



circumstances, and that it would be impractical for them to construct at the correct site by the January 1, 1997 construction deadline. Further, we conclude that it is in the public interest to grant the waiver. If we were to decide otherwise, customers would be deprived of LMS service where the facilities are already constructed and the licensee is prepared to initiate service.

4. In granting the waiver, we reserve the right to take appropriate enforcement action with respect to Teletrac's violation of Section 90.363(a). We believe that grant of the waiver is appropriate, however, notwithstanding the violation. The dispositive factor that persuades us to grant the waiver is that the coverage area of the incorrect site is smaller than that of the correct coordinates. Thus, grant of the waiver does not prejudice the interests of other LMS licensees or potential new entrants.

5. Accordingly, IT IS ORDERED that the Petition for Waiver filed by Teletrac License, Inc. is GRANTED.

6. This action is taken pursuant to authority delegated in Sections 0.241 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.241 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

David L. Furth  
Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau