

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

Nextel Communications, Inc. and)	
Nextel Partners, Inc.,)	
)	
Complainants,)	
)	
v.)	File No. EB-03-MDIC-0012
)	
Allan D. Slater and Slater Communications)	
and Electronics, Inc.,)	
)	
Defendants.)	

ORDER

Adopted: March 27, 2003

Released: March 31, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On March 3, 2003, Nextel Communications, Inc. (“Nextel”) filed with this Commission an informal complaint (the “Complaint”) against Alan D. Slater and Slater Communications & Electronics, Inc. (“Slater”) pursuant to section 208 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 208, and sections 1.711-1.718 of the Commission’s rules, 47 C.F.R. §§ 1.711-1.718. The complaint alleged that Slater had refused to negotiate in good faith with Nextel for the relocation of Slater’s “upper 200” channel 800 MHz facilities, in violation of section 90.699 of the Commission’s Rules, 47 C.F.R. § 90.699.

2. On March 24, 2003, Nextel filed a “Motion to Dismiss Complaint Without Prejudice” (“Motion to Dismiss”)¹ stating that the parties had entered into a settlement pursuant to an Asset Exchange Agreement under which Slater’s “upper 200” 800 MHz licenses will be relocated in accordance with 47 C.F.R. §90.699. The Motion to Dismiss further stated that counsel for Slater had consented to the motion on Slater’s behalf.

3. We are satisfied that dismissing the informal complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

¹ Motion to Dismiss Complaint Without Prejudice, *Nextel Communications, Inc. v. Alan D. Slater and Slater Communications & Electronics Inc.*, File No. EB-03-MDIC-0012 (filed March 24, 2003).

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, sections 1.711-1.718 of the Commission's rules, 47 C.F.R. §§ 1.711-1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Motion To Dismiss the above-captioned complaint IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, sections 1.711-1.718 of the Commission's rules, 47 C.F.R. §§ 1.711-1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Nextel's informal complaint against Slater IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau