



PUBLIC NOTICE

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DA 03-1941
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WIRELESS TELECOMMUNICATIONS BUREAU COMMERCIAL WIRELESS DIVISION APPROVES SETTLEMENT REQUEST AND DISMISSES APPLICATION FOR REVIEW

Action Taken Pursuant to Settlement Window Public Notice DA 99-745

This Public Notice approves a Settlement Request filed by Antigone Communications Limited Partnership and PCS Devco, Inc. (Petitioners), and MetroPCS Wireless, Inc. (formerly GWI PCS, Inc., and, together with GWI PCS1, Inc. through GWI PCS14, Inc., collectively, GWI), and dismisses with prejudice an Application for Review jointly filed by Petitioners.

On May 7, 1997, Petitioners filed an Application for Review of the Wireless Telecommunications Bureau's (Bureau) grant of certain PCS licenses to GWI.¹ On April 1, 1999, Petitioners filed a Request for Approval of Withdrawal of Pleading and Motion to Dismiss with Prejudice, which they amended on May 7, 1999 and on April 1, 2003 (Settlement Request). In the Settlement Request, Petitioners request that we dismiss with prejudice their Application for Review filed on May 7, 1997.²

The Bureau's Commercial Wireless Division (Division) has reviewed the Settlement Request and finds that it raises no substantial or material questions of fact under Section 309(d) of the Communications Act of 1934, as amended.³ Pursuant to the Bureau's Settlement Window Public Notice,⁴ Section 0.331 of the Commission's rules,⁵ and the statements contained in the Settlement Request, the Division hereby approves the Settlement Request and dismisses with prejudice Petitioners'

¹ See Applications of GWI PCS, Inc., for Authority to Construct and Operate Broadband PCS Systems Operating on Frequency Block C, *Memorandum Opinion and Order*, 12 FCC Rcd 6441 (WTB rel. Apr. 4, 1997).

² In the Settlement Request, the Petitioners request both "withdrawal" and "dismissal with prejudice" of the Application for Review.

³ See 47 U.S.C. § 309(d).

⁴ See "Wireless Telecommunications Bureau Waives Limitations on Payments in Settlement Agreements Among Parties in Contested Licensing Cases," *Public Notice*, DA 99-745, 14 FCC Rcd 6551 (WTB rel. Apr. 16, 1999) (Settlement Window Public Notice). In the Settlement Window Public Notice, the Bureau provided for a limited waiver of Sections 1.935(a) and 1.935(b) of the Commission's Rules, allowing parties to resolve certain contested licensing proceedings by settlement without limiting the consideration promised, paid, or received.

⁵ 47 C.F.R. § 0.331.

Application for Review filed on May 7, 1997. In view of the foregoing, all other related pleadings filed in this matter are hereby deemed moot and dismissed.

Action by the Chief, Commercial Wireless Division.

FOR FURTHER INFORMATION CONTACT: Richard Arsenaault of the Commercial Wireless Division at (202) 418-0920 or rarsenau@fcc.gov.