

Federal Communications Commission

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

In the Matter of)
)
Mountain SMR Group, L.L.C.) DA 98-378
)
For Authorization to Construct and Operate)
New Specialized Mobile Radio Service)
on the 800 MHz Band for License E-172 A,)
the Honolulu, Hawaii A Block Market)

ORDER

Adopted: March 5, 1999

Released: March 5, 1999

By the Deputy Chief, Wireless Telecommunications Bureau:

1. We have before us a Petition for Reconsideration and For Special Relief filed March 4, 1998 by Mountain SMR Group, L.L.C. (Mountain SMR), the high bidder in the 800 MHz Specialized Mobile Radio (SMR) auction for license E-172 A, the Honolulu, Hawaii A Block market. Mountain SMR requests reconsideration of the Auctions and Industry Analysis Division's denial of its request for waiver of the bid withdrawal payment assessed under Section 90.905(b) of the Commission's rules, as well as the down payment and long-form application filing deadline.¹

2. We conclude that the Division properly decided the matters raised below, and we uphold its decision for the reasons stated therein.² We find no reason to disturb this decision.

3. Accordingly, IT IS ORDERED that the Petition for Reconsideration and For Special Relief filed March 4, 1998 by Mountain SMR Group, L.L.C. IS HEREBY DENIED. This action is taken under delegated authority pursuant to Section 0.331 of the Commission's Rules.³

FEDERAL COMMUNICATIONS COMMISSION

Gerald P. Vaughn
Deputy Chief, Wireless Telecommunications Bureau

¹ See Letter from Kathleen O'Brien Ham, Chief, Auctions and Industry Analysis Division, to Jack Bond, Mountain SMR Group, L.L.C., DA 98-378, dated February 26, 1998. See also 47 C.F.R. §§ 90.907, 90.908.

² See *id.* See also Erratum to Letter from Kathleen O'Brien Ham, Chief, Auctions and Industry Analysis Division, to Jack Bond, Mountain SMR Group, L.L.C., DA 98-1794, dated September 4, 1998.

³ 47 C.F.R. § 0.331.