

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
North Coast Mobile)
Communications, Inc.)

)
Application for C Block)
PCS License)
)
Petition to Dismiss)
)

ORDER

Adopted: July 26, 1996

Released: July 26, 1996

By the Chief, Auctions Division, Wireless Telecommunications Bureau:

1. On March 12, 1996, NextWave Telecom Inc. ("NextWave") filed a petition ("Petition") requesting the Commission to dismiss the amended short-form application (FCC Form 175) for the broadband Personal Communications Services C Block auction filed by North Coast Mobile Communications, Inc. ("North Coast") on March 7, 1996. In the alternative, NextWave requests that the Commission initiate an evidentiary hearing to determine whether there are substantial and material questions of fact relating to the ownership and control of North Coast.

2. According to the Petition, North Coast's amendment to its short-form application, which was filed after the short-form deadline, reflects a transfer of control of the applicant and is therefore a major amendment. Sections 1.2105(b)(2) and 24.822(b) of the Commission's Rules, 47 C.F.R. §§ 1.2105(b)(2) and 24.822(b), prohibit such filings after the short-form deadline. NextWave further alleges that the amendment raises questions regarding the control of the applicant and its eligibility to participate in the C Block auction, which is limited to qualified entrepreneurs.

3. On March 26, 1996, North Coast exhausted its eligibility and waivers and withdrew from participation in the C Block auction. In light of North Coast's withdrawal from the auction, NextWave's Petition is now moot. Therefore, the Petition requires no further action by the Commission.

4. Accordingly, IT IS ORDERED that NextWave's Petition IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen O'Brien Ham, Chief
Auctions Division, Wireless Telecommunications Bureau