



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 05-2933  
Released: November 4, 2005

## WIRELESS TELECOMMUNICATIONS BUREAU MODIFIES PUBLIC NOTICE ANNOUNCING CONDITIONAL GRANT OF BROADBAND RADIO SERVICE LICENSE

On October 7, 2005, the Wireless Telecommunications Bureau (Bureau) issued a *Public Notice* announcing the conditional grant of a Basic Trading Area license in the Broadband Radio Service (BRS) to Communication Ventures, Inc.<sup>1</sup> Pursuant to Section 1.113(a) of the Commission's Rules,<sup>2</sup> the Bureau, on its own motion, hereby sets aside the text of the original *Grant Public Notice* and modifies it to read as follows:

## WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES CONDITIONAL GRANT OF BROADBAND RADIO SERVICE LICENSE (FORMERLY MULTIPOINT DISTRIBUTION SERVICE)

Pursuant to Section 309(a) of the Communications Act, 47 U.S.C. § 309(a), and Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331, the Wireless Telecommunications Bureau (Bureau), under delegated authority, conditionally grants the application listed below for one Basic Trading Area (BTA) license in the Broadband Radio Service (BRS), subject to the conditions set forth below. Communication Ventures, Inc.<sup>3</sup> was the winning bidder for that license in the Multipoint Distribution Service auction.<sup>4</sup>

**Communication Ventures, Inc. : BTA135 – Evansville, Indiana;**  
File No. 19960510GI

Grant of the license is expressly conditioned on: (a) the Commission's completion of all steps required by 2 U.S.C. §§ 661-661f and other applicable laws; (b) Communication Ventures, Inc. ("CVI") paying, within ten (10) days of the issuance of this Public Notice<sup>5</sup>, the

<sup>1</sup> Wireless Telecommunications Bureau Announces Conditional Grant of Broadband Radio Service License (Formerly Multipoint Distribution Service), *Public Notice*, DA 05-2674 (rel. Oct. 7, 2005) (*Grant Public Notice*).

<sup>2</sup> The text of this *Public Notice* replaces and supercedes the text of the October 7, 2005 *Grant Public Notice* so as to make explicit our compliance with 2 U.S.C. §§ 661-661f. See 47 C.F.R. § 1.113(a).

<sup>3</sup> Communication Ventures, Inc. filed for Chapter 11 bankruptcy on February 3, 1999. See "In re Communications Ventures, Inc.", No. 99-1158-ECF-RTB (U.S. Bankr. Ct., District of Arizona, Phoenix.)

<sup>4</sup> See "Winning Bidders in the Auction of Authorizations to Provide Multipoint Distribution Service in 493 Basic Trading Areas: Down Payments Due April 5, 1996, FCC Form 304s/Statements of Intention Due May 10, 1996," *Public Notice* (rel. March 29, 1996).

<sup>5</sup> See 47 C.F.R. § 1.2110(g)(2). If CVI fails to submit its additional ten percent payment by October 17, 2005, it will be allowed to make payment within ten business days after the payment deadline, on October 31, 2005, provided that it also pays a late fee equal to five percent of the amount due.

remaining ten (10) percent down payment due on the BRS license;<sup>6</sup> (c) timely execution and return by the licensee of all original copies of the note and security agreement in accordance with the instructions; and (d) execution by the FCC's Chief Financial Officer.

Upon receipt of the down payment, the Commission will issue to CVI an original note documenting the licensee's installment payment obligations, a security agreement commemorating the Commission's security interest in the license, and a financing statement (UCC-1). Instructions on completing, signing, and returning the documents will be included with the loan document package. Approval of the execution of the loan documents by Communication Ventures, Inc. is given pursuant to the Bankruptcy Court Order issued on December 12, 2000.<sup>7</sup>

CVI will receive its individual BTA license following payment of the final down payment for the license and execution and return of the loan documents. The license will be conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 27.1213 of the Commission's Rules, 47 C.F.R. §§ 1.2110 & 27.1213, and the terms of the Commission's installment plan as set forth in the note and security agreement executed by the licensee. Payment of the remainder of the amount due on the license will be made in quarterly installments in accordance with Parts 1 and 27 of the Commission's Rules. All interest on these installment loans will begin to accrue on the date of grant.<sup>8</sup>

### **Payment Instructions**

All payments must be made in U.S. dollars, must be in the form of a wire transfer, and must be made payable to the "FCC." Payment of the required amount by wire transfer must be received by 6:00 p.m. Eastern Time, October 17, 2005. Sufficient time should be allowed for the wire transfer to be initiated and for the transmission to be completed prior to the deadline. No personal checks or other forms of payment will be accepted. Payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). On the FCC Form 159, CVI must use the same FCC Account Number associated with its FCC Form 175. The applicant must fax a completed FCC Remittance Advice Form (FCC Form 159) to Mellon Bank at (412) 209-6045 at least one hour prior to placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, the applicant should write "Wire Transfer - Auction Payment for Auction Event #6." To submit funds by wire transfer, the following information is provided:

ABA Routing Number: 043000261  
Receiving Bank: Mellon Pittsburgh  
500 Ross Street  
Pittsburgh, PA 15262

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<sup>6</sup> Ohio Valley Wireless, Ltd. is authorized to pay the ten percent down payment on behalf of Communication Ventures, Inc. See "Order Approving Sale of Property Free and Clear of Liens", (In re Communications Ventures, Inc. No. 99-1158-ECF-RTB (U.S. Bankr. Ct., District of Arizona, Phoenix, December 12, 2000) ("*Bankruptcy Court Order*"),

<sup>7</sup> *Bankruptcy Court Order*.

<sup>8</sup> See 47 C.F.R. §§ 1.2110 and 27.1213.

BNF: FCC/Account #9116106

OBI Field: (Skip one space between each information item)

"AUCTIONPAY"

FCC Registration Number (Enter FRN# in Block 21 of FCC Form 159)

Payment Type Code (Enter "AMMD" from Block 24A of FCC Form 159)

FCC Code 1: (Enter "6" in Block 26A of FCC Form 159)

Payor Name: (Enter name in Block 2 of FCC Form 159)

Lockbox No: (Enter "358850" in Block 1 of FCC Form 159)

### **Further Information**

For questions regarding the submission of final payment, contact Gail Glasser, Office of the Managing Director, Financial Operations Center at (202) 418-0578. For questions regarding legal matters and licensing issues, contact John Schauble, Wireless Telecommunications Bureau, Broadband Division at 202-418-2487.