



**ORDER ACCEPTING A PETITION FOR
RECONSIDERATION AND SETTING
THE MATTER FOR FURTHER HEARING**

Hearing Examiner's Office

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Robert J. Backstein
Hearing Examiner

Peter T. Donahue
Deputy Hearing Examiner

Applicant: Cingular Wireless
File No.: 02 104238
Date of Initial Decision: January 27, 2003
Name of Petitioner: Cingular Wireless
Date Petition Filed: February 6, 2003 (by facsimile)
February 7, 2003 (by U.S. mail)

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3000 Rockefeller Ave.
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LOCATION ADDRESS:
Cogswell College Building
2802 Wetmore Ave., 2nd Floor
Everett, WA 98201

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WHEREAS, the Examiner issued a Decision on this matter on January 27, 2003 denying the request for a Conditional Use Permit without Prejudice; and

WHEREAS, the Applicant filed a timely Request for Reconsideration (Exhibit 136) on February 6, 2003 by facsimile regarding the above-referenced Decision which also provided that they intended to submit additional information pursuant to Conclusion 6 of the Examiner's Decision (Exhibit 135); and

WHEREAS, Conclusion 6 of the Examiner's Decision states, "The applicant is not precluded, if they so desire, to submit additional information with regard to the nature and use of the property, other sites, or combination of sites, which would accomplish the same purpose. ..."; and

WHEREAS, the Examiner excepted the Request for Reconsideration and allowed additional comments to be made by February 20, 2003 (Exhibit 137); and

WHEREAS, the Applicant filed an Argument on Reconsideration (Exhibit 139) on February 20, 2003 by facsimile; and

WHEREAS, the Examiner received comments on the Request for Reconsideration from Mike Myhre (Exhibit 140) on February 20, 2003; and

WHEREAS, Mr. David Bricklin, attorney for appellants', filed a response (Exhibit 141) dated February 21, 2003 to the Applicant's Second Request for Reconsideration, by facsimile; and

WHEREAS, the Applicant filed a response (Exhibit 142) to said objection by facsimile on February 24, 2003; and

WHEREAS, Mr. David Bricklin filed a second response (Exhibit 143) dated February 26, 2003 by facsimile; and

WHEREAS, the Examiner desires to allow further hearing on the Request for Reconsideration pursuant to SCC 2.02.167(c) and (d); and

WHEREAS, it is the desire of the Examiner to reopen said hearing pursuant to Rule 740 of the Examiner's Rules of Procedure in order that a full hearing may be had on the Request for Reconsideration and the responses thereto; and

WHEREAS, it is the desire of the Examiner to allow those parties in opposition the opportunity to provide a full response to the Request for Reconsideration prior to the hearing.

NOW, THEREFORE, the Examiner issues the following:

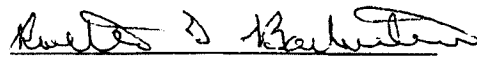
ORDER

Anyone desiring to submit memorandums in opposition or support on the Request for Reconsideration may do so and must be received in the Office of the Hearing Examiner with a copy to Mr. Gary Huff, Mr. David Bricklin, Mr. Erik Olson and Mr. Mike Myhre before the close of business on **April 16, 2003**.

The hearing in the above-referenced matter shall be RECONVENED on **APRIL 30, 2003, at 2:00 P.M.** in the Offices of the Hearing Examiner, Cogswell College Building, 2802 Wetmore Avenue, 2nd Floor, Everett, Washington, to consider the merits of the Request for Reconsideration.

This Order constitutes legal notice of the date, time and place of the reconvened hearing as required by SCC 2.02.167(6)(d).

ORDER issued February 27, 2003.


Robert J. Backstein, Hearing Examiner

Distribution:

Petitioner
Department of Planning and Development Services: Erik Olson
Parties of Record