

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

In the Matter of )  
 )  
Specialized Mobile Radio ("SMR") )  
Station License for WPGD651, )  
Michael Broders )

**ORDER**

**Adopted:** April 12, 2001

**Released:** April 13, 2001

By the Deputy Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. We have before us a Petition for Reconsideration ("Petition"), filed by Lancelot Holding Corp. ("Lancelot") on January 3, 2000, requesting reconsideration or clarification of the December 3, 1999 Public Notice ("December 3, 1999 Public Notice")<sup>1</sup> with respect to the above-referenced SMR license ("License"), which Lancelot manages on behalf of the licensee, Michael Broders ("Broders"). For the reasons discussed herein, we deny Lancelot's Petition.

2. The December 3, 1999 Public Notice denied various requests for reinstatement and/or other relief submitted by numerous licensees, including Broders. In its Petition, Lancelot concedes that Broder's submission was "misguided" and was subject to being interpreted as evidence that Broders had not constructed his license timely.<sup>2</sup> Lancelot contends, however, that the License was timely constructed and should be reinstated.

3. We note, first, that the License was not canceled pursuant to the December 3, 1999 Public Notice. Instead, as Lancelot acknowledges, the License already was canceled for non-construction at the time the Public Notice was released. Moreover, the License also was subject at that time to another petition for reconsideration, filed on October 28, 1999 ("October 28, 1999 Petition"),<sup>3</sup> which requested reconsideration of the Commission's denial of an earlier petition for reconsideration, filed on April 14, 1999 ("April 14, 1999 Petition").<sup>4</sup> That earlier petition requested reinstatement of the License, for which Broders had failed

<sup>1</sup> Wireless Telecommunications Bureau Denies Relief to Certain 800 MHz Specialized Mobile Radio Licensees, *Public Notice*, DA 99-2710 (rel. Dec. 3, 1999).

<sup>2</sup> See Petition at 3-4.

<sup>3</sup> See Petition for Reconsideration, filed October 28, 1999, by Tel All, Inc., Unitel, Inc., and Lancelot Holdings, Inc. (collectively, "Lancelot"), In the Matter of 7110-24; FCC Dismissal of Petition For Reconsideration of Cancellation of Specialized Mobile Radio ("SMR") Station, Michael Broders, WPGD651 ("October 28, 1999 Petition").

<sup>4</sup> See Petition for Reconsideration, filed April 14, 1999, by Tel All, Inc., Unitel, Inc., and Lancelot Holdings, Inc. (collectively, "Lancelot"), In the Matter of Michael Broders, WPGD651; FCC Cancellation of License For Specialized Mobile Radio ("SMR") Station Serving Anchorage, Alaska ("April 14, 1999 Petition").

to provide adequate evidence that the License was timely constructed. The April 14, 1999 Petition claimed that the License was timely constructed and attached a certification by Broders, dated March 18, 1998, that the station was constructed and placed into operation on January 6, 1996,<sup>5</sup> but Lancelot offered no other support for its assertion of timeliness. In the October 28, 1999 Petition, Lancelot likewise asserted that the License was timely constructed and should be reinstated<sup>6</sup> but included no supporting information or documents.

4. In response to the October 28, 1999 Petition, the Gettysburg office of the Licensing and Technical Analysis Branch, Commercial Wireless Division, sent a letter, dated June 6, 2000 (“June 6, 2000 Letter”), to Lancelot’s counsel requesting documentation and operational details to support Lancelot’s contention that the License was constructed timely. Commission records indicate that it did not receive any response to the June 6, 2000 Letter. In accordance with the express provisions of the letter, which required the requested information to be submitted within 30 days, the License remained canceled and was not reinstated.

5. In the instant Petition, Lancelot asks that we reconsider or clarify the December 3, 1999 Public Notice to “recognize that the [License] was timely constructed and should be reinstated.”<sup>7</sup> Other than another certification by Broders, dated December 25, 1999, that the License was timely constructed, Lancelot does not offer any support for its assertions. As we discussed above, Commission records do not reflect that sufficient evidence has been submitted to demonstrate that Broders complied with the Commission’s construction requirements. In the instant Petition, Lancelot only asserts that the April 14, 1999 Petition “demonstrated” timely construction.<sup>8</sup> We already have declined to reinstate the License on the basis of Lancelot’s April 14, 1999 Petition,<sup>9</sup> and Lancelot has not provided any new information in the instant Petition. Accordingly, we see no basis to reinstate the License, and we therefore will deny the Petition.

6. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of then Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.106 of the Commission’s Rules, 47 C.F.R. § 1.106, the Petition for Reconsideration filed by Lancelot Holding Corp. on January 3, 2000 is hereby DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Linda C. Ray  
Deputy Chief, Policy and Rules Branch  
Commercial Wireless Division  
Wireless Telecommunications Bureau

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<sup>5</sup> The License was granted on January 30, 1995.

<sup>6</sup> See October 28, 1999 Petition at 5.

<sup>7</sup> Petition at 4.

<sup>8</sup> See Petition at 2, 4.

<sup>9</sup> See October 28, 1999 Petition at 1.