



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU COMMERCIAL WIRELESS INFORMATION

Cellular Phase I unserved area applications for Market 316 A, Alaska 2 – Bethel RSA, were filed by New Horizons Telecom, Inc., File No. 0000012973 and Unicom, Inc., File No. 0000013661 (the “Parties”). The applications were listed on Public Notice as accepted for filing on May 12, 1999 and May 19, 1999 respectively.¹ The Commission later issued a Public Notice indicating that the applications were mutually exclusive and would be designated for auction in a future notice.²

On September 14, 1999, the Parties, by their attorneys, submitted a “Joint Request For Approval Of Settlement Agreement.” The Parties indicated that they have resolved all issues associated with their mutually exclusive applications. They noted that the Alaska 2 RSA is approximately 182,100 square miles in size and the distance between their proposed facilities is over 300 miles. The Parties contend that these factors constitute unique circumstances that justify a waiver of Section 22.949(a)(2) of the Commission’s rules so that both applications may be granted.³ They request that the Commission approve the Settlement Agreement and grant their applications expeditiously given the approaching winter months in Alaska.

Upon review of the Parties’ request, the Commercial Wireless Division finds it in the public interest to approve the Settlement Agreement. Grant of the proposed agreement will allow the

¹ Wireless Telecommunications Bureau Site-By-Site Accepted for Filing, *Public Notice*, Report Number: 226 (5/12/99) and Report Number: 228 (5/19/99)

² Wireless Telecommunications Bureau Commercial Wireless Information, *Public Notice*, Report No. CWS-99-59 (8/26/99)

³ 47 CFR § 22.949(a)(2) provides that “Only one Phase I initial application is granted on each channel block in each market. Consequently, whenever two or more acceptable Phase I initial applications are timely filed in the same market on the same channel block, such Phase I initial applications are mutually exclusive, regardless of any other consideration such as the technical proposals.

Parties to provide cellular service to communities in rural Alaska in an expeditious manner. Furthermore, the Division finds that given the unique circumstances presented, i.e., the large size of the Alaska 2 RSA and the fact that the Parties' proposed facilities are over 300 miles apart, a waiver of Section 22.949(a)(2) of the Commission's rules is warranted. Accordingly, the Division approves the settlement agreement and waives Section 22.949(a)(2) of the Commission's rules. The applications of New Horizons Telecom, Inc. and Unicom, Inc. are hereby granted.