



PUBLIC NOTICE

Federal Communications Commission
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DA 19-966

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WIRELESS TELECOMMUNICATIONS BUREAU APPROVES REQUEST FOR WITHDRAWAL OF PLEADINGS

**File Nos. 0008651578, 0008679982, 0008651560, 0008651662, 0008651554, 0008651653,
0008651541, 0008651646, 0008485194, and 0008485222**

By this Public Notice, the Wireless Telecommunications Bureau approves a request to withdraw a petition to deny certain renewal applications, a petition for reconsideration of the grant of license assignment applications, and related pleadings filed by the Crow Creek Tribe of South Dakota (“Crow Creek”), the Northwest Band of Shoshone Nation (“Shoshone”) and Cable & Cellular Communications, LLC (“Mid-Rivers”).¹

On June 27, 2019, the Crow Creek and Shoshone Tribes (collectively, “Tribes”) filed a petition to deny the renewal of certain licenses held by Mid-Rivers² and a petition for reconsideration of the assignment of licenses from Mid-Rivers to Alltel Corporation and Gold Greek Cellular of Montana Partnership (collectively “Petitions”).³ In challenging the renewal of Mid-Rivers’ licenses and seeking reconsideration of assignment of licenses, the Tribes allege that Mid-Rivers constructed several towers associated with the assigned licenses and license renewal applications in violation of the National Historic Preservation Act (NHPA).

On September 5, 2019, Mid-Rivers and the Tribes filed a Joint Petition seeking withdrawal of the Petitions and related pleadings.⁴ In the Joint Petition, the parties state that the Tribes will perform services for Mid-Rivers related to the Section 106 consultation process required under the NHPA for the constructed towers.⁵

We have reviewed the parties’ certifications pursuant to Section 1.935 of the Commission’s rules, and we find that approving the request to withdraw these pleadings will serve the public interest.⁶ We

¹ See Joint Petition for Approval of Settlement Agreement, ULS File Nos. 0008651578, 0008679982, 0008651560, 0008651662, 0008651554, 0008651653, 0008651541, 0008651646, 0008485194, and 0008485222 (filed Sept. 5, 2019) (“Joint Petition”).

² See Petition to Deny Applications for Renewal of License, ULS File Nos. 0008651578, 0008679982, 0008651560, 0008651662, 0008651554, 0008651653, 0008651541, 0008651646 (filed Jun. 27, 2019).

³ See Petition for Reconsideration of Grant of Applications for Assignment of License, ULS File Nos. 0008485194, and 0008485222 (filed Jun. 27, 2019).

⁴ See Joint Petition at 1-2.

⁵ See *id.* at 2.

⁶ Section 1.935 requires parties that have filed a pleading against an application to obtain Commission approval to withdraw the pleading. 47 C.F.R. § 1.935. As part of the request for Commission approval, the parties must submit (continued....)

accordingly approve this request and hereby dismiss, with prejudice, the Petitions and all related pleadings in this proceeding.

For further information, please contact Paul D'Ari, Senior Legal Counsel, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at Paul.Dari@fcc.gov or 202-418-1550.

Action by the Chief, Wireless Telecommunications Bureau, pursuant to Sections 1, 308, and 309 of the Communications Act of 1934, as amended,⁷ and Sections 0.331 and 1.935 of the Commission's rules.⁸

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certifications that confirm that any payment of money or other consideration will not exceed the legitimate and prudent expenses associated with preparation and prosecution of the relevant filings, identify the nature and amount of any consideration, and either provide a copy of any written agreement or summarize the terms of any oral agreement. *Id.*

⁷ 47 U.S.C. §§ 151, 308, 309.

⁸ 47 C.F.R. §§ 0.331, 1.935.