

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

City Signal Communications, Inc.

v.

City of Pepper Pike

)
)
)
)
)
)
)

CS Docket No. 00-255

ORDER

Adopted: **January 13,2003**

Released: January **15,2003**

By the Deputy Chief, Media Bureau:

1. City Signal Communications, Inc. ("City Signal") filed a motion to withdraw its Petition for Declaratory Ruling in the above-captioned proceeding on October 29, 2002. Its petition sought access to public rights-of-way in the City of Pepper Pike, Ohio pursuant to section 253 of the Communications Act of 1934, as amended, 47 U.S.C. § 253, so that it could construct aerial plant for its telecommunications network. This was assigned CS Docket No. 00-255 and a comment period was established by Public Notice. Comments Sought on City Signal Communications, Inc. Petition for Declaratory Ruling Concerning Use of Public Rights-of-way for Access to Poles in Pepper Pike, Ohio Pursuant to Section 253, DA 00-2872 (released December 22,2000).

2. In its motion to withdraw, City Signal states that the relief sought has been rendered moot by the City's construction of a conduit system, a portion of which has been leased to City Signal. City Signal had earlier reported the completion of its negotiations with the City and had asked for its petition to be held in abeyance pending construction of this conduit system and its availability for City Signal's use.¹

3. Accordingly, **IT IS ORDERED** that the Motion of City Signal Communications, Inc. to Withdraw, With Prejudice, Petition for Declaratory Ruling on City of Pepper Pike, Ohio, filed October 29,2002, **IS GRANTED** and the CS Docket 00-255 proceeding **IS TERMINATED**.

4. This action is taken pursuant to authority delegated by section 0.321 of the Commission's Rules, 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief
Media Bureau

¹ Letter from Jeffrey M. Karp and Kathy L. Cooper, Counsel for City Signal, to Marjorie Reed Greene, FCC (Mar. 2, 2002).