

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

In the Matter of )  
 )  
Chadmoore Wireless Group, Inc. )  
 )  
Application for Review of )  
October 9, 1998, Licensee List )  
Of 800 MHz SMR Licensees )

**ORDER**

**Adopted:** March 22, 2001

**Released:** March 26, 2001

By the Commission:

**I. INTRODUCTION**

1. In this Order, we address the Application for Review filed by Chadmoore Wireless Group, Inc. (Chadmoore) seeking review of the Chadmoore Reconsideration Order<sup>1</sup> issued by the Wireless Telecommunications Bureau in the Goodman/Chan matter.<sup>2</sup> For the reasons discussed herein, we deny the Application for Review.

**II. BACKGROUND**

2. In *Goodman/Chan I* and *Goodman/Chan II*, the Commission implemented procedures to grant four-month construction extensions to approximately 2,500 so-called "Goodman/Chan" licensees who had obtained 800 MHz General Category SMR licenses through four application processing companies that were placed in receivership in a federal court action. In *Goodman/Chan II*, the Commission also concluded that additional General Category licensees should receive relief similar to that afforded to the Goodman/Chan licensees, provided that they had filed timely extension requests prior to the expiration of their eight-month construction periods.

3. On October 9, 1998, following the issuance of *Goodman/Chan II*, the Commercial Wireless Division released a list identifying those non-Goodman/Chan licenses that met the criteria for relief under *Goodman/Chan II*. Chadmoore filed a petition for reconsideration of the October 9 list, claiming that relief should have been extended to other licenses that it owned or managed, but that were excluded from the list because the licensees either did not file timely extension requests or did not file any

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<sup>1</sup> In re Chadmoore Wireless Group, Petition for Reconsideration of October 9, 1998 Licensee List, *Order on Reconsideration*, DA 99-2496 (rel. Nov. 9, 1999) (*Chadmoore Reconsideration Order*).

<sup>2</sup> In the Matter of Daniel R. Goodman, Receiver; Dr. Robert Chan, Petition for Waiver of Sections 90.633(c) and 1.1102 of the Commission's Rules, *Memorandum Opinion and Order*, 10 FCC Rcd 8537 (1995) (*Goodman/Chan I*); *Memorandum Opinion and Order and Order on Reconsideration*, 13 FCC Rcd 21,944 (1998) (*Goodman/Chan II*).

request at all.<sup>3</sup> Chadmoore based its petition on the contention that following the issuance of *Goodman/Chan II*, it had had conversations with Commission staff that led it to believe that relief would be extended to these licensees.

4. On November 9, 1999, the Commercial Wireless Division denied Chadmoore's reconsideration petition. The Division found that: 1) Chadmoore had failed to identify any licensee that had filed a timely extension request but was nevertheless excluded from the October 9 list; 2) to the extent that Chadmoore sought relief for licensees who either did not file timely extension requests or did not file any request at all, its petition was an untimely petition for reconsideration of *Goodman/Chan II*; 3) there was no evidence that Commission staff misled or misinformed Chadmoore after the issuance of *Goodman/Chan II*, and that the Commission's order in any event put Chadmoore on notice that only licensees who filed timely extension requests would obtain relief; and 4) Chadmoore was not entitled to relief based on its filing of an "extended implementation" construction request that had been denied in 1995.<sup>4</sup> On December 9, 1999, Petitioner filed the instant Application for Review

### III. DISCUSSION

5. Chadmoore raises no new arguments in its Application for Review, and we see nothing in the arguments Chadmoore has made that would lead us to change the Division's decision. Chadmoore continues to maintain that it received information from the Commission staff that led it to believe that certain licenses would receive relief pursuant to *Goodman/Chan II*. Chadmoore further argues that it was entitled to rely on these statements because they were "factual" statements as opposed to legal interpretations by the staff. Chadmoore offers no authority in support of this argument.<sup>5</sup> In any event, we find it unpersuasive: as described in the *Chadmoore Reconsideration Order*, Chadmoore failed to present any evidence that Commission staff made misleading factual statements regarding the status of Chadmoore owned or affiliated licenses, or that Chadmoore could have reasonably relied on such statements in light of the Commission's order.<sup>6</sup> Therefore, we affirm the Division's decision for the reasons stated therein.

### IV. ORDERING CLAUSE

6. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of then Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and Section 1.115 of the Commission's Rules, 47 C.F.R. § 1.115, the Application for Review filed by Chadmoore Wireless Group, Inc. is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas  
Secretary

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<sup>3</sup> Chadmoore did not seek reconsideration by the Commission of *Goodman/Chan II*, but instead appealed that order to the D.C. Circuit. Chadmoore's appeal was subsequently dismissed. See *Daniel R. Goodman et al. v. FCC*, 182 F.3d 987 (D.C. Cir. 1999).

<sup>4</sup> *Chadmoore Reconsideration Order*, ¶¶ 4-7.

<sup>5</sup> The cases cited by Chadmoore are not limited to legal interpretations as Chadmoore contends. See *Heckler v. Community Health Services of Crawford County, Inc.*, 467 U.S. 51 (1984); *Utah Power & Light Company v. United States*, 243 U.S. 389 (1917).

<sup>6</sup> *Chadmoore Reconsideration Order*, ¶ 6.