

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-1460

September Term, 2000

Alee Cellular Communications,
Appellant

Filed On: January 30, 2001 [572726]

v.

Federal Communications Commission,
Appellee

Alabama Wireless, Inc., f/k/a Algreg Cellular
Engineering, et al.
Intervenors

Appeal from an Order of the
Federal Communications Commission

Before: EDWARDS, *Chief Judge*, GINSBURG and RANDOLPH, *Circuit Judges*.

J U D G M E N T

This cause came to be heard on appeal from an order of the Federal Communications Commission, and was briefed and argued by counsel. While the issues presented occasion no need for a published opinion, they have been accorded full consideration by the Court. See D.C. Cir. R. 36(b). On consideration thereof, it is

ORDERED and **ADJUDGED**, by this Court, that the order of the Federal Communications Commission in this case is hereby affirmed, essentially for the reasons stated by the Commission.

Substantial evidence supported the Commission's determination that Alee Cellular Communications lacked candor in failing to reveal that it had an alien general partner and that there had been a change in its partnership structure. The Commission independently reviewed the record of the evidentiary hearing, examining both the testimony of the Alee witnesses and the significant documentary evidence. This evidence was sufficient to support the Commission's conclusion that Alee's partners knowingly and intentionally withheld relevant information from the Commission. *Algreg Cellular Eng'g*, 12 F.C.C.R. 8148, 8172-80 (1997). The Commission thus had ample basis to sanction Alee for its misconduct. The Commission's decision to revoke Alee's license for its lack of candor lies well within the agency's broad discretion to apply an appropriate sanction to licensee misconduct. *West*

Coast Media, Inc. v. FCC, 695 F.2d 617, 622 (D.C. Cir. 1982), *cert. denied*, 464 U.S. 816 (1983).

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FURTHER ORDERED, by this Court, *sua sponte*, that the Clerk shall withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing *en banc*. See D.C. Cir. R. 41(a)(1). This instruction to the Clerk is without prejudice to the right of any party at any time to move for expedited issuance of the mandate for good cause shown.

Per Curiam
FOR THE COURT:

Mark J. Langer, Clerk