

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

In the Matter)
TOUCH TEL CORPORATION) File Nos. 0004573759 and 0004573760
Applications for Renewal of Licenses for)
Microwave Industrial/Business Pool (Multiple)
Address System) Stations WNTF429 and)
WCP885)

ORDER ON RECONSIDERATION

Adopted: May 4, 2011

Released: May 5, 2011

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

1. Introduction. Touch Tel Corporation ("Touch Tel") filed the above-captioned applications to renew its licenses for Part 101 Microwave Industrial/Business Pool Stations WNTF429 and WCP885 ("Stations").1 Warren C. Havens, Environmental, LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless, LLC, Verde Systems, LLC, Telesaurus Holdings GB, LLC, and V2G, LLC (Petitioners) filed a petition to deny the Renewal Applications.2 For the reasons set forth below, we treat the Petition as a petition for reconsideration and deny the Petition.

2. Background. On January 14, 2011, Touch Tel timely filed applications to renew Stations WNTF429 and WCP885.3 On January 26, 2011, the Renewal Applications appeared on Public Notice as accepted for filing and were granted the same day.4 On February 25, 2011, Petitioners asked the Wireless Telecommunications Bureau ("Bureau") to deny the renewal applications for the Stations.5 Petitioners allege that Robert Cooper is the real-party-in-interest of both Touch Tel and Paging Systems, Inc. ("PSI"), that PSI lacks the character and fitness to be a Commission licensee, and thus Touch Tel, through its association with Robert Cooper, lacks the character and fitness to be a Commission licensee.6 On March 10, 2011, Touch Tel responded that the Petition to Deny must be dismissed as moot because the applications were granted on January 26, 2011, one month before Petitioners filed their Petition to Deny.7

1 File Nos. 0004573759 and 0004573760 (filed Jan. 14, 2011) (Renewal Applications).

2 Petition to Deny, or in the Alternative Section 1.41 Request (filed Feb. 25, 2011) (Petition). Touch Tel filed an opposition. Opposition to Petition to Deny, or in the Alternative, Section 1.41 Request (filed Mar. 10, 2011) (Opposition to Petition). Petitioners filed a reply. Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request (filed Mar. 18, 2011).

3 Renewal Applications.

4 Wireless Telecommunications Bureau Site-by-Site Accepted For Filing, Public Notice, Report Number 6562 (WTB rel. Jan. 26, 2011). See also Wireless Telecommunications Bureau Site-by-Site Action, Public Notice, Report No. 6585 (WTB rel. Feb. 2, 2011).

5 Petition at 1.

6 Id. at 3.

7 Opposition to Petition at 2. We will treat the Petition as a petition for reconsideration. Contrary to Petitioners' arguments (Petition at 1 n.1), there was no requirement to subject the Renewal Applications to a 30 day public notice period because applications for private microwave licenses are not subject to the public notice requirement of 47 U.S.C. § 309(d)(1). See 47 C.F.R. § 1.933(d)(9). We will treat the Petition as a timely petition for

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The Petition to Deny should also be dismissed, Touch Tel argues, because the Petitioners do not operate and provide point-to-point microwave radio services, they are not a “party in interest” under 1.939(a) of the Commission’s Rules,⁸ and are not aggrieved by the renewal of the licenses for the Stations.⁹ They further argue that the Petition to Deny should be dismissed as a strike pleading.¹⁰

3. *Discussion.* Most of Petitioners’ arguments do not involve the instant applications; instead, Petitioners allege that PSI’s conduct with respect to licenses held by PSI is attributed to Touch Tel and thus demonstrates that Touch Tel lacks character and fitness to be a Commission licensee, and they incorporate by reference arguments they raised in other proceedings involving PSI licenses. The Commission has since held, however, that “Petitioners’ allegations regarding PSI’s character qualifications, which relate to other PSI licenses and are the subject of other pending proceedings, are more appropriately addressed elsewhere.”¹¹ Because the instant case involves licenses held by Touch Tel, we will not address arguments against PSI in this proceeding.

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 303(r), 309(d), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), 405, and Sections 1.41, 1.106 of the Commission’s Rules, 47 C.F.R. §§ 1.41, 1.106, the Petition to Deny, or in the Alternative Section 1.41 Request filed by Warren C. Havens, Environmental, LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless, LLC, Verde Systems, LLC, Telesaurus Holdings GB, LLC, and V2G, LLC on February 25, 2011 is treated as a petition for reconsideration and IS DENIED.

5. These 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

John J. Schauble
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reconsideration pursuant to 47 C.F.R. § 1.106 because it was filed within thirty days of the grant of the Renewal Applications and served on Touch Tel’s counsel. *See Radiowave, Order on Reconsideration*, 16 FCC Rcd 5300, 5303 ¶ 7 (WTB PS&PWD 2001) (reply pleading treated as timely petition for reconsideration when pleading is filed within thirty days of grant and served on the applicant).

⁸ 47 C.F.R. § 1.939(a).

⁹ Opposition to Petition at 2-5.

¹⁰ *Id.* at 7-9.

¹¹ Paging Systems, Inc., *Memorandum Opinion and Order*, 25 FCC Rcd 450, 454 ¶ 8 (2010), *recon pending*; *see also* Paging Systems, Inc., *Order on Reconsideration and Order*, 25 FCC Rcd 14620, 14621 n.14 (WTB MD 2010), *recon. and review pending*; Paging Systems, Inc., *Order on Reconsideration and Order*, 25 FCC Rcd 5762, 5763 ¶ 4 (WTB MD 2010), *recon pending*; Paging Systems, Inc., *Memorandum Opinion and Order*, 22 FCC Rcd 1294, 1299-1300 ¶ 9 (WTB BD 2007), *recon. dismissed, Order on Reconsideration*, 23 FCC Rcd 7458 (WTB BD 2008), *review dismissed, Letter*, 24 FCC Rcd 13776 (WTB BD 2009), *recon. pending*.