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

FCC 95M-79

in re Application of)	CC Docket No. 94-11	51035
)		
TELEPHONE AND DATA SYSTEMS, INC.)	File No. 10209-CL-P-715-B-88	
)		
For facilities in the Domestic)		
Public Cellular Telecommunications)		
Radio Service on Frequency Block B,)		
in Market 715, Wisconsin 8 (Vernon),)		
Rural Service Area)		

MEMORANDUM OPINION AND ORDER

Issued: March 17, 1995 ; Released: March 21, 1995

Under consideration is the Joint Request for Approval of Settlement Agreement, filed by Portland Cellular Partnership (PortCell), Telephone and Data Systems, Inc., (TDS), and the United States Cellular Corporation (USCC), on March 8, 1995, and the attached Withdrawal of Appearance filed by PortCell.

The Parties seek approval of a Settlement Agreement which provides, in pertinent part, for the termination of the participation of PortCell in the above entitled proceeding, in return for reimbursement to PortCell by TDS and USCC of the sum of \$38,177.87, which, Petitioners state, represents PortCell's legitimate and prudent expenses incurred in preparing and prosecuting the issues designated in this proceeding. In support thereof, the General Manager of PortCell sets forth, in an attached declaration dated March 3, 1995, a brief summary of the expenses incurred by PortCell, indicating that a total of \$37,177.87, was paid to the law firm of Hunton & Williams, and \$1,000 to the law firm of Verill & Dana. He further attests that neither PortCell nor its affiliates, nor its principals, has received or been given any consideration other than that specified in the agreement; and that PortCell did not intervene in this proceeding in an effort to achieve the instant settlement. Declarations were also tendered by Principals of TDS and USCC, which contain certifications, under penalty of perjury, that no consideration other than that set forth in the tendered Agreement has been given or promised for the withdraw of PortCell from this proceeding, and that no oral agreements exist relating to the withdraw of PortCell's participation or pleadings in this proceeding, other than those described in the Settlement Agreement. At a further prehearing conference held in this matter on March 14, 1995, the Wireless Telecommunications Bureau indicated its support for favorable action on the request for approval of the Settlement Agreement.

The Presiding Judge finds that the Settlement Agreement and related documents demonstrate substantial compliance with the requirements of Section 22.927 of the Commission's Rules. Accordingly, he finds good cause for approving the tendered Settlement Agreement, and for granting PortCell leave to withdraw from this proceeding.

IT IS ORDERED, that the Joint Request for Approval of Settlement Agreement, filed by Portland Cellular Partnership, Telephone and Data Systems, Inc., and United States Cellular Corporation, on March 8, 1995, IS GRANTED, and the Settlement Agreement IS APPROVED; and that Portland Cellular Partnership IS DISMISSED as a Party to this proceeding, with prejudice, and it IS GRANTED leave to withdraw from this proceeding.

FEDERAL COMMUNICATIONS COMMISSION



Joseph P. Gonzalez
Administrative Law Judge