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Dated: April 2, 2003.

Mark Luttner,

Director, Office of Information Collection.

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FEDERAL COMMUNICATIONS COMMISSION

[DA 03-638]

ITFS, MDS, and MMDS Pending Legal Matters

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document the Wireless Telecommunications Bureau (WTB) has released two lists, the first contains legal matters with a filing date prior to March 25, 2002 where the applicant/licensee (or petitioner, if the petitioner is not the applicant or licensee) did not respond to the October Public Notice. Accordingly, any items on the first list are dismissed with prejudice. The second list contains all the current pending legal matters that are in WTB's records in the Instructional Television Fixed Service (ITFS), the Multipoint Distribution Service (MDS), and the Multichannel Multipoint Distribution Service (MMDS). This Public Notice ensures that the WTB has a complete and

accurate listing of all pending legal matters in the ITFS, the MDS, and the MMDS, which will enable the WTB to act on these pending legal matters.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., TW-A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gregory Vadas, Esq., Policy and Rules Branch, at (202) 418-0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice*, DA 03-638, released on March 18, 2002. The full text of this document is available for inspection and copying during normal business hours in the Federal Communications Commission Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Federal Communications Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at bmillin@fcc.gov.

1. On October 18, 2002, the Wireless Telecommunications Bureau (WTB) released a Public Notice (*October Public Notice*) in which it sought to ensure that it had a complete and accurate listing of all pending legal matters in the Instructional Television Fixed Service (ITFS), the Multipoint Distribution Service (MDS), and the Multichannel Multipoint Distribution Service (MMDS). An Appendix (*October Appendix*) containing a list of all of the pending ITFS, MDS, and MMDS cases was attached to the *October Public Notice*. The *October Appendix* indicated the name of the applicant/licensee, the file number/call sign, the pleading type and filing date, the name of the petitioner, if not the applicant, and whether the file was complete. WTB required that all ITFS, MDS, and MMDS licensees, applicants, and other parties with pending pleadings relating to these services review and verify the information contained in the *October Appendix*. For legal matters with a filing

date before March 25, 2002, WTB required that licensees, applicants, and other parties with pending pleadings respond in writing by December 17, 2002 if they desired that WTB continue processing these matters.

2. Appendix A to this Public Notice contains a list of those legal matters with a filing date prior to March 25, 2002 where the applicant/licensee (or petitioner, if the petitioner is not the applicant or licensee) did not respond to the *October Public Notice*. In the *October Public Notice*, WTB indicated, "For any legal matter for which written affirmations requesting further processing have not been received, those legal matters will be dismissed with prejudice." Accordingly, *it is ordered*, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and sections 21.28(d) and 73.3568(a)(1) of the Commission's Rules, 47 CFR 21.28 (d), 73.3568(a)(1), the legal matters listed in Appendix A to this Public Notice are *hereby dismissed with prejudice*.

3. WTB also requested petitioners of legal matters pending before the Bureau to review the list of pending matters in the *October Appendix*. If a pending matter was omitted from the *October Appendix*, WTB required petitioners to submit two date-stamped copies of the omitted petition or filing by December 17, 2002 if the petitioner desired to continue prosecuting the filing. After our review of these files, we have determined that the cases listed in Appendix B to this Public Notice are all the valid pending legal matters that are contained in WTB's records.

4. With respect to other requests to add legal matters to its list of pending legal matters, the WTB notes that in many instances, the respondent, but not the petitioner, submitted legal matters. In those cases, we are not adding those matters to our list of pending legal matters because the petitioner did not express interest in prosecuting the matter.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

Applicant/licensee	File No./call sign	Petitioner (if not applicant)	Filing date	Pleading type
Alda Gold, Inc	BPMD-9551382 .....	.....	3/28/97	Petition for Reconsideration.
Alda Gold, Inc	BPMD-9551384 .....	.....	3/28/97	Petition for Reconsideration.
Alda Gold, Inc	BPMD-9551386 .....	.....	3/28/97	Petition for Reconsideration.
Alda Gold, Inc	WHJ902 .....	.....	3/28/97	Petition for Reconsideration.
Alda Gold, Inc	WHK656 .....	.....	3/28/97	Petition for Reconsideration.
Alda Gold, Inc	WNTL436 .....	.....	3/28/97	Petition for Reconsideration.
Atlantic MicroSystems, Inc	BMDP960510FG .....	.....	6/17/96	Petition to Deny.
Bookcliff Christian School	951020TS .....	.....	6/16/97	Informal Complaint.
Bridgewater College	BPLIF-93123OEX .....	.....	2/26/96	Petition for Reconsideration.
Burlington College	911008DX	Ascutney Associates, Inc	1/3/92	Petition to Deny.