



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
WASHINGTON, D.C. 20554

DA 99-741

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## WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES CONDITIONAL GRANT OF C BLOCK PCS LICENSES TO WESTEL SAMOA, INC. AND F BLOCK PCS LICENSES TO WESTEL, L.P.

Pursuant to Section 309(a) of the Communications Act, 47 U.S.C. § 309(a), and Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the Wireless Telecommunications Bureau (Bureau) conditionally grants one C Block Personal Communications Service (PCS) license to Westel Samoa, Inc. ("WSI") and six F Block PCS licenses to Westel, L.P. ("WLP").<sup>1</sup> The Bureau conditionally grants these licenses pursuant to the Memorandum Opinion and Order ("Order"), released on January 11, 1999, by Administrative Law Judge Arthur I. Steinberg, approving, in part, a Settlement Agreement entered into by WSI, WLP, Quentin Breen, Anthony T. Easton, ClearComm, L.P., and the Wireless Telecommunications Bureau. *Westel Samoa, Inc. and Westel, L.P.*, WT Docket No. 97-199, Memorandum Opinion and Order, FCC 99M-3 (ALJ, Jan. 11, 1999). In approving the Settlement Agreement, the Presiding Judge determined that WSI and WLP possess the requisite character qualifications to become Commission licensees, and that a grant of the applications will serve the public interest, convenience and necessity.

The grants of these licenses are subject to the condition that WSI and WLP pay, within ten (10) business days of the issuance of this Public Notice, the remaining five (5) percent down payment due on the C block license and the remaining ten (10) percent down payment due on the F block licenses. Also, if WSI and WLP elect to participate in the Commission's installment payment plan, they are subject to the condition that they execute and return to the Commission a Note, Security Agreement, and financing statements (*i.e.*, the UCC-1 Forms) and other related documentation commemorating their installment payment obligations, and the Commission's security interest in the licenses, within ten (10) business days from their receipt of those documents. WSI and WLP are responsible for payment of all costs associated with the preparation and recordation of the financing statements. The Bureau will send WSI and WLP the appropriate loan documents and financing statements following receipt of the down payment. In the event that WSI and WLP elect not to participate in the Commission's installment payment plan, the licenses are subject to the condition that they make full payment of all monies due for the licenses within ten (10) business days of the issuance of this Public Notice.

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<sup>1</sup> By this Public Notice, the Bureau conditionally grants a C Block PCS license to WSI for American Samoa, and F Block PCS licenses to WLP for the following markets: Twin Falls, ID; Bend, OR; U.S. Virgin Islands; Pocatello, ID; Klamath Falls, OR; and American Samoa.

The Presiding Judge's Order expressly conditioned grant of the licenses upon WSI filing with the Commission a C block election notice, within ten (10) business days of the effective date of this Public Notice.<sup>2</sup> In a letter dated March 16, 1999, Counsel for WSI informed the Bureau that it does not plan to disaggregate or surrender any of its spectrum, but intends to meet the down payment and installment payment dates appropriate to its license.<sup>3</sup> We accept this letter as notice by WSI that it intends to participate in the Commission's installment payment plan, without any disaggregation of its spectrum.

If WSI or WLP fail to timely comply with any specific condition specified above, they will be considered in default and subject to automatic license cancellation and additional default payments.

### **Payment Instructions**

The required payments must be made in U.S. Currency in the form of a wire transfer,<sup>4</sup> using the following information:

For Westel Samoa, Inc.:

ABA ROUTING NUMBER: 043000261  
RECEIVING BANK: Mellon Pittsburgh  
BNF: FCC/AC-911-6106  
OBI FIELD: (Skip one space between each informational item.)  
"AUCTIONPAY"  
TAXPAYER IDENTIFICATION NO: (The same account number as is identified in FCC Form 159, Block 25)  
PAYMENT TYPE CODE: "AWHD"  
FCC CODE 1: 5  
PAYOR NAME: (The same payor name as identified in FCC Form 159, Block 2)  
LOCKBOX NO.: 358850

For Westel L.P.:

ABA ROUTING NUMBER: 043000261  
RECEIVING BANK: Mellon Pittsburgh  
BNF: FCC/AC-911-6106  
OBI FIELD: (Skip one space between each informational item.)

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<sup>2</sup> See Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket 97-82, Second Report and Order and Further Notice of Proposed Rule Making, 12 FCC Rcd 16,436 (released Oct. 16 1997) (*Installment Payment Second Report Order*); Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket 97-82, Order on Reconsideration of the Second Report and Order, FCC 98-46 (released March 24, 1998) (*Installment Payment Reconsideration Order*); Implementation Procedures for the Order on Reconsideration of the Second Report and Order Concerning the Broadband Personal Communications Services (PCS) C and F Block Installment Payment Plans, Public Notice, 13 FCC Rcd. 13211 (released May 18, 1998) (*Implementation Procedures*).

<sup>3</sup> See Letter from A. Thomas Caroccio, Counsel for Westel Samoa, Inc. and Westel, L.P. to Judy Lancaster, Enforcement Division, Wireless Telecommunications Bureau, FCC, dated March 16, 1999.

<sup>4</sup> See 47 C.F.R. § 1.2107(b).

"AUCTIONPAY"

TAXPAYER IDENTIFICATION NO: (The same account number as identified in FCC Form 159, Block 25)

PAYMENT TYPE CODE: "AWDD"

FCC CODE: 11

PAYOR NAME: (The same payor name as identified in FCC Form 159, Block 2)

LOCKBOX NO.: 358850

WSI and WLP must transmit via facsimile a completed FCC Form 159 to Mellon Bank at (412) 236-5702 at least one hour before placing the order for the wire transfer (but on the same business day).

#### **Further Information**

For questions regarding the calculation and submission of final payment, contact Gail Glasser, Office of the Managing Director, Financial Operations Division, Billings and Collections Branch, at (202) 418-1995. For questions regarding legal matters and licensing issues, contact Jennifer Corwin Glick, Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch, at (202) 418-7947.