

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

In the Matter of
PAGING SYSTEMS, INC.
Assignor
and
AMERICAN TELECASTING OF OKLAHOMA, INC.
Assignee
Application For Assignment of Broadband Radio
Service Station WHT743, Wichita, Kansas
File No. 0002647326

ORDER ON RECONSIDERATION

Adopted: May 6, 2008

Released: May 7, 2008

By the Acting Chief, Broadband Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. On February 28, 2007, Warren C. Havens (Havens), AMTS Consortium LLC (AMTS Consortium), Telesaurus Holdings GB LLC (THL), Telesaurus VPC LLC (TVL), and Intelligent Transportation and Monitoring Wireless LLC (Intelligent) filed, collectively, a petition seeking reconsideration of the action taken by the Broadband Division (Division) of the Wireless Telecommunications Bureau (Bureau) on January 29, 2007. In the MO&O, the Division dismissed a petition to deny filed by the petitioners against an application to assign the license for Broadband Radio Service (BRS) Station WHT743, Wichita, Kansas, from Paging Systems, Inc. (PSI) to American Telecasting of Oklahoma, Inc. (American Telecasting). For the reasons discussed below, we dismiss the PFR.

1 Warren C. Havens, AMTS Consortium LLC, Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC, Petition for Reconsideration (Feb. 28, 2007) (PFR). We herein refer to the petitioning parties collectively as petitioners.

2 Paging Systems, Inc., Memorandum Opinion and Order, 22 FCC Rcd 1294 (WTB BD 2007) (MO&O).

3 Warren C. Havens, AMTS Consortium LLC, Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC, Petition to Deny (filed July 12, 2006) (PTD).

4 File No. 0002647326 (June 23, 2006) (Application).

5 See MO&O, 22 FCC Rcd at 1294 ¶ 1.

II. BACKGROUND

2. On November 6, 2001, PSI was granted a license to operate BRS Station WHT743 on the E Channel Group in Wichita, Kansas.⁶ On June 23, 2006, PSI filed an application to assign the license for Station WHT743 to American Telecasting, a wholly owned subsidiary of the Sprint Nextel Corporation (Sprint Nextel). According to the applicants, the assignment of Station WHT743 to American Telecasting will serve the public interest because it will permit Sprint Nextel to deploy broadband infrastructure more efficiently and develop wireless, interactive multimedia communications solutions for consumers in the Wichita, Kansas area.⁷

3. On July 12, 2006, the PTD was filed against the application. In the PTD, the petitioners argued that they have standing to file the PTD because they hold licenses “which may provide competitive services” to those offered by PSI⁸ and because “they are competitors with PSI in several markets and within various radio services.”⁹ The petitioners asked the Commission to deny the application to assign Station WHT743 from PSI to American Telecasting because PSI “lacks the character and fitness to hold or assign the [license for Station WHT743] due to its actions, including numerous fraudulent licensing applications, in the AMTS service.”¹⁰ The PTD explained that “[t]hese issues of fraud and disqualification to hold licenses are currently pending before the Commission.”¹¹ The PTD thereafter noted and incorporated by reference those pleadings filed by the petitioners challenging the basic character qualifications of PSI in other proceedings.¹²

4. In the alternative, the petitioners requested that the Commission hold the instant assignment application in abeyance pending final resolution of the referenced proceedings or condition

⁶ Specifically, BRS Station WHT743 is authorized to use Channels E1 through E4.

⁷ See Application, Public Interest Statement.

⁸ See PTD at 1. The PTD generally stated that the petitioners’ “license holdings, as witnessed by the Commission’s ULS records,” provide them with the requisite standing to challenge the instant assignment application of a BRS station. *Id.* Specifically, the PTD listed Automated Maritime Telecommunications System (AMTS) Station WQCP815; Multiple Address System (MAS) Stations WQER424, WQER425, WQER426, WQER427, WQER428, WQER429; and a pending application for a Location and Monitoring Service (LMS) geographic area license for Wichita, Kansas as those “license holdings” which may provide competitive services to those offered by Station WHT743. *See id.* at 1 n.1. In addition, the PTD noted that an application is pending to assign 220-222 MHz Service Stations WPOI542, WPOI543, WPOI544, Wichita, Kansas, to Havens. *See id.*

⁹ The PTD did not specify the markets in which the petitioners compete with PSI. The PTD did reference, however, AMTS and MAS as examples of two services within which the petitioners may compete with PSI. *See id.* at 1. The PTD raised concerns that PSI will benefit from the instant assignment of BRS Station WHT743 to American Telecasting and furnish PSI with additional funds with which it may “more effectively hinder, compete and pursue frivolous actions deleterious to Petitioners. . . .” *Id.* at 1. None of the petitioners holds BRS licenses in the Wichita, Kansas area.

¹⁰ *Id.* at 1.

¹¹ *Id.* at 1.

¹² *See id.* at 2.

any grant of it upon the outcome and findings of these proceedings.¹³ PSI filed an opposition to the PTD on July 26, 2006.¹⁴ Petitioners filed a reply to the opposition on August 7, 2006.¹⁵

5. On January 29, 2007, the Division dismissed the PTD. Specifically, the Division found that the PTD failed to contain specific allegations of fact sufficient to make a *prima facie* showing¹⁶ that the petitioners, individually or collectively, have the requisite standing to file the instant PTD.¹⁷ The Division explained that the petitioners were required to specifically plead and establish standing in the PTD¹⁸ and rejected the petitioners' attempt to broadly establish standing by generally referencing the petitioners' license holdings "as witnessed by the Commission's ULS records."¹⁹ The Division concluded that the petitioners failed to explain how any of the license holdings referenced in the PTD accord it broad standing to challenge the instant application to assign a BRS station from PSI to American Telecasting.²⁰ Specifically, the Division noted that the PTD offered no explanation how the petitioners' referenced AMTS²¹ licenses, MAS²² licenses, or LMS²³ applications could be used to provide

¹³ See *id.* at 3.

¹⁴ Paging Systems, Inc., Opposition to Petition to Deny (July 26, 2006).

¹⁵ Warren C. Havens, AMTS Consortium LLC, and Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC, Reply to Opposition to Petition to Deny (Aug. 7, 2006).

¹⁶ 47 C.F.R. § 1.939(d) requires that a petition to deny contain specific allegations of fact sufficient to make a *prima facie* showing that the petitioner is a party in interest and that a grant of the application would be inconsistent with the public interest, convenience and necessity. See 47 C.F.R. § 1.939(d). To establish a party in interest standing, a petitioner must allege facts sufficient to demonstrate that grant of the subject applications would cause it to suffer a direct injury. See *AT&T Wireless PCS, Inc., Order*, 15 FCC Rcd 4587, 4588 ¶ 3 (WTB CWD 2000) (*AT&T Wireless*) (citing *Sierra Club v. Morton*, 405 U.S. 727, 73 (1972); Lawrence N. Brandt, *Memorandum Opinion and Order*, 3 FCC Rcd 4082 (1988). In addition, a petitioner must demonstrate a causal link between the claimed injury and the challenged action. See *AT&T Wireless*, 15 FCC Rcd at 4588 ¶ 3 (citing *Duke Power Co. v. Carolina Environmental Study Group, Inc.* 438 U.S. 59, 72, 78 (1978)).

¹⁷ See *MO&O*, 22 FCC Rcd at 1295 ¶ 7. See 47 C.F.R. § 1.939(d)(1). Section 309(d)(1) of the Communications Act, as amended, permits any "party in interest" to file a petition to deny any application. 47 U.S.C. § 309(d)(1). To establish standing, a petitioner must show "(1) a distinct and palpable personal injury-in-fact that is (2) traceable to the respondent's conduct and (3) redressable by the relief requested." *Weblink Wireless, Inc., Memorandum Opinion and Order*, 17 FCC Rcd 24642, 24647 ¶ 11 (WTB 2002); *AT&T Corp., Complainant, v. Business Telecom, Inc., Defendants, Order on Reconsideration*, 16 FCC Rcd 21750, 21753-21754 ¶ 7 (2001); *Chris C. Hudgins, Order on Reconsideration*, 16 FCC Rcd 7941 (2001).

¹⁸ See *MO&O*, 22 FCC Rcd at 1295 ¶ 7 (citing 47 C.F.R. § 1.939(d)(1)).

¹⁹ *MO&O*, 22 FCC Rcd at 1295 n.26 (quoting PTD at 1).

²⁰ See *MO&O*, 22 FCC Rcd at 1295 ¶ 7 (citing PTD at 1-2; Reply at 2-3).

²¹ AMTS stations provide automated, integrated, interconnected ship-to-shore communications similar to a cellular phone system for tugs, barges, and other maritime vessels. See Amendment of Parts 2 and 80 of the Commission's Rules Applicable to Automated Maritime Telecommunications Systems (AMTS), *First Report and Order*, GEN Docket No. 88-732, 6 FCC Rcd 437, 437 ¶ 3 (1991).

²² MAS is a private fixed microwave radio service that operates on spectrum in the 900 MHz band for point-to-multipoint and multipoint-to-point communications. See Amendment of the Commission's Rules Regarding Multiple Address Systems, *Report and Order*, WT Docket No. 97-81, 15 FCC Rcd 11956, 11957 ¶ 1 (2000), corrected by Erratum, 15 FCC Rcd 16145, reconsideration granted in part, 16 FCC Rcd 12181 (2001). MAS (continued....)

high-speed, high-capacity broadband service to compete with BRS²⁴ facilities for the provision of integrated access to voice, high-speed data, video-on-demand, and interactive delivery services from a wireless device.²⁵ Moreover, the Division also found that the PTD failed to cite precedent to support the broad declaration that the petitioners had standing to file the PTD because “they are competitors with PSI in several markets and within various radio services.”²⁶ The Division noted that the petitioners cite no precedent to support their “broad presumption that holding a license in any wireless service in the Wichita, Kansas area is sufficient to accord them standing to file the instant PTD against an application to assign a BRS station in the Wichita, Kansas area from PSI to American Telecasting.”²⁷ Therefore, the Division dismissed the PTD.

(Continued from previous page) _____

licenses are available for the terrestrial point-to-multipoint and point-to-point fixed and mobile transmissions of a licensee’s products or services, excluding video entertainment material, to a licensee’s customer or for its own internal communications.

²³ LMS provides the use of non-voice signaling methods to locate or monitor mobile radio units. LMS systems may transmit and receive voice and non-voice status and instructional information related to such units. *See* 47 C.F.R. § 90.7.

²⁴ BRS provides integrated access to broadband technologies, including high-speed digital technologies that provide consumers integrated access to voice, high-speed data, video-on-demand, and interactive delivery services. Amendment of Parts 1, 21, 73, 74 and 101 of the Commission’s Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 03-66, 19 FCC Rcd 14165, ¶ 9 (2004).

²⁵ *MO&O*, 22 FCC Rcd at 1295 ¶ 7 (*citing* *Mobex Network Services, LLC, Order*, 18 FCC Rcd 12305, 12307 ¶ 5 (WTB PSPWD 2003) (*Mobex*); *New World Radio, Inc. v. FCC*, 294 F.3d 164, 169-72 (D.C. Cir. 2002); *KERM, Inc. v. FCC*, 353 F.3d 57, 61 (D.C. Cir. 2004)). The Division found that the PTD’s reliance on *Mobex* was misplaced. *See MO&O*, 22 FCC Rcd at 1295 ¶ 7 (*citing* PTD at 1-2; Reply 2-3). The Division explained that “*Mobex* addressed the specific issue of whether, ‘in certain instances, the need to locate and monitor mobile radio units could be equally met by AMTS or LMS.’” *MO&O*, 22 FCC Rcd at 1295 ¶ 7 (*quoting Mobex*, 18 FCC Rcd at 12307 ¶ 5). The Division noted that, in *Mobex*, “an LMS licensee was found to have standing to file a petition to deny against an application to modify AMTS facilities ‘in view of the fact that there was a service area overlap’ where the need to locate and monitor mobile radio units could be equally met by the AMTS licensee or the LMS licensee within that service area.” *MO&O*, 22 FCC Rcd at 1295 n. 30 (*quoting Mobex*, 18 FCC Rcd at 12307 ¶ 5).

²⁶ *MO&O*, 22 FCC Rcd at 1295 ¶ 7 (*quoting* PTD at 1).

²⁷ *MO&O*, 22 FCC Rcd at 1295 ¶ 7 (*citing* PTD at 1-2; Reply 2-3). The Division noted that the PTD referenced other proceedings where one or more of the petitioners were found to have standing to file a petition to deny against PSI or another applicant or licensee. *See MO&O*, 22 FCC Rcd at 1295 n. 31 (*citing* PTD at 2). The Division, however, found that the petitioners failed to explain the relevancy of those proceedings in the context of the PTD. *See MO&O*, 22 FCC Rcd at 1295 n. 31 (*citing* *Maritime Communications Land Mobile, LLC, Paging Systems, Inc., Order*, 21 FCC Rcd 8794 (WTB PSCID 2006) (finding that AMTS Consortium and Intelligent had standing to challenge the long-form AMTS application filed by PSI at the conclusion of Auction No. 61 because AMTS Consortium and Intelligent were both competing participants in Auction No. 61); *Paging Systems, Inc., Order*, 21 FCC Rcd 3032 (WTB PSCID 2006) (finding that Intelligent had standing to file a petition to deny against the long-form AMTS application filed by PSI in Auction No. 59 because it was a competing bidder against PSI in Auction No. 59); *High Plains Wireless, L.P. v. FCC*, 276 F.3d 599, 605 (D.C. Cir. 2002) (holding that auction participant had standing to challenge award to another of a license for which it bid)).

6. Although the Division dismissed the PTD, the Division exercised its discretion to consider the allegations raised by the petitioners as an informal complaint.²⁸ In so doing, the Division determined that petitioners' arguments provide no basis for denying the Application.²⁹ The Division noted that the petitioners have not alleged that PSI engaged in any misconduct with respect to the stations at issue.³⁰ The Division further noted that the petitioners' allegations concerning Auction 61 and the AMTS stations have been rejected in proceedings specific to those matters and therefore concluded that arguments with respect to those allegations are more appropriate to raise in any petitions or applications seeking review of the actions taken by the Bureau or by the Commission in those proceedings.³¹ In addition, the Division noted that the former Public Safety and Critical Infrastructure Division (PSCID) of the Bureau specifically rejected the petitioners' allegation that PSI lacks the requisite character qualifications to be a Commission licensee.³² The Division found nothing in the PTD that would warrant a different outcome in this proceeding.³³ Accordingly, the Division found that the petitioners failed to present any basis to deny the Application.³⁴

7. On February 28, 2007, the petitioners filed the instant PFR. In the PFR, the petitioners contend that the Division erred in concluding that the PTD failed to contain specific allegations of fact sufficient to make a *prima facie* showing that the petitioners, individually or collectively, have the requisite standing to file the instant PTD.³⁵ The petitioners argue that "AMTS and LMS are mobile

²⁸ See *MO&O*, 22 FCC Rcd at 1246 ¶ 8 (citing 47 C.F.R. § 1.41).

²⁹ See *MO&O*, 22 FCC Rcd at 1246 ¶ 8.

³⁰ See *id.*

³¹ See *id.* (citing *Maritime Communications Land Mobile, LLC, Paging Systems, Inc., Order*, 21 FCC Rcd 8794 (WTB PSCID 2006) (rejecting petitioners' arguments that the long-form application filed by PSI at the conclusion of AMTS Auction No. 61 should be denied because PSI's incumbent site-based B-Block license in Hawaii is no longer valid, and PSI's concealment of this invalidity fraudulently dissuaded the petitioners from bidding more aggressively on the B-Block license for that geographic area); *Paging Systems, Inc., Order*, 21 FCC Rcd 7225 (WTB PSCID 2006) (concluding that it would not further the public interest to deny a renewal application based on alleged defects in construction notifications); *Paging Systems, Inc., Order on Reconsideration*, 21 FCC Rcd 5848 (WTB PSCID 2006) (affirming the denial of a petition to deny the long-form application filed by PSI at the conclusion of Auction 57, the first auction for AMTS licenses)).

³² See *MO&O*, 22 FCC Rcd at 1246 ¶ 9 (citing *Paging Systems, Inc., Order*, 21 FCC Rcd 3032 (WTB PSCID 2006) (*PSI MAS Order*)). The Division explained that the petitioners challenged the basic character qualifications of PSI in that proceeding and incorporated by reference several other pleadings and proceedings where the petitioners raised the issue before the Commission. See *MO&O*, 22 FCC Rcd at 1246 ¶ 9 (citing *PSI MAS Order*, 21 FCC Rcd at 3034-3036 ¶¶ 5, 8-10). The Division noted that the former PSCID found specific allegations with respect to those matters "are more appropriately considered in the pending proceedings involving those stations, rather than the instant proceeding." *MO&O*, 22 FCC Rcd at 1246 ¶ 9 (quoting *PSI MAS Order*, 21 FCC Rcd at 3036 ¶ 10); see also *MAS Order*, 21 FCC Rcd at 3036 ¶ 10 (noting that, "[t]o date, there has been no finding against PSI in those proceedings, or in any other proceeding, of a disqualifying lack of character.").

³³ See *MO&O*, 22 FCC Rcd at 1246 ¶ 9.

³⁴ See *MO&O*, 22 FCC Rcd at 1246 ¶ 9 (citing *MAS Order*, 21 FCC Rcd at 3036 ¶ 10 (concluding that, "[i]n the absence of such a finding, or at least a determination in one of those other proceedings that PSI's basic qualifications to hold any Commission license should be designated for hearing, we see no basis to deny the instant Application.")).

³⁵ PFR at 1-3. Specifically, the petitioners contend that they have standing to file the PTD and the instant PFR "based upon their licenses holdings, as witnessed by the Commission's ULS records, which indeed may provide (continued....)

services, however, mobile devices can be used in premises to replace fixed-installed wireless (or wired) communications devices.”³⁶ The petitioners therefore contend that “LMS and AMTS licenses and the equipment and services that are authorized can complete [*sic*] with any fixed wireless wideband or broadband licenses and services.”³⁷ The petitioners argue that they were not required to “prove what is permitted in the Commission’s rules . . . and feasible in the marketplace.”³⁸ In addition, the PFR states that “the *MO&O* must be reconsidered since the matters raised regarding PSI’s character must be addressed” because the Bureau has “ignored the facts and arguments” presented by the petitioners in their “respective proceedings.”³⁹ On March 14, 2007, PSI filed an opposition to the PFR.⁴⁰ The petitioners thereafter filed a reply on March 26, 2007.⁴¹

III. DISCUSSION

8. Reconsideration is appropriate only where the petitioner either demonstrates a material error or omission in the underlying order or raises additional facts not known or not existing until after the petitioner’s last opportunity to present such matters.⁴² A petition for reconsideration that simply reiterates arguments that were previously considered and rejected will be denied.⁴³ We find that the PFR (Continued from previous page) _____ competitive services to those offered by the License.” PFR at 1. The PFR cites to the same holdings referenced in the PTD and addressed by the Division in the *MO&O*.

³⁶ PFR at 2. The PFR further states that the petitioners have been describing their intent “to use wideband technologies for wideband (or ‘broadband’) services” “in FCC filings and in public releases including their website” PFR at 2.

³⁷ PFR at 2.

³⁸ PFR at 2.

³⁹ PFR at 2-3.

⁴⁰ Paging Systems, Inc., Opposition to Petition for Reconsideration (Mar. 14, 2007).

⁴¹ Warren C. Havens, AMTS Consortium LLC, and Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC, Reply to Opposition to Petition for Reconsideration (Mar. 26, 2007) (PFR Reply). On March 29, 2007, PSI filed a letter responding to allegations made by the petitioners in the PFR Reply concerning the timeliness of the opposition filed by PSI on March 14, 2007. See Letter from Audrey P. Rasmussen, Esq., Hall, Estill, Hardwick, Gable, Golden and Nelson, PC, to Fred Campbell, Chief, Wireless Telecommunications Bureau, FCC (dated Mar. 29, 2007).

⁴² See *WWIZ, Inc.*, 37 FCC 685, 686 ¶ 2 (1964) (*WWIZ*), *aff’d sub. nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966). A petitioner must state with particularity the respects in which petitioner believes the action taken by the Commission or the designated authority should be changed. See 47 C.F.R. § 1.106(d)(1). The petition for reconsideration shall also, where appropriate, cite the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed. See 47 C.F.R. § 1.106(d)(2). In addition, pursuant to 47 C.F.R. § 1.106(c), a petition for reconsideration which relies on facts not previously presented to the Commission or to the designated authority may be granted only if (i) the petition relies on facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; (ii) the petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity; (iii) or the Commission or the designated authority determines that consideration of the facts relied on is required in the public interest. See 47 C.F.R. § 1.106(c).

⁴³ See *WWIZ*, 37 FCC at 686 ¶ 2 (stating that “it is universally held that rehearing will not be granted merely for the purpose of again debating matters on which the tribunal has once deliberated and spoken”).

neither demonstrates material error or omission in the *MO&O*, nor raises any new facts unavailable to the petitioners when they filed the PTD.⁴⁴ Therefore, for the reasons explained below, we dismiss the PFR.

9. We find that the petitioners fail to present any new facts or changed circumstances in the instant PFR. Rather, the petitioners simply reargue matters in the PFR that the Division previously considered and rejected in the *MO&O*. It is well established that “rehearing will not be granted merely for the purpose of debating matters on which the tribunal has once deliberated and spoken.”⁴⁵ Accordingly, we dismiss the PFR to the extent that it rehashes arguments previously considered and rejected.

10. To the extent that the petitioners seek to establish standing by presenting additional arguments at the reconsideration stage that were not presented in the PTD, we find that the arguments are untimely. The petitioners were required to specifically plead and establish standing in the PTD.⁴⁶ The Division found that the precedent cited by the petitioners was clearly distinguishable and failed to support the petitioners’ broad presumption that holding a license in any wireless service in the Wichita, Kansas area was sufficient to accord them standing to file the instant PTD.⁴⁷ We find nothing in the PFR to suggest that the Division erred in finding that “the PTD fails to contain specific allegations of fact sufficient to make a *prima facie* showing that the petitioners, individually or collectively, have the requisite standing to file the instant PTD.”⁴⁸ Petitioners contend that we should in this proceeding address specific allegations that petitioners have raised in other licensing proceedings because petitioners believe that the Bureau has ignored the facts and arguments presented by petitioners in those proceedings. However, we decline to address allegations raised in other proceedings, as we find that those proceedings remain the more appropriate venues for addressing those specific allegations.⁴⁹

IV. CONCLUSION AND ORDERING CLAUSES

11. For the reasons discussed above, we find that the PFR presents no new arguments that were not previously considered and rejected by the Division in the *MO&O*. The petitioners have not identified any error or omissions in the *MO&O* warranting reconsideration of the action taken by the Division in this matter. We therefore dismiss the PFR.

12. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission’s Rules, 47 C.F.R. § 1.106, the Petition for Reconsideration filed by Warren C. Havens,

⁴⁴ See 47 C.F.R. § 1.106(c).

⁴⁵ *WWIZ*, 37 FCC at 686 ¶ 2.

⁴⁶ See 47 C.F.R. § 1.939(d)(1) (requiring that a petition to deny contain specific allegations of fact sufficient to make a *prima facie* showing that the petitioner is a party in interest and that a grant of the application would be inconsistent with the public interest, convenience and necessity).

⁴⁷ See *MO&O*, 22 FCC Rcd at 1295 ¶ 7.

⁴⁸ *MO&O*, 22 FCC Rcd at 1295 ¶ 7.

⁴⁹ On March 9, 2007, the Chief, Mobility Division, Wireless Telecommunications Bureau denied petitions for reconsideration filed by petitioners concerning the qualifications of Maritime Communications/Land Mobile, LLC and Donald R. DePriest. Maritime Communications/Land Mobile LLC, *Order on Reconsideration*, 22 FCC Rcd 4780 (WTB MD 2007). Havens has filed an application for review of that order, which is pending.

AMTS Consortium LLC, Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC on February 28, 2007 IS DISMISSED.

13. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Blaise A. Scinto
Acting Chief, Broadband Division
Wireless Telecommunications Bureau