| |) | |
| Complainants, |) | |
| |) | |
| v. |) | File No. EB-02-MD-015 |
| |) | |
| Nextel Partners, Inc., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

Adopted: March 14, 2003

Released: March 17, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On May 10, 2002, Karl Hosterman and Eric Brooks d/b/a Centre Communications (“Centre”) filed with the Commission a formal complaint against Nextel Partners, Inc., *et al.* (“Nextel”) pursuant to section 208 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 208. The complaint alleged, *inter alia*, that Nextel and certain of its affiliates were knowingly causing harmful interference to Centre’s incumbent 800 MHz facilities, in violation of section 333 of the Act, 47 U.S.C. § 333, and sections 90.403(e) and 90.173(b) of the Commission’s rules, 47 C.F.R. §§ 90.403(e) and 90.173(b).

2. On March 7, 2003, Centre filed a Motion to Withdraw Formal Complaint (“Motion to Withdraw”)¹ stating that the parties have entered into a Settlement Agreement/Mutual Release that effectively resolves all disputes in the above-referenced matter. The Motion to Withdraw further stated that counsel for Nextel had reviewed the motion, and had consented to Centre’s request to withdraw the formal complaint.

¹ Motion to Withdraw Formal Complaint, *Karl Hosterman and Eric Brooks d/b/a Centre Communications, v. Nextel Partners, Inc., et al*, File No. EB-02-MD-015 (filed Mar. 7, 2003).

3. We are satisfied that withdrawal of the formal complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Motion to Withdraw the above-captioned complaint IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Centre's formal complaint against Nextel IS DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau