



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 97-1186

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COMMERCIAL WIRELESS DIVISION APPROVES MOTIONS TO DISMISS PETITIONS FOR RECONSIDERATION AND PETITIONS TO DENY

Petitions for Reconsideration

On May 25, 1995, and August 4, 1995, Contact Communications, Inc. (Contact) filed petitions for reconsideration of the grant of authorizations to Florida Network USA, Inc. (FNUSA) on the 931.4625 MHz channel at various locations in Texas.¹ These authorizations have since expired.² On February 21, 1997, Contact filed motions to dismiss all of these petitions for reconsideration.

The Commercial Wireless Division (Division) has reviewed the petitions for reconsideration and finds that they raise no substantial or material questions of fact under Sections 309 and 405 of the Communications Act, as amended, 47 U.S.C. §§ 309 and 405. The Division has further reviewed and hereby approves the motions to dismiss the petitions for reconsideration pursuant to Sections 1.106, 22.129, and 0.331 of the Commission's rules, 47 C.F.R. §§ 1.106, 22.129 and 0.331.

Petitions to Deny

On September 15, 1995, Contact filed petitions to deny applications of FNUSA to build and construct paging facilities on the 931.4625 MHz channel in Texas.³ On its own motion, the Division's Narrowband Branch dismissed these applications.⁴ On February 21, 1997, and April 24, 1997, Contact filed motions to dismiss all of these petitions to deny.⁵

¹ File Nos. 23410-CD-P/L-95, 23412-CD-P/L-95, 23413-CD-P/L-95, 23083-CD-P/L-95 and 23084-CD-P/L-95.

² *Public Notice*, NCS-97-05-A (Oct. 30, 1996).

³ File Nos. 35429-CD-P/L-95, 35425-CD-P/L-95, 35311-CD-P/ML-95, 35396-CD-P/L-95, 35308-CD-P/L-95, 35291-CD-P/L-95, 35402-CD-P/ML-95 and 35811-95, CD-P/ML-95.

⁴ *Public Notice*, NCS-96-41-A (Aug. 14, 1996), *Public Notice*, NCS-97-20-A (Feb. 12, 1997), and *Public Notice*, NCS-97-21-A (Feb. 19, 1997).

⁵ In its petition to deny FNUSA's application to construct and operate facilities at a location in Midland, Texas, Contact incorrectly cites file no. 35811-CD-P/ML-95. Contact corrects its error in its motion to dismiss this petition, citing file no. 35396-CD-P/L-95.

The Division has reviewed the petitions to deny and finds that they raise no substantial or material questions of fact under Section 309 of the Communications Act, as amended, 47 U.S.C. § 309. The Division has further reviewed and hereby approves the motions to dismiss the petitions to deny pursuant to Sections 22.129, 22.130 and 0.331 of the Commission's rules, 47 C.F.R. §§ 22.129, 22.130 and 0.331.

Action by the Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.

For further information, contact Michael Rosenthal at (202) 418-7240, Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch.