

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

In the Matter of)	
)	
Application of Green Eagle Networks, Inc. and Convey Communications, Inc.)	ULS File No. 0004759579
)	
For Commission Consent to the Assignment of Personal Communications Service Licenses)	

MEMORANDUM OPINION AND ORDER

Adopted: May 23, 2012

Released: May 23, 2012

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

1. In this Memorandum Opinion and Order, we address the filings of Michael J. Tracy (“Tracy”)¹ against an application seeking Commission consent to assign two personal communications service (“PCS”) licenses from Convey Communications, Inc. (“Convey”) to Green Eagle Networks, Inc. (“Green Eagle”).² Tracy urges the Commission to deny the Application or set it for hearing. For the reasons set forth below, we dismiss Tracy’s requests for relief. In addition, as an alternative and independent basis for rejecting Tracy’s requests, we deny on the merits his requests for Commission action. Finally, we find that grant of the Application is consistent with the public interest, convenience, and necessity, and grant it.

I. BACKGROUND

2. *Pleadings.* Convey and Green Eagle filed the Application on June 10, 2011, and it was accepted for filing on June 15, 2011.³ On July 6, 2011, Tracy filed a petition to deny the proposed

¹ The filings are identified in notes 4, 6, 7, 9, 11 below.

² Application for Assignment of Call Signs KNL407 and KNLH752 from Convey Communications, Inc. to Green Eagle Networks, Inc., File No. 0004759579 (filed June 10, 2011, amended Feb. 7, 2012, Feb. 20, 2012) (“Application”).

³ See Wireless Telecommunications Bureau Accepted for Filing Assignment of License Authorization Applications, Transfer of Control of Licensee Applications, and *De Facto* Transfer Lease Applications, and Designated Entity Reportable Eligibility Event Applications Accepted for Filing, *Public Notice*, Rpt. No. 6926, at 2 (rel. June 15, 2011).

assignment of PCS licenses.⁴ Convey and Green Eagle jointly filed an opposition to the Petition,⁵ to which Tracy replied.⁶

3. Tracy subsequently filed an informal objection to the proposed Convey-Green Eagle transaction on August 10, 2011.⁷ The Tracy Informal Objection largely restates the arguments previously set forth in the Petition and the Tracy Reply. Convey and Green Eagle filed a motion to dismiss the Tracy Informal Objection.⁸ Tracy filed a response to the Joint Motion To Dismiss,⁹ and Convey and Green Eagle filed a reply to the Tracy Response to Joint Motion To Dismiss.¹⁰ Most recently, Tracy filed a

⁴ Michael J. Tracy Petition To Deny Applications of Convey Communications, Inc. and Green Eagle Networks Inc. and To Deny, Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed July 6, 2011) ("Petition").

⁵ Convey Communications, Inc. and Green Eagle Networks, Inc. Opposition to Petition To Deny Applications of Convey Communications, Inc. and Green Eagle Networks, Inc. and To Deny Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed July 20, 2011) ("Joint Opposition").

⁶ Michael J. Tracy Response to Opposition to Petition to Deny Applications of Convey Communications, Inc. and Green Eagle Networks, Inc. and To Deny Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed July 29, 2011) ("Tracy Reply"). Convey and Green Eagle filed a motion to strike portions of the Tracy Reply. Convey Communications, Inc. and Green Eagle Networks, Inc. Motion To Strike Portions of the Reply to Opposition to Petition To Deny Applications of Convey Communication, Inc. and Green Eagle Networks, Inc. and To Deny Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed Aug. 4, 2011).

⁷ Michael J. Tracy Informal Objection to the Applications of Convey Communications, Inc. and Green Eagle Networks, Inc., and to The Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed Aug. 10, 2011) ("Tracy Informal Objection").

⁸ Convey Communications, Inc. and Green Eagle Networks, Inc. Motion To Dismiss Informal Objection to the Applications of Convey Communications, Inc. and Green Eagle Networks, Inc. and to the Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed Aug. 22, 2011) ("Joint Motion To Dismiss"). The Joint Motion To Dismiss originally was filed on Aug. 15, 2011, under ULS File No. 0004739579, and later resubmitted on August 22, 2011 under the correct file number.

⁹ Michael J. Tracy Response to Motion To Dismiss Informal Objection to the Applications of Convey Communications, Inc. and Green Eagle Networks, Inc. and to the Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed Aug. 26, 2011) ("Tracy Response to Joint Motion To Dismiss").

¹⁰ Convey Communications, Inc. and Green Eagle Networks, Inc. Reply to Response to Motion To Dismiss Informal Objection to the Applications of Convey Communications, Inc. and Green Eagle Networks, Inc. and to the Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules (filed Sept. 1, 2011) ("Joint Reply re Motion To Dismiss").

request for hearing regarding the Application.¹¹ Convey and Green Eagle opposed the Tracy Request for Hearing.¹²

4. *Relevant corporate and family relationships.* Convey is a wholly-owned subsidiary of Telemetrix, Inc. (“Telemetrix”).¹³ Green Eagle is a wholly-owned subsidiary of Green Eagle Communications, Inc. (“Green Eagle”), which is the entity that submitted the request for declaratory ruling under Section 310(b)(4).¹⁴ The Becker Family Entities, which include several different individual members of the Becker family as well as various corporations, partnerships, and limited liability companies controlled by the individual Becker family members, hold controlling interests in both Telemetrix and Green Eagle Communications.¹⁵

5. *International Bureau action on Section 310(b)(4) Petition for Declaratory Ruling.* On November 16, 2011, the International Bureau granted the petition for declaratory ruling filed by Green Eagle Communications.¹⁶ The International Bureau found that “the public interest will be served by permitting the indirect foreign ownership of Green Eagle Networks in excess of the 25 percent benchmark in section 310(b)(4) of the [Communications] Act.”¹⁷ The International Bureau stated that the ruling “permits the indirect foreign ownership of Green Eagle Networks as foreign equity and/or voting interests held in Green Eagle Communications by the foreign individual and entities named herein [in the *Public Notice*] (in aggregate holding interests of up to 70% total) subject to the following conditions: (1) Green Eagle Networks may accept up to and including an additional, aggregate indirect 25% equity and/or voting interests from the named foreign shareholders of Green Eagle Communications and from new foreign investors, subject to the condition that Green Eagle Networks obtain prior Commission approval under section 310(b)(4) before any foreign individual or entity acquires, directly or indirectly, and equity and/or voting interest that exceeds 25%; and (2) Green Eagle Networks shall obtain prior Commission approval before Green Eagle Network’s indirect equity and/or voting interests from non-WTO Member countries (including interests from unknown countries) exceeds 25 percent.”¹⁸ The grant of authority was conditioned on “Green Eagle Communications, Inc. abiding by the commitments agreed to by Telemetrix Inc. in its July 24, 2006 Letter of Assurances to the United States Department of Justice, United States Department of Homeland Security and Federal Bureau of Investigation.”¹⁹

¹¹ Michael J. Tracy Request for Hearing on Application of Convey Communications, Inc. and Green Eagle Networks, Inc. for Assignment of Authorization of PCS Licenses and Green Eagle Communication, Inc. Petition for Declaratory Ruling and Request for Waiver of Section 20.5(a) of the Commission’s Rules (filed Feb. 14, 2012) (“Tracy Request for Hearing”).

¹² Convey Communications, Inc. and Green Eagle Networks, Inc. Opposition to Request for Hearing on Application of Convey Communications, Inc. and Green Eagle Networks, Inc. and Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission’s Rules (filed Feb. 24, 2012) (“Joint Opposition to Request for Hearing”).

¹³ See, e.g., Application, Attachment, Petition of Green Eagle Communications, Inc. for a Declaratory Ruling under Section 310(b) of the Communications Act of 1934, as Amended, at 2.

¹⁴ See, e.g., Application, Attachment, Petition of Green Eagle Communications, Inc. for a Declaratory Ruling under Section 310(b) of the Communications Act of 1934, as Amended, at 1.

¹⁵ See, e.g., Application, Attachment, Petition of Green Eagle Communications, Inc. for a Declaratory Ruling under Section 310(b) of the Communications Act of 1934, as Amended, at 5, 6-7.

¹⁶ International Authorizations Granted – Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests), *Public Notice*, Report No. TEL-01529, DA No. 11-1908, at 3 (rel. Nov. 17, 2011).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

II. DISCUSSION

A. The Tracy Filings Are Procedurally Insufficient

1. Tracy Lacks Standing

6. In the Petition, Tracy asserts that he “has standing to object to the Convey-Green Eagle Networks application and Green Eagle’s petition and waiver request because he is a stockholder owning twenty seven million, six hundred sixty seven thousand one hundred forty (27,667,140) shares of its [Telemetrix’s] issued and outstanding common stock.”²⁰ The Applicants respond that Tracy does not have standing as a party in interest.²¹ In particular, they state that Tracy does not claim to be a competitor for PCS service in the market covered by the licenses subject to the Application, that the only basis on which he claims an interest are matters that are being addressed in other forums, and that to the extent Tracy claims to be a Telemetrix shareholder, his interests should be represented by appropriate corporate officers.²² In the Tracy Reply, Tracy states “[t]he Petitioner has standing as a party in interest, pursuant to Section 1.939(a) of the Rules,”²³ but provides no further elaboration.

7. We find that Tracy has failed to establish standing to challenge the Application. To establish party-in-interest standing, a petitioner must allege facts sufficient to demonstrate that grant of the subject application would cause it to suffer a direct injury.²⁴ In addition, a petitioner must demonstrate a causal link between the claimed injury and the challenged action.²⁵ To demonstrate a causal link, a petitioner must establish that the injuries can be traced to the challenged action and the injury would be prevented or redressed by the relief requested.²⁶ Tracy has alleged he has standing simply because he is a shareholder in the parent company of Convey. Aside from generalized claims of fraud, he has not alleged facts sufficient to demonstrate that grant of the Application would cause him to suffer a direct injury. Tracy also has not shown that any claimed injury would be prevented by denial of the Application. Accordingly, on that basis alone, we dismiss the Petition, the Tracy Informal Objection, and the Tracy Request for Hearing.

2. The Petition Was Untimely Filed

8. As noted above, the Application was placed on public notice as accepted for filing on June 15, 2011, and Tracy filed the Petition on July 6, 2011. Applicants allege that “[t]he Petition was late filed by a week.”²⁷ Tracy at no time addressed Applicants’ argument that the Petition should be dismissed since it was late filed.

9. Section 1.948(j)(1)(iii) of the Commission’s rules specifies a 14-day petition to deny period: “Petitions to deny filed in accordance with section 309(d) of the Communications Act must

²⁰ Petition at 6. Tracy also states that he has filed a lawsuit against Telemetrix seeking inspection of corporate materials and that Telemetrix has not made a single required SEC report for two years, depriving him and other Telemetrix shareholders of information regarding Telemetrix’s operations. *Id.* at 6-7.

²¹ Joint Opposition at 4.

²² *Id.* at 4-5.

²³ Tracy Reply at 7.

²⁴ *Wireless Co., L.P., Order*, 10 FCC Rcd 13233, 13235 ¶ 7 (WTB 1995) (*Wireless Co.*), citing *Sierra Club v. Morton*, 405 U.S. 727, 733 (1972).

²⁵ *Wireless Co.*, 10 FCC Rcd at 13235 ¶ 7.

²⁶ *Id.*

²⁷ Joint Opposition at 3.

comply with the provisions of §1.939, except that such petitions must be filed no later than 14 days following the date of the public notice listing the application as accepted for filing.”²⁸ Accordingly, Tracy’s Petition was due no later than June 29, 2011. Tracy did not request a waiver of section 1.948(j)(1)(iii)’s filing deadline nor did he make any showing to justify the late filing. Tracy’s late filing of the Petition provides an additional basis on which to dismiss the Petition and related filings. Nonetheless, we consider below the substantive arguments raised by Tracy.

3. Tracy Has Failed To Support the Majority of His Claims and Factual Allegations with an Affidavit or Declaration

10. Tracy’s pleadings include a litany of allegations in support of his argument that the Application should be denied or set for hearing, many of which are encompassed within Tracy’s assertion that Telemetrix, Convey, Green Eagle, Green Eagle Communications, and the Becker Family Entities have engaged in deceit and fraudulent conduct toward Tracy and other shareholders in Telemetrix.²⁹ The Petition contains no affidavit or declaration in support of the factual allegations. The Tracy Reply and the Tracy Informal Objection each contain the same two undated documents labeled as affidavits, each regarding solely the accuracy of transcripts of conversations between Tracy and each of Larry Becker and Gayle Becker. Otherwise, factual claims in the Tracy Reply and the Tracy Informal Objection lack any supporting affidavit or declaration.

11. Under the Commission’s rules, “[a] petition to deny must 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. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof.”³⁰ Notwithstanding the numerous documents Tracy has attached to his pleadings, there remain many allegations of facts and actions that are not supported by the record nor by any affidavit or declaration properly executed by Tracy or any other person. That significant omission necessarily undercuts the credence we give to the claims made by Tracy.

B. Even Considering the Merits of Tracy’s Claims and Assertions, They Provide No Basis To Deny the Application

12. Notwithstanding the fact that the Tracy pleadings can be dismissed in light of their failure to comply with Commission procedural requirements for the filing of petitions to deny and related pleadings, we nonetheless also address what appear to be the merits of the arguments made by Tracy. For the reasons set forth below, we deny Tracy’s requests for relief on the merits. The rationales set forth below provide independent and alternative bases for rejecting the Petition and Tracy’s related requests for relief.

13. As discussed below, it appears that Tracy’s fundamental argument is that various individuals and entities directly or indirectly involved in the proposed assignment of licenses have committed fraud – upon Tracy, upon the other shareholders in Telemetrix, upon the Securities and Exchange Commission, upon this Commission.

²⁸ 47 C.F.R. § 1.948(j)(1)(iii).

²⁹ Petition at 6.

³⁰ 47 C.F.R. § 1.939(d). Section 1.16 of the Commission’s rules, 47 C.F.R. § 1.16, provides that unsworn declarations may be used in lieu of affidavits, provided that any such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated.

1. Tracy Has Failed To Demonstrate That the Applicants Are Not Qualified To Hold Commission Licenses

14. In determining whether applicants have the requisite character to be Commission licensees, we look to the Commission's character policy initially developed in the broadcast area as guidance in resolving similar questions in common carrier license transfer proceedings.³¹ Under this policy, the Commission previously has stated that it will review allegations of misconduct directly before it,³² as well as conduct that takes place outside of the Commission.³³ With respect to Commission-related conduct, the Commission has stated that all violations of provisions of the Act, or of the Commission's rules or policies, are predictive of an applicant's future truthfulness and reliability, and thus have a bearing on an applicant's character qualifications.³⁴ The Commission previously has determined that in its review of character issues, it will consider forms of adjudicated, non-Commission related misconduct that include: (1) felony convictions; (2) fraudulent misrepresentations to governmental units; and (3) violations of antitrust or other laws protecting competition.³⁵

15. Tracy has alleged that the Applicants and their affiliates have engaged in fraudulent, deceitful misconduct with respect to the submission and prosecution of the Application, that members of the Becker family have blatantly disregarded Commission obligations, and that therefore neither Convey nor Green Eagle has character qualifications suitable to be a Commission licensee.³⁶ Tracy's failure to

³¹ See, e.g., WorldCom, Inc. and Its Subsidiaries (Debtors-in-Possession), Transferor, and MCI, Inc., Transferee, WC Docket No. 02-215, *Memorandum Opinion and Order*, 18 FCC Rcd 26484, 26493 ¶ 13 (2003). See also Policy Regarding Character Qualifications in Broadcast Licensing, Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to Commission Inquiries and the Making of Misrepresentations to the Commission by Permittees and Licensees, *Report, Order and Policy Statement*, 102 F.C.C.2d 1179, 1210-11 ¶¶ 60-61 (1986) ("1986 Character Policy Statement"); *Memorandum Opinion and Order*, 1 FCC Rcd 421 (1986); Policy Regarding Character Qualifications in Broadcast Licensing, Amendment of Part 1, the Rules of Practice and Procedure, Relating to Written Responses to Commission Inquiries and the Making of Misrepresentations to the Commission by Applicants, Permittees, and Licensees, and the Reporting of Information Regarding Character Qualifications, *Policy Statement and Order*, 5 FCC Rcd 3252 (1990) ("1990 Character Policy Statement"), *Memorandum Opinion and Order*, 6 FCC Rcd 3448 (1991), *Memorandum Opinion and Order*, 7 FCC Rcd 6564 (1992). The Commission applies its broadcast character standards to applicants and licensees in the other radio services. See, e.g., *1990 Character Policy Statement*, 5 FCC Rcd at 3253 ¶ 10 (adopting 47 C.F.R. § 1.17 to apply prohibition against misrepresentations and material omissions to applicants, licensees, and permittees in all radio services).

³² See, e.g., Applications of Atlantic Tele-Network, Inc. and Cellco Partnership d/b/a Verizon Wireless For Consent to Assign or Transfer Control of Licenses and Authorizations, WT Docket No. 09-119, *Memorandum Opinion and Order*, 25 FCC Rcd 3763, 3776 ¶ 25 (WTB & IB 2010) ("ATN-Verizon Wireless Order"); Applications of AT&T Inc. and Cellco Partnership d/b/a Verizon Wireless Seek FCC Consent To Assign or Transfer Control of Licenses and Authorizations and Modify a Spectrum Leasing Arrangement, WT Docket No. 09-104, *Memorandum Opinion and Order*, 25 FCC Rcd 8704, 8618-19 ¶ 27 (2010) ("AT&T-Verizon Wireless Order").

³³ See, e.g., *ATN-Verizon Wireless Order*, 25 FCC Rcd at 3776 ¶ 25; *AT&T-Verizon Wireless Order*, 25 FCC Rcd at 8618-19 ¶ 27.

³⁴ See, e.g., *ATN-Verizon Wireless Order*, 25 FCC Rcd at 3776 ¶ 25; *AT&T-Verizon Wireless Order*, 25 FCC Rcd at 8618-19 ¶ 27.

³⁵ See, e.g., *ATN-Verizon Wireless Order*, 25 FCC Rcd at 3776 ¶ 25; *AT&T-Verizon Wireless Order*, 25 FCC Rcd at 8618-19 ¶ 27.

³⁶ See, e.g., Petition at 7 ("the transaction is designed to enable Telemetric and Convey to avoid paying 'non-Becker family' creditors as well as injuring its 'non-Becker' family shareholders by stripping the assets from Telemetric and Convey, which are controlled through their operation by the Becker family and transferring them to new corporations owned and controlled by the Becker family under an alleged foreclosure pursuant to a 'security agreement' between Telemetric and the Becker family"), 8-9 (transaction constitutes a fraudulent transfer under

(continued....)

support the factual components of these claims, noted above in Section III.A.3, seriously undermines the validity of the claims, and we find them insufficient to warrant Commission review of the character qualifications of either Convey or Green Eagle.

16. In addition, some of the claims made by Tracy with respect to the actions of the Applicants and/or their affiliates as warranting Commission review of their qualifications to hold licenses on their face reflect a leap of analysis that cannot be supported. For example, Tracy essentially asserts that the PCS licenses that are the subject of the Application have been illegally and without authorization transferred to Vonify, which is an MVNO.³⁷ As the Applicants point out, an MVNO does not hold licenses³⁸ and thus there is no reason to make the leap that Tracy does that the PCS licenses at issue here have already been illegally transferred to Vonify. Similarly, Tracy has concluded that the Application should be dismissed because the signature on behalf Convey is not valid.³⁹ Tracy reaches this conclusion on the basis of a brief telephone discussion focused on the role of Larry Becker with Telemetrix, which is not a party to the Application.⁴⁰ Tracy has provided no credible evidence that Larry Becker was not authorized to sign the Application on behalf Convey.

17. Finally, to the extent that Tracy has alleged fraudulent behavior by Convey, Green Eagle, or any of their affiliates or interest holders in contexts not involving the Commission, we will, consistent with the character policy statement, consider only adjudicated non-Commission related misconduct that amounts to: (1) felony convictions; (2) fraudulent misrepresentations to governmental units; and (3) violations of antitrust or other laws protecting competition. Tracy has provided no evidence of adjudicated non-Commission misconduct for us to consider as provided under the Commission's character policy statement.

18. We thus conclude, under our applicable rules and policies and in light of the claims made by Tracy, that we have no basis at this time to question the basic qualifications of either Convey or Green Eagle, and thus deny the Tracy requests for relief.

2. Tracy's Allegations Generally Concern Matters That the Commission Declines To Address

19. Tracy asserts that he "is not requesting Commission action on any matters which are not clearly within the scope and authority of the Commission and information relating to such matters is presented for the edification of the Commission and nothing more."⁴¹ Notwithstanding this assertion, the pleadings make clear that Tracy has a dispute with the management of Telemetrix, and he is apparently using the Commission's processes in support of his activities in other forums. Tracy's assertions suggest that he is trying to protect his investment in Telemetrix. What this amounts to is a private commercial dispute. The Commission has repeatedly held that it will not insert itself into the private commercial

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Delaware and Nebraska law); Tracy Reply at 9 ("William Becker is attempting to commit fraud on the stockholders of Telemetrix through the unauthorized transfer of licenses held by a public corporation and is seeking Commission approval of the fraudulent transfer").

³⁷ Petition at 12-13.

³⁸ Joint Opposition at 7-8.

³⁹ Tracy Reply at 3.

⁴⁰ *Id.*

⁴¹ Tracy Reply at 14. Tracy nonetheless cites a case before a Colorado court in which he is asking the court to order Telemetrix to release corporate documents, which he asserts Telemetrix has declined to do. *Id.*

affairs of parties, including any litigation between them.⁴² Here too, we decline to step into the middle of the private commercial dispute between Tracy and Telemetrix management, and instead leave resolution of the private commercial dispute matters to the proper forums. This provides an additional basis for denying the Petition, the Tracy Informal Objection, and the Tracy Request for Hearing.

3. Tracy Has Failed To Provide Any Basis for Designating the Application for Hearing

20. In his last pleading, Tracy requests that the Commission set the Application for hearing, relying upon recent amendments by the Applicants at the request of Commission staff.⁴³ Although Tracy attempts to convert minor amendments into major deficiencies, his effort fails. Considered collectively, Tracy's allegations in the Petition, the Informal Objection, and the Request for Hearing lack sufficient support to be credible and to warrant Commission designation of the Application for hearing.

III. CONCLUSION

21. We dismiss the Petition, the Tracy Informal Objection, and the Tracy Request for Hearing for the reasons stated above. We also deny the Petition, the Tracy Informal Objection, and the Tracy Request for Hearing on the alternative and independent bases set forth above.

22. We have reviewed the Application and its exhibits, and find that grant of the Application would serve the public interest. We thus will grant the Application.

IV. ORDERING CLAUSES

23. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and section 1.948(j) of the Commission's rules, 47 C.F.R. § 1.948(j), the Michael J. Tracy Petition To Deny Applications of Convey Communications, Inc. and Green Eagle Networks Inc. and To Deny, Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules, the Michael J. Tracy Informal Objection to the Applications of Convey Communications, Inc. and Green Eagle Networks, Inc., and To The Petition of Green Eagle Communications, Inc. for a Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and Request for Waiver of the Commission's Rules, and the Michael J. Tracy Request for Hearing on Application of Convey Communications, Inc. and Green Eagle Networks, Inc. for Assignment of Authorization of PCS Licenses and Green Eagle Communication, Inc. Petition for Declaratory Ruling and Request for Waiver of Section 20.5(a) of the Commission's Rules ARE DISMISSED. On alternative and independent bases as set forth herein, the Petition, the Informal Objection, and the Request for hearing ARE DENIED.

24. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and section 1.948(j) of the Commission's rules, 47 C.F.R. § 1.948(j), the application filed by Convey Communications, Inc. and Green Eagle Networks, Inc. for Commission consent to the assignment of Call Signs KNL407 and KNLH752 from Convey Communications, Inc. to Green Eagle Networks, Inc., File No. 0004759579, IS GRANTED.

⁴² See, e.g., Applications of Vodafone AirTouch, Plc and Bell Atlantic Corporation *et al.* For Consent to Transfer Control or Assignment of Licenses and Authorizations, *Order on Further Reconsideration*, 17 FCC Rcd 10998, 11000 ¶ 6 (2000); Pueblo MSA Limited Partnership, *et al.*, 15 FCC Rcd 5439, 5441 (2000).

⁴³ See generally Request for Hearing.

25. This action is taken under delegated authority pursuant to section 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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Wireless Telecommunications Bureau