



Federal Communications Commission
Washington, D.C. 20554

August 25, 2009

DA 09-1874

James A. Stenger, Esq.
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Dear Mr. Stenger:

On January 29, 2007, Communications Ventures, Inc. (CVI) filed an application to transfer control of CVI from Multi-Micro, Inc. (Multi-Micro) to Arizona Broadband, LLC (Arizona Broadband).¹ On February 20, 2007, Ohio Valley Wireless, Ltd. (Ohio Valley) filed a petition to deny that application.² For the reasons stated below, we dismiss the petition and all responsive pleadings as moot.

On February 10, 2009, the Application was withdrawn.³ Furthermore, even before the Application was withdrawn, the parties had agreed that the issues raised by the Petition were moot. Ohio Valley asked that conditions be placed upon the grant of the application.⁴ In response, CVI, Multi-Micro, and Arizona Broadband consent to Ohio Valley's requested commitments.⁵ They ask that the Petition be dismissed as moot.⁶ In its reply, Ohio Valley represents that it "is fully satisfied with the commitments made in the Opposition and there is no part of the Petition that has not been rendered moot by the Opposition."⁷

Section 1.939(g) of the Commission's Rules provides that the Commission may dismiss a petition to deny if "the issues raised become moot . . ."⁸ In light of the fact that the Application has been withdrawn and all parties now agree that the issues raised in the Petition are moot, we will dismiss the Petition as moot.

¹ File No. 0002890589 (Application).

² Petition to Deny, Ohio Valley Wireless, Ltd. (filed Feb. 20, 2007) (Petition).

³ Public notice of the withdrawal of the Application was given on February 18, 2009. See Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of Licensee Applications, *De Facto* Transfer Lease Applications And Spectrum Manager Lease Notifications, Designated Entity Reportable Eligibility Event Applications, and Designated Entity Annual Reports Action, *Public Notice*, Report No. 4739 (WTB Feb. 18, 2009) at 1.

⁴ Petition at 3.

⁵ Joint Opposition of Communications Ventures, Inc., Multi-Micro, Inc. and Arizona Broadband LLC to the Petition to Deny Filed by Ohio Valley Wireless, Ltd. (filed Mar. 5, 2007) at 3.

⁶ *Id.* at 4.

⁷ Response to Opposition to Petition to Deny (filed Mar. 6, 2007) at 1.

⁸ 47 C.F.R. § 1.939(g).

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and Section 1.939(g) of the Commission's Rules, 47 C.F.R. § 1.939(g), that the Petition to Deny filed by Ohio Valley Wireless, Ltd. on February 20, 2007, as well as all responsive pleadings, ARE DISMISSED AS MOOT.

This actions are 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

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