



Federal Communications Commission  
Washington, D.C. 20554

November 16, 2009

DA 09-2423

Mr. Warren C. Havens  
2649 Benvenue Ave., Suites 2-6  
Berkeley, CA 94704

Dear Mr. Havens:

On June 6, 2008, Warren C. Havens (Havens), AMTS Consortium LLC, Telesaurus Holdings GB LLC (Telesaurus), Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC (ITL) (collectively, Petitioners) filed an Application for Review<sup>1</sup> of an action taken by the Broadband Division (Division) of the Wireless Telecommunications Bureau (Bureau) on May 7, 2008.<sup>2</sup> In the *PSI Order*, the Division dismissed a petition seeking reconsideration<sup>3</sup> of the dismissal of a petition to deny<sup>4</sup> filed by the petitioners against an application<sup>5</sup> 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).<sup>6</sup> In addition, on July 8, 2009, Havens, ITL, Telesaurus, Environmental LLC, Skybridge Spectrum Foundation, and Verde Systems LLC filed a petition to deny an application<sup>7</sup> to assign the licenses for BRS Stations WNEK514 and WNTF895 from PSI to NSAC, LLC.<sup>8</sup> For the reasons stated below, we dismiss the AFR and Petition to Deny as moot.

On November 10, 2009, the parties requested withdrawal of the relevant assignment applications.<sup>9</sup> Furthermore, the licenses for Stations WHT743, WNEK514, and WNTF895 have been cancelled at PSI's request.<sup>10</sup> Accordingly, the relief Petitioners seek with respect to these licenses is now moot. To the extent Petitioners have made arguments contained in the AFR and Petition to Deny in other

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<sup>1</sup> Warren C. Havens, AMTS Consortium LLC, Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC, Paging Systems, Inc.'s Form 603 Application for Assignment of Authorization of its Broadband Radio Service License to American Telecasting of Oklahoma, Inc. Application for Review (June 6, 2008) (AFR).

<sup>2</sup> Paging Systems, Inc., *Order on Reconsideration*, 23 FCC Rcd. 7458 (WTB BD 2008) (*PSI Order*); Paging Systems, Inc., *Memorandum Opinion and Order*, 22 FCC Rcd 1294 (WTB BD 2007) (*PSI MO&O*).

<sup>3</sup> Warren C. Havens, AMTS Consortium LLC, Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC, Paging Systems, Inc. Petition for Reconsideration (Feb. 28, 2007).

<sup>4</sup> Warren C. Havens, AMTS Consortium LLC, Telesaurus Holdings GB LLC, Telesaurus VPC LLC, and Intelligent Transportation and Monitoring Wireless LLC, Paging Systems, Inc. Petition to Deny (filed July 12, 2006).

<sup>5</sup> File No. 0002647326 (filed June 23, 2006).

<sup>6</sup> See *PSI Order*, 23 FCC Rcd at 7458 ¶ 1.

<sup>7</sup> File No. 0003872179 (filed Jun. 18, 2009).

<sup>8</sup> Petition to Deny And, in the Alternative, Request Under Section 1.41 (filed Jul. 8, 2009) (Petition to Deny).

<sup>9</sup> Withdrawal of File Nos. 0002647326, 0003872179 (filed Nov. 10, 2009).

<sup>10</sup> File Nos. 0004009815, 0004009827, 0004009834 (filed Oct. 27, 2009, granted Nov. 12, 2009).

pleadings, our dismissal of the AFR and Petition to Deny is without prejudice to consideration of those arguments in the appropriate contexts.<sup>11</sup>

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 5(c)(5), and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 155(c)(5), 303(r), and Section 1.115 of the Commission's Rules, 47 C.F.R. § 1.115, the Application for Review filed by Warren C. Havens, AMTS Consortium LLC, Telesaurus VPC, LLC, Telesaurus Holdings, GB LLC and Intelligent Transportation & Monitoring Wireless LLC with respect to File No. 0002647326 on June 6, 2008 IS DISMISSED AS MOOT.

IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 309 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.939(g) of the Commission's Rules, 47 C.F.R. § 1.939(g), that the Petition to Deny And, in the Alternative, Request Under Section 1.41 filed by Environmental LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC and Warren C. Havens on July 8, 2009 IS DISMISSED AS MOOT.

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

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<sup>11</sup> In particular, we note that the application for review and petition for reconsideration filed against the grant of applications to assign licenses from Wireless Properties of Virginia, Inc. to Nextel Spectrum Acquisition Corp. (File Nos. 0002695270, 0002755676, and 0002994751) remain pending.