



Federal Communications Commission
Washington, D.C. 20554

DA 01-2880

December 12, 2001

Michael V. Roberts
Kay L. Gabbert
Roberts-Roberts & Associates, LLC
1408 N. Kings Highway
St. Louis, MO 63113

Dear Mr. Roberts and Ms. Gabbert:

This letter responds to your request for extension of time to meet the construction requirements with respect to broadband PCS license call sign KNLF347 ("Extension Request") filed on behalf of Roberts-Roberts & Associates, LLC ("RRA") on September 14, 2001. Specifically, you requested an additional 18 months (*i.e.*, until March 2003) for RRA to meet the construction requirements for KNLF347. For the reasons stated below, we deny your Extension Request and notify you that the authorization for the broadband PCS license under call sign KNLF347 terminated automatically on September 17, 2001, pursuant to sections 1.946(c) and 1.955(a)(2) of the Commission's rules.¹

Your Extension Request is with respect to the authorization for the C-block in the Sedalia, MO Basic Trading Area ("Sedalia BTA") in the broadband PCS radio service. RRA's license was granted under call sign KNLF347 on September 17, 1996, and was later disaggregated pursuant to the Commission's installment payment restructuring.² Accordingly, RRA was required to meet the five-year construction requirements of section 24.203(b) for this license no later than September 17, 2001.³ Specifically, as of this deadline, RRA was to provide coverage to one-quarter of the population of the Sedalia BTA or make a showing of substantial service in its service area.⁴ Moreover, pursuant to sections 1.913(b) and 1.946(d), RRA was required to submit a notification of construction electronically no later than October 2, 2001, certifying compliance with the five-year construction requirement.⁵ In the alternative, section 1.946(e) provides that a licensee may request an extension of time to meet a construction requirement, but such extension request must be made prior to the construction deadline.⁶

On September 14, 2001, you filed FCC Form 701, "Application for Additional Time to Construct a Radio Station (under 47 C.F.R. Parts 21, 23, 25, and 101)" on behalf of RRA. On the form, you

¹ 47 C.F.R. §§ 1.946(c), 1.955(a)(2).

² See Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees, *Second Report and Order and Further Notice of Proposed Rulemaking*, WT Docket 97-82, 12 FCC Rcd 16436 (1997), as modified by *Order on Reconsideration of the Second Report and Order*, WT Docket 97-82, 13 FCC Rcd. 8345 (1998).

³ 47 C.F.R. § 24.203(b).

⁴ *Id.*

⁵ 47 C.F.R. §§ 1.913(b), 1.946(d).

⁶ 47 C.F.R. § 1.946(e).

indicated that no equipment has been ordered or delivered and that no installation has commenced. Moreover, you estimate that construction will be completed by March 2003. Finally, as Exhibit 1 to the application, you indicated that the reason why construction has not been completed is “due to lack of financial resources.”

We note, as an initial matter, that your Extension Request was improperly filed. Sections 1.913(b) and 1.946(e) requires that requests to extend a construction period or coverage period for Wireless Radio Services must be electronically filed on FCC Form 601.⁷ Because your Extension Request was filed manually and not on FCC Form 601, it was improperly filed and may not be considered without a waiver of these requirements, which has not been requested. Nevertheless, we will address the merits of the Extension Request.

Based on the information provided in your Extension Request, we find no reason to grant RRA any additional time to meet the construction requirements. First, the sole reason you provide to justify an extension (*i.e.*, lack of financial resources) is specifically excluded under the Commission’s rules. Section 1.946(e)(2) states that “[e]xtension requests will not be granted for failure to meet a construction or coverage deadline due to delays caused by a failure to obtain financing....”⁸ Second, as indicated on your FCC Form 701, RRA has not performed any activities, such as ordering equipment or site acquisition, that may indicate a level of diligence in meeting the construction requirements. Finally, you fail to indicate why RRA would need 18 months (*i.e.*, until March 2003) to meet the coverage requirements. Accordingly, we find no basis for grant of an extension of time to meet the construction requirements. Therefore, we deny your Extension Request and notify you that RRA’s authorization for the C-block of Sedalia BTA automatically terminated pursuant to section 1.955(a)(2) on September 17, 2001.⁹

Sincerely,

Michael A Ferrante
Acting Chief
Licensing and Technical Analysis Branch
Commercial Wireless Division
Wireless Telecommunications Bureau

⁷ 47 C.F.R. §§ 1.913(b), 1.946(e).

⁸ 47 C.F.R. § 1.946(e)(2).

⁹ 47 C.F.R. § 1.955(a)(2).