

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

In the Matter of)
)
OnQue Communications)
)
Request for Recision for)
Previously Granted Waiver)

ORDER

Adopted: August 6, 1998

Released: August 6, 1998

By the Chief, Auctions Finance and Industry Analysis Branch:

1. We have before us a request dated August 4, 1998 by OnQue Communications ("OnQue"). OnQue requests to rescind its Motion for Waiver under the broadband PCS C Block Reconsideration Order.¹ OnQue seeks to resume payments on all five licenses plus extend payout of the suspended interest over eight equal payments beginning July 31, 1998.

1. OnQue filed a defective election on June 8, 1998. On June 23, 1998, OnQue filed a Petition for Reconsideration and Request for Waiver, which was granted on July 29, 1998, and released on July 31, 1998. Grant of this petition allowed OnQue to cure its defective election and return four licenses to the Commission under the Amnesty-Rebid option and retain one license under the Disaggregation-Resumption option.

2. OnQue now seeks to change its election once again. In support of its request, OnQue argues that it has negotiated a funding agreement for infrastructure costs that would permit it to build out all of its broadband PCS C and F block licenses.

3. Having granted the June 23, 1998 waiver request, we consider the August 4, 1998 letter a second

¹ See Amendment of the Commission's Rules Regarding Installment Financing for Personal Communications Services (PCS) Licensees, WT Docket No. 97-82, *Order on Reconsideration of the Second Report and Order*, FCC 98-46, 13 FCC Rcd 8345 (1997) (hereinafter "*Reconsideration Order*"); see also "Wireless Telecommunications Bureau Announces June 8, 1998 Election Date for Broadband PCS C Block Licensees," *Public Notice*, DA-98-741 (rel. April 17, 1998).

waiver request. A request for a waiver of Commission rules must "set forth the reasons in support thereof including a showing that unique circumstances are involved and that there is no reasonable alternative within existing rules."² On the basis of the record before us, we are not persuaded that OnQue has presented unique circumstances sufficient to justify grant of its waiver request. Accordingly, we are not convinced that a grant of the waiver is warranted or would be in the public interest.

4. Therefore, OnQue's Request IS DENIED. This action is taken under delegated authority pursuant to Section 0.331 of the Commission's Rules.³

FEDERAL COMMUNICATIONS COMMISSION

Rachel Kazan
Chief, Auctions Finance and Market Analysis Branch
Auctions and Industry Analysis Division
Wireless Telecommunications Bureau

² 47 CFR § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

³ 47 CFR § 0.331.