



# PUBLIC NOTICE

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DA 02-1485  
June 25, 2002

## WIRELESS TELECOMMUNICATIONS BUREAU APPROVES WITHDRAWAL OF PLEADINGS AND RELATED SETTLEMENT AGREEMENT

Pursuant to sections 0.331 and 1.935(a) and (b) of the Commission's rules, 47 C.F.R. §§ 0.331 and 1.935(a) and (b), the Commercial Wireless Division (Division) hereby approves the Request for Approval of Withdrawal of Pleadings and the related Settlement Agreement filed by Link Two Communications, Inc. (Link Two) and Harry Brix (Brix) on April 18, 2002.<sup>1</sup>

Brix operates paging Stations KNKI691, KNKG857 and KNKO310, frequency 931.5625 MHz (the "Stations"), pursuant to Special Temporary Authority.<sup>2</sup> Link Two is the geographic licensee for frequency 931.5625 MHz in Major Economic Areas 43 (Los Angeles) and 44 (San Francisco), in which the Stations are located. On May 12, 2000, Link Two filed a Petition to Deny (Petition) the applications for renewal of the licenses for the Stations and for Special Temporary Authority to operate the Stations. On June 16, 2000, Brix filed an Opposition to the Petition. On August 11, 2000, Link Two filed a Reply.

On April 11, 2002, Link Two and Brix entered into a Settlement Agreement to share frequency 931.5625 MHz. The Division finds that the Settlement Agreement complies with sections 1.935(a) and (b) of the Commission's rules, and that the public interest would be served by approval of the Settlement Agreement. Accordingly, the Division hereby approves the Settlement Agreement and dismisses with prejudice Link Two's Petition to Deny, Brix's Opposition, Link Two's Reply and any other pleadings filed by either party in this proceeding.

In view of the foregoing, the Division finds that the public interest would be served by grant of Brix's request for waiver of former rule section 22.128(f) (now rule section 1.934(f)),

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<sup>1</sup> Applications for Renewal and Modification of Paging and Radiotelephone Service Stations KNKI691, KNKG857 and KNKO310, File Nos. 0000101622, 0000101628 and 000101817, *Request for Approval of Withdrawal of Pleadings*.

<sup>2</sup> File Nos. 0000845395, 0000845413, and 0000845418.

filed July 1, 1999. Brix's predecessor timely filed renewal applications with an inadequate fee. Shortly after being apprised of the fee inadequacy by the Division, the applications were refiled with the correct fee. The Division dismissed the refiled applications as untimely pursuant to former rule section 22.128(f). Brix's predecessor filed a petition for reconsideration of the dismissal action requesting waiver of former rule section 22.128(f). Link Two opposed the waiver request in its above-referenced Petition to Deny, the withdrawal of which is hereby approved. Pursuant to section 1.925(a) of the Commission's rules, 47 C.F.R. § 1.925(a), and in light of our approval of the Settlement Agreement, the Division on its own motion waives former rule section 22.145 (now rule section 1.949(a) (renewal application procedures)).<sup>3</sup>

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

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<sup>3</sup> Although section 1.955(a)(1) of the Commission's rules provides that failure to file a timely renewal application leads to automatic termination of the license, the Commission has established procedures for addressing late-file renewal applications. See Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules To Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Service, *Report and Order*, 13 FCC Rcd 21027, 21071 ¶ 96 (1998) (ULS Report and Order), *Memorandum Opinion and Order on Reconsideration*, 14 FCC Rcd 11476, 11485-11486 ¶ 22 (1999).