

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of)
)
ClearComm, L.P.)
Request for Waiver of)
47 C.F.R. § 24.704(a)(1))
)
ClearComm, L.P.)
Bid Withdrawal Payment)
for License B332)
(Omaha, Nebraska))

ORDER

Adopted: June 12, 1998

Released: June 12, 1998

By the Chief, Wireless Telecommunications Bureau:

1. The Commission has before it a Request for Dismissal, filed by ClearComm, L.P. ("ClearComm") on May 19, 1998 of its Application for Review, filed on January 21, 1997.¹ ClearComm's Application for Review sought review of an *Order* by the Chief of the Wireless Telecommunications Bureau ("Bureau") that granted in part ClearComm's request for waiver of

¹ At the time of the filing, ClearComm, L.P. was doing business as PCS 2000, L.P. By letter dated May 29, 1997, PCS 2000 notified the Commission that it had changed its name to ClearComm, L.P. For purposes of consistency, this *Order* refers to PCS 2000 as ClearComm. See Request for waiver of Section 24.704(a)(1) of the Commission's Rules, Bid Withdrawal Payment for License B332 (Omaha, Nebraska), Application for review (filed January 21, 1997) ("Application for Review"). See also ClearComm, L.P., Supplement to Application for Review (filed May 29, 1997) ("Supplemental Application for Review").

Section 24.704(a)(1) of the Commission's Rules, 47 C.F.R. § 24.704(a)(1).² Pursuant to delegated authority, the *Bureau Order* partially waived ClearComm's bid withdrawal payment for an erroneous bid submitted for the Norfolk, Virginia license (license B324) during the broadband Personal Communications Services ("PCS") C block auction, reducing this payment to \$3,273,274.³ ClearComm's Application for Review sought a complete waiver of the Commission's bid withdrawal payment provisions with regard to license B324. Now, ClearComm requests dismissal of its Application for Review contingent upon a further reduction of its bid withdrawal payment so that its pending license applications may be processed.

2. We will grant ClearComm's request to dismiss its Application for Review.⁴ We are satisfied that granting this request will serve the public interest by eliminating the need for expenditure of further time and resources by ClearComm or the Commission. Moreover, dismissal of ClearComm's Application for Review will serve the public interest by furthering the goal stated in Section 309(j)(3) of the Communications Act⁵ of promoting rapid deployment of new services for the benefit of the public without undue administrative or litigation delay.

3. Accordingly, IT IS ORDERED, pursuant to delegated authority under Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331, that ClearComm's request for dismissal of its Application for Review IS GRANTED, and that the above-captioned Request for Waiver of 47 C.F.R. § 24.704(a)(1) IS HEREBY DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau

²See PCS 2000, L.P., Request for Waiver of Section 24.704(a)(1) of the Commission's Rules, *Order*, DA 96-2156 (rel. December 20, 1996) ("*Bureau Order*").

³The *Bureau Order* also assessed PCS 2000 a payment of \$1,257,771 for a withdrawn bid on Omaha, Nebraska license B332 in the C block auction. PCS 2000 did not seek review of the bid withdrawal payment assessed for license B332.

⁴The Bureau granted ClearComm's request for a bid withdrawal payment reduction by letter dated June 8, 1998.

⁵47 U.S.C. § 309(j)(3).

