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October 25, 2007

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Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: WT Docket Nos. 96-86, 06-150 and 06-169;
PS Docket No. 06-229**

EX PARTE NOTICE

Dear Ms. Dortch:

This letter is to memorialize for the record in the above referenced dockets that Radiofone Nationwide PCS, LLC has submitted for cancellation its license for 700 MHz Guardband Block B Station WPRV424, as instructed in paragraph 559 of the Commission's *Second Report and Order* in those dockets. A print out of the ULS cancellation application, as well as a confirming letter signed by W. Harrell Freeman, Vice President of Radiofone Nationwide PCS, LLC, is attached for inclusion in the record in this proceeding.

Please direct any questions concerning the above matter to the undersigned at (202) 828-5540.

Sincerely,



John A. Prendergast

cc: Richard Arsenault, WTB
Andrew Rein, Access 700 Holdings, LLC & Access Spectrum, LLC
Howard Verlin, Pegasus Guardband, LLC

**Radiofone Nationwide PCS, LLC
111 Veterans Memorial Boulevard, Suite 402
Metairie, LA 70005**

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

*Re: WT Docket Nos. 96-86, 06-150 and 06-169; PS Docket No. 06-229
Surrender of Guard Band B-Block License - Call Sign WPRV424*

Dear Ms. Dortch:

Pursuant to Paragraph 559 of the 700 MHz band *Second Report and Order* in the above captioned dockets, and Sections 4(i), 309, and 316(a) of the Communications Act, as amended (the "Act"), Radiofone Nationwide PCS, LLC hereby surrenders its 700 MHz Guard Band B Block license for the Gulf of Mexico MEA (granted under Call Sign WPRV424) for cancellation by the Federal Communications Commission.

Sincerely,

Radiofone Nationwide PCS, LLC



W. Harrell Freeman
Vice President

Effective: October 24, 2007

cc: Richard Arsenault, WTB
Access 700 Holdings, LLC
Pegasus Guardband, LLC

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 10/25/2007 at 15:27:35
File Number: 0003209619

FCC 601
Main Form

FCC Application for Radio Service Authorization:
Wireless Telecommunications Bureau
Public Safety and Homeland Security Bureau

Approved by OMB
3060 - 0798

See instructions for
public burden estimate

1) Radio Service Code: WX	1a) Existing Radio Service Code:
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General Information

2) (Select only one) (CA) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>Developmental License</u> , <u>Demonstration License</u> , or a <u>Special Temporary Authorization (STA)</u> , enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' N ' (Not Applicable).	(N) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign WPRV424
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD /
7) Is this application "major" as defined in §1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> <u>No</u>
8) Are attachments (other than associated schedules) being filed with this application?	(N) <u>Yes</u> <u>No</u>

Fees, Waivers, and Exemptions

9) Is the Applicant exempt from FCC application fees?	(N) <u>Yes</u> <u>No</u>
10) Is the Applicant exempt from FCC regulatory fees?	(N) <u>Yes</u> <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's Rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	(N) <u>Yes</u> <u>No</u>
11b) If 11a is 'Y', enter the number of rule sections involved.	Number of Rule Section(s):
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0004547980			
14) Applicant/Licensee legal entity type: (Select One)			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association	<input type="checkbox"/> Trust <input type="checkbox"/> Government Entity
<input type="checkbox"/> Consortium	<input type="checkbox"/> General Partnership	<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Liability Partnership
<input type="checkbox"/> Limited Partnership <input type="checkbox"/> Other (Description of Legal Entity)			
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() Yes No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): Radiofone Nationwide PCS, L.L.C.			
18) Attention To: W. Harrell Freeman			
19) P.O. Box:	And/Or	20) Street Address: 111 Veterans Memorial Boulevard, Suite 402	
21) City: Metairie		22) State: LA	23) Zip Code: 70005
24) Telephone Number: (504)881-9633		25) FAX: (504)293-0292	
26) E-Mail Address: hfreeman@bellsouth.net			

27) Demographics (Optional):

Race: <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African-American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White	Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
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Real Party in Interest

28) Name of Real Party in Interest of Applicant (if different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
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Contact Information (if different from the applicant)

30) First Name: John	MI: A	Last Name: Prendergast	Suffix:
31) Company Name: Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address: 2120 L Street, N.W., Suite 300	
35) City: Washington		36) State: DC	37) Zip Code: 20037
38) Telephone Number: (202)659-0830		39) FAX: (202)828-5568	
40) E-Mail Address: jap@bloostonlaw.com			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply): (<input type="checkbox"/>)Common Carrier (<input checked="" type="checkbox"/>)Non-Common Carrier (<input type="checkbox"/>)Private, internal communications (<input type="checkbox"/>)Broadcast Services (<input type="checkbox"/>)Band Manager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply): (<input type="checkbox"/>)Fixed (<input checked="" type="checkbox"/>)Mobile (<input type="checkbox"/>)Radiolocation (<input type="checkbox"/>)Satellite (sound) (<input type="checkbox"/>)Broadcast Services
43) Interconnected Service? (<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
45) Is the applicant an alien or the representative of an alien?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
46) Is the applicant a corporation organized under the laws of any foreign government?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No

Aeronautical Advisory Station (Unicom) Certification

52) (<input type="checkbox"/>) I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.	

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.	
55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules?	(<input type="checkbox"/>)Yes <input checked="" type="checkbox"/> No
Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.	

General Certification Statements

- 1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
- 2) The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.*
*If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
- 3) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
- 4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
- 5) The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
- 6) The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
- 7) The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
- 8) The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: W. Harrell	MI:	Last Name: Freeman	Suffix:
57) Title: Vice President			
Signature: W. Harrell Freeman		58) Date: 10/25/2007	
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			