

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

In the Matter of)
)
Petition for Declaratory Ruling Interpreting the) WT Docket No. 12-37
Definition of Commercial Mobile Radio Services)
as Applied to NextG Networks of California,)
Inc.'s Distributed Antenna Systems and Other)
Small-Cell Solutions)

ORDER

Adopted: November 9, 2012

Released: November 9, 2012

By the Associate Chief, Wireless Telecommunications Bureau:

1. On December 21, 2011, NextG Networks of California, Inc., a subsidiary of NextG Networks, Inc. (NextG) filed a Petition for Declaratory Ruling asking the Commission to interpret Section 20.3 of the Commission's rules, 47 C.F.R. § 20.3, in response to a referral from the Superior Court of Arizona, County of Maricopa.¹ NextG asked the Commission to find that it is not a provider of commercial mobile radio service, as defined by the Commission, thereby exempting NextG from certain local fees under Arizona law.² On February 16, 2012, the Wireless Telecommunications Bureau (Bureau) issued a Public Notice seeking comment on the Petition.³ Comments were due on April 2, 2012 and reply comments were due on May 2, 2012.⁴ The Bureau subsequently extended the deadline to file reply comments to May 14, 2012.⁵

2. On November 2, 2012, NextG filed a "Request to Withdraw Petition for Declaratory Ruling and Close Proceeding."⁶ In its Request, NextG states that "there is no longer a live controversy between the parties regarding the issues raised in NextG's Petition."⁷

3. Accordingly, IT IS ORDERED that NextG's Request to Withdraw Petition for Declaratory Ruling and Close Proceeding IS GRANTED.

¹ Petition for Declaratory Ruling, NextG Networks of California, filed Dec. 21, 2011 (Petition).

² *Id.* at 1.

³ Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling Interpreting the Definition of Commercial Mobile Radio Services as Applied to NextG Networks of California, Inc.'s Distributed Antenna Systems and Other Small-Cell Solutions, WT Docket No. 12-37, *Public Notice*, 27 FCC Rcd 1556 (WTB 2012).

⁴ *Id.* at 1.

⁵ Petition for Declaratory Ruling Interpreting the Definition of Commercial Mobile Radio Services as Applied to NextG Networks of California, Inc.'s Distributed Antenna Systems and Other Small-Cell Solutions, WT Docket No. 12-37, *Order*, 27 FCC Rcd 4076 (WTB 2012).

⁶ Request to Withdraw Petition for Declaratory Ruling and Close Proceeding, WT Docket No. 12-37, filed Nov. 2, 2012 (Request).

⁷ *Id.* at 1.

4. IT IS FURTHER ORDERED that the Petition for Declaratory Ruling filed by NextG is DISMISSED.

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

FEDERAL COMMUNICATIONS COMMISSION

Jane E. Jackson
Associate Chief, Wireless Telecommunications Bureau