



# PUBLIC NOTICE

Federal Communications Commission  
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DA No. 04-52  
January 13, 2004

**WIRELESS TELECOMMUNICATIONS BUREAU  
MOBILITY DIVISION  
APPROVES WITHDRAWAL OF APPLICATION FOR REVIEW AND  
PETITION FOR RECONSIDERATION**

This Public Notice approves the withdrawal of an Application for Review and a Petition for Reconsideration jointly filed by Warren C. Havens and Telesaurus Holdings GB LLC (Petitioners).

On November 12, 2002, Petitioners filed an Application for Review of the Wireless Telecommunications Bureau's (Bureau) determination that PCS Partners, L.P. (PCSP) met the threshold requirements to participate in Auction No. 39, and that PCSP was eligible for a bidding credit offered to very small businesses in that auction.<sup>1</sup> PCSP filed an Opposition to the Application for Review on November 27, 2002, and Petitioners filed a Reply on December 11, 2002.

On November 29, 2002, Petitioners filed a Petition for Reconsideration of the Bureau's grant of certain Location and Monitoring Service licenses to PCSP, which it won in Auction No. 39.<sup>2</sup> PCSP filed an Opposition to the Petition for Reconsideration on December 12, 2002, and Petitioners filed a Reply on December 24, 2002. On January 8, 2003, Petitioners filed a Request for Leave to Supplement the Reply, and filed a Supplement to the Reply. PCSP filed an Opposition to the Request for Leave and Supplement on January 21, 2003.

On December 30, 2003, Petitioners filed a Request for Approval to Withdraw with prejudice their above referenced Application for Review and Petition for Reconsideration. Petitioners also filed a certification in support of their request pursuant to section 1.935 of the Commission's rules.<sup>3</sup> On January 8, 2004, PCSP filed a certification in support of Petitioners' request pursuant to section 1.935. The Mobility Division has reviewed the Request for Approval to Withdraw and finds that it raises no substantial or material questions of fact under Section 309(d) of the Communications Act of 1934, as amended.<sup>4</sup> Pursuant to sections 0.331 and 1.935 of the Commission's rules,<sup>5</sup> and the statements contained

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<sup>1</sup> In the Matter of Auction of Licenses for VHF Public Coast and Location and Monitoring Service Spectrum, *Order*, 17 FCC Rcd 19746 (WTB 2002).

<sup>2</sup> In the Matter of PCS Partners, LP, File No. 0000506827, *Order*, 17 FCC Rcd 21419 (WTB, CWD 2002).

<sup>3</sup> 47 C.F.R. § 1.935.

<sup>4</sup> 47 U.S.C. § 309(d).

in the Request for Approval to Withdraw and in the related certifications of Petitioners and PCSP, the Mobility Division hereby approves the Request for Approval to Withdraw and dismisses with prejudice Petitioners' Application for Review and Petition for Reconsideration, filed on November 12 and 29, 2002, respectively. In view of the foregoing, all other related pleadings filed in these matters are hereby deemed moot and dismissed.

Action by the Deputy Chief, Mobility Division.

FOR FURTHER INFORMATION CONTACT: Richard Arsenault, Chief Counsel, Mobility Division at (202) 418-0920 or Richard.Arsenault@fcc.gov.

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<sup>5</sup> 47 C.F.R. §§ 0.331 and 1.935.