



PUBLIC NOTICE

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DA 07-301

Released: January 29, 2007

WIRELESS TELECOMMUNICATIONS BUREAU MOBILITY DIVISION APPROVES WITHDRAWAL OF REQUEST FOR CLARIFICATION OR WAIVER OF THE PARTIAL GRANT RULE

By this Public Notice, the Mobility Division of the Wireless Telecommunications Bureau approves the request to withdraw Request for Clarification or Waiver of the Partial Grant Rule filed by VoiceStream PCS BTA I License Corporation (“VoiceStream”) on May 4, 2004 (“VoiceStream Withdrawal Request”).

On August 9, 2001, VoiceStream filed a Request for Clarification or Waiver of the Partial Grant Rule (“Clarification Request”).¹ In the Clarification Request, VoiceStream sought clarification that section 1.110 of the Commission’s rules² does not apply to the grant of certain of the PCS licenses won in Auction 35, or, in the alternative, requested a waiver of the partial grant rule in connection with its application for Auction 35 licenses.

On May 4, 2004, VoiceStream filed its Withdrawal Request seeking Commission consent to withdraw its Clarification Request. VoiceStream points out that the licenses referenced in the Clarification Request that were not subject to resolution of the litigation brought by NextWave Personal Communications, Inc. (“NextWave”) or Urban Communicators PCS Limited Partnership (“UrbanComm”) were granted following the close of Auction No. 35, and its bids for the licenses that were subject to the NextWave and UrbanComm litigation ultimately became a nullity. VoiceStream accordingly concludes that these developments render the Clarification Request moot.

The Mobility Division has reviewed the VoiceStream Withdrawal Request and finds that it raises no substantial or material questions of fact. Accordingly, pursuant to section 0.331 of the Commission's rules,³ the Mobility Division hereby approves the withdrawal of, and dismisses with prejudice, the Clarification Request filed by VoiceStream on May 4, 2004.

Action by Deputy Chief, Mobility Division.

¹ VoiceStream PCS BTA I License Corporation Request for Clarification or Waiver of the Partial Grant Rule, Report No. AUC-35, File No. 0000365311 (filed Aug. 9, 2001).

² 47 C.F.R. § 1.110.

³ 47 C.F.R. § 0.331.