

**Before the
Federal Communications Commission
Washington, DC 20554**

FCC 18M-04

In the Matter of)	WTB Docket No. 18-133
)	
METRO TWO-WAY, LLC)	FRN: 0023715899
)	
Licensee of Various Authorizations in the Wireless Radio Services)	
)	
Applicant for New Authorization)	Application File No. 0006481203

ORDER

Issued: June 11, 2018

Released: June 11, 2018

This case was designated for hearing by *Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing*, DA 18-454, released May 3, 2018 (HDO), issued under delegated authority by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau. The issues seek to determine “whether Metro repeatedly made misrepresentations to and lacked candor with the Commission” in failing to disclose the felony conviction of Mr. Hector Manuel Mosquera,¹ an apparent principal of Metro Two-Way.²

No one appeared on behalf of Metro Two-Way at the Prehearing Conference on June 5, 2018. Nor did Metro Two-Way otherwise signal its intent to participate. By failing to appear at

¹ See Prehearing Conference Supplement (filed June 6, 2018) (documents showing that Mr. Mosquera was convicted in January 1992 for possession for sale of cocaine). It is noted that the Commission has pledged that it “regards drug trafficking as a matter of the gravest concern” and will “take all appropriate steps, including initiation of license revocation proceedings, where information comes to our attention that FCC licensees or their principals have been convicted of drug trafficking.” *Comm'n Clarifies Policies Regarding Licensee Participation in Drug Trafficking*, 4 FCC Rcd 7533 (1989) (citation omitted). The Commission further stated that “drug trafficking convictions fall within the scope of conduct the Commission may consider under existing policy in the broadcast area.” *Id.* (citation omitted). Cf. 21 USC § 862 (denial of federal benefits, which would include a Commission license or authorization, to convicted drug traffickers and possessors).

² See HDO at 2, para. 6 (noting that Mr. Mosquera is listed as the “only manager” and “only officer” of Metro Two-Way on forms filed with the Secretary of State of California).

the Prehearing Conference and otherwise failing to file a Notice of Appearance,³ Metro Two-Way has waived the right to be heard and is now in default.

Accordingly, IT IS ORDERED that the captioned application filed by or on behalf of Metro Two-Way IS DENIED with prejudice.

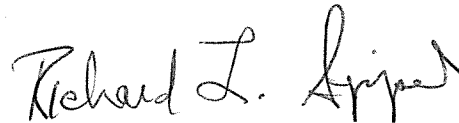
IT IS FURTHER ORDERED that all current licenses and related authorizations for which Metro Two-Way is the licensee ARE REVOKED.

IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

This case is now CERTIFIED to the Commission in accordance with 47 CFR § 1.92(c).

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁴

A handwritten signature in black ink that reads "Richard L. Sippel". The signature is written in a cursive style with a large initial 'R'.

Richard L. Sippel
Chief Administrative Law Judge

³ Section 1.221(c) of the Commission's Rules provides, in pertinent part, that where an applicant fails to file a written appearance within the time specified, its application "will be dismissed with prejudice for failure to prosecute." Likewise, the HDO states that, if Metro Two-Way fails to file a written appearance within the requisite time period, "the captioned application shall be dismissed with prejudice for failure to prosecute." HDO at 7, para. 18.

⁴ Courtesy copies of this Order will be sent via U.S. mail on issuance to parties listed in the HDO. OALJ staff will also attempt to e-mail courtesy copies of this Order to the parties based on the best available information.